



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 20 September 2021 at 5.30pm

Kingborough Councillors 2018 - 2022



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor Clare Glade-Wright



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 19 to be held on Monday, 20 September 2021 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Gary Arnold
GENERAL MANAGER

Tuesday, 14 September 2021

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GUIDELINES FOR PUBLIC QUESTIONS

Section 31 of the *Local Government (Meeting Procedures) Regulations 2015*

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

Questions on Notice

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

Questions Without Notice

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 20 September 2021 at 5.30pm

1 AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

3 ATTENDEES

Councillors:

Mayor Councillor P Wriedt
Councillor S Bastone
Councillor G Cordover
Councillor F Fox
Councillor C Glade-Wright
Councillor D Grace
Councillor A Midgley
Councillor C Street
Councillor S Wass

4 APOLOGIES

Deputy Mayor Councillor J Westwood

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No. 18 held on 6 September 2021 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

13 September - Risk Management

7 DECLARATIONS OF INTEREST

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Traffic Data

Ms Kate Lucas submitted the following question on notice:

I refer to the question by Cr Fox regarding the Howden Interchange (C473/18-2021). Cr Fox asserted that 'the speeds on that road often exceeds 100kph' referring to the Channel Hwy. Do we have any recent traffic data from State Growth on the Channel Hwy in the 90kph speed limit area between Margate and Kingston, and in particular around the Howden Intersection to confirm this? If not, can this be requested from State Growth?

Officer's Response:

This section of Channel Highway is managed by the Department of State Growth (DSG). Council does not have access to traffic count information but can forward the query to DSG for consideration.

David Reeve, Director Engineering Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Disposal of Japanese Sea Star's at Baretta

At the Council meeting on 6 September 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

There are groups that have been doing community cleanups and collect large numbers of the Japanese sea stars in the water off the Kingborough coastline. Will Council allow these Japanese stars to be disposed of at Baretta?

Officer's Response:

Japanese Sea Stars can be disposed of at Barretta Waste Transfer Station provided they are bagged and prior notice is given that they are being brought in for disposal.

David Reeve, Director Engineering Services

12.2 Legal Support for Councillors

At the Council meeting on 6 September 2021, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

As you are aware, I took a Code of Conduct against all Councillors and I believe that you have got the decision that the Code of Conduct Panel refused it. Under our Councillors insurance policy that Council take out, I would like to know whether I am entitled to legal support? What does the Councillors insurance policy cover?

Officer's Response:

Council has a Councillors and Officers Liability Insurance Policy. This policy covers the financial losses from claims against Council, Councillors or Officers. It does not provide cover where Councillors initiate legal action.

Any claim for legal costs must be approved by Council and Council's insurer prior to any costs being incurred.

Tim Jones, Manager Finance

13 NOTICES OF MOTION

13.1 Beach Road Crossing

The following Notice of Motion was submitted by **Cr Glade-Wright**

RECOMMENDATION

That the Council request a report on the installation of a pedestrian crossing on Beach Rd, in the vicinity of the Kingston Beach Hall.

Background

There is significant community concern and desire for a pedestrian crossing on Beach Rd. Kingston Beach is a busy area and there are various reports of pedestrian finding it difficult to cross the road.

With the only traffic light pedestrian crossing at the intersection with Roslyn Avenue, pedestrians wanting to cross in the popular café, shop, and business area towards the beach end, must wait for traffic coming in both directions to do so. This vicinity hosts a popular market on weekends, children and adults sporting events at a nearby oval, and a carpark which is on the opposite side of the road to the cafes, restaurants, businesses, and services.

Officer's Response

A formalised pedestrian crossing such as a zebra crossing is not a favoured treatment option as these have high rates of pedestrian fatalities and serious injuries due to a reliance on motorist observance of pedestrians at the crossing. Beach Road also would not meet the warrants recommended in the Australian Standards for installing a zebra crossing i.e not high enough vehicle and pedestrian movements to justify. Other options such as central pedestrian refuge would be difficult to install due to lack of road width.

However, the configuration of the Beach Road means that often speeds are exceeding the 40km/hr speed limit. As such it is a reasonable candidate for traffic calming measures to moderate driver behaviour. It is intended to put forward for Council consideration for 2022/23 a traffic calming package for Beach Road that may include local pavement narrowing which will provide a cue for drivers to slow down and also a point for pedestrians to cross the road more comfortably. It also could include changes to some of the intersections to both slow traffic and make more pedestrian friendly.

David Reeve, Director Engineering Services

13.2 24 Hour Police Station in Kingston

The following Notice of Motion was submitted by **Cr Glade-Wright**

RECOMMENDATION

That the Council lobby the State Government for a 24 hour, 7 day per week Police presence in Kingborough.

Background

There is significant community desire for a police station in Kingborough that is staffed 24 hours a day, 7 days a week. Kingborough is one of the fastest growing municipalities in Tasmania and it is sensible to expect that the Police presence aligns with the growing needs of the community.

Officer's Response

Council decision required.

Daniel Smee, Director Governance, Recreation & Property Services

13.3 Workshops

The following Notice of Motion was submitted by **Cr Wriedt**

RECOMMENDATION

- (a) Council's Workshop Policy be amended to include an agreed set of guidelines to assist in the smooth running of workshops. The guidelines will include the timing and format of workshops, and procedures for making contributions so that all Councillors have an opportunity to participate equally in the workshop.
- (b) That a report on this matter be provided to Council within four weeks.

Background

Council workshops are an important part of Councillors receiving detailed and important information and for providing feedback to staff, or other parties, on the direction of Council initiatives, policies or projects.

The *Local Government (Meeting Procedures) Regulations 2015* is the framework that ensures the smooth running of public Council meetings. However, these Regulations do not cover Council workshops that involve Councillors, staff and other external parties.

Whilst Council's existing Workshop Policy provides some general direction in relation to the standards of behaviour expected of all participants in a workshop, it is considered that there is benefit in preparing a more detailed set of guidelines to assist in the smooth running of workshops. This will ensure that all Councillors have an equal opportunity to participate in the proceedings and ensure that the time made available for workshops is used in the most effective way. It will also give some assurance to external workshop presenters that meetings operate in a timely and orderly way.

Officer's Response

Council decision required.

Daniel Smee, Director Governance, Recreation & Property Services

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

16 OFFICERS REPORTS TO COUNCIL

16.1 PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURES

File Number: 12.127

Author: Fred Moul, Chief Information Officer

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

- 1.1 The purpose of this report is to recommend amendments to Council's *Policy 1.4 – Public Interest Disclosures Policy and Procedures*, in line with updated procedures issued by the Ombudsman.

2. BACKGROUND

- 2.1 The *Public Interest Disclosures Act 2002* (Act), commonly referred to as 'Whistleblower Legislation', facilitates disclosures of improper conduct from within public authorities (Council in this case) by employees and contractors.
- 2.2 The Act is based upon the principle that it is in the public interest for 'whistle-blowing' to occur and will be encouraged by ensuring that due protection is given to the discloser, and that their disclosures are properly dealt with.
- 2.3 The Ombudsman develops Public Interest Disclosure Model Procedures for public bodies to adopt in order to promote a consistency of approach across the State, have confidence that the procedures are fit for purpose, and reduce the time and cost of developing their own procedures.
- 2.4 The Ombudsman is required under the Act to undertake a triennial review of the associated guidelines and standards which includes the Model Procedures for use by public bodies. This review has been completed and new Model Procedures have been published.
- 2.5 Public bodies are required to submit their version of the Public Interest Disclosures Procedures to the Ombudsman for approval at least once every 3 years - in this case following the update of the Model Procedures.

3. STATUTORY REQUIREMENTS

- 3.1 Council is required to comply with the provisions of the Act and with the Ombudsman's Guidelines by establishing procedures for dealing with disclosures about serious or significant improper conduct.

4. DISCUSSION

- 4.1 A key reason for the changes to the Model Procedures is in response to research undertaken by Griffith University into whistleblowing – Whistling While They Work 2. This research showed that processes used by Tasmanian public authorities needed significant improvement in order to meet current best practice in dealing with public interest disclosures.
- 4.2 Key changes to the model procedures includes:
 - 4.2.1 Further detail to assist in differentiating disclosures made relating to personal or workplace grievances.
 - 4.2.2 The requirement to undertake a risk assessment as soon as a disclosure is received. This has been shown to improve the discloser's experience and reduce the incidence of reprisals.
 - 4.2.3 The requirement for a support plan for disclosers and for the appointed welfare officer to be someone other than those investigating the disclosure.
 - 4.2.4 Simplification of the language and presentation of the procedures.
 - 4.2.5 Inclusion of Disclosure Assessment, Risk Assessment and Ombudsman notification templates.
- 4.3 Council's adaptation of the Model Procedures includes these updates and has been approved by the Ombudsman for adoption by Council.

5. FINANCE

- 5.1 There are no financial implications associated with the adoption of this policy

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with the adoption of this policy

7. COMMUNICATION AND CONSULTATION

- 7.1 Information relating to the Act and how Officers and Contractors can make disclosures is included in Council's induction and complaints handling processes.
- 7.2 The Ombudsman has approved Council's Public Interest Disclosures Procedures.

8. RISK

- 8.1 The adoption and implementation of the Public Interest Disclosures Policy and Procedures aims to encourage whistleblowing while at the same time discouraging, and reducing the risk of, serious misconduct by public officers.

9. CONCLUSION

- 9.1 Council's Public Interest Disclosure Policy and Procedures require revision as a result of amendments to the Model Procedures made by the Ombudsman.
- 9.2 The Ombudsman has approved Council's modified Public Interest Disclosure Procedures and they are submitted to Council for adoption.

10. RECOMMENDATION


That Council adopt the *Public Interest Disclosure Policy and Procedures* (Policy 1.4)

ATTACHMENTS

1. Existing Policy with Track Changes
2. Updated Policy for Approval

Public Copy

EXISTING POLICY WITH TRACK CHANGES

	PUBLIC INTEREST DISCLOSURES POLICY & PROCEDURES	Policy Number 1.4		
		LAST REVIEWED Dec 2017	NEXT REVIEWED Dec 2020	MINUTE REF
POLICY STATEMENT:	<p>1.1 Kingborough Council is committed to the aims and objectives of the Public Interest Disclosures Act 2002 (the Act). It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.</p> <p>1.2 Kingborough Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal the type of conduct to which the Act is directed.</p> <p>1.3 Kingborough Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.</p>			
PROCEDURE DEFINITIONS:	<p>& Appendix Annexure 1</p>			
OBJECTIVE:	<p>2.1 These procedures establish a system for reporting disclosures of improper conduct or detrimental action by memberscouncillors, officers or employees of Kingborough Council. The system enables such disclosures to be made to specifically nominated officersthe General Manager (the Principal Officer or to a delegated Public Interest Disclosure Officer.</p> <p>2.1 Disclosures may be made by councillors, employees, or by contractors or former contractors who have or had a contract with Council for the supply of goods or services.</p> <p>2.1 The procedures are also intended to assist its memberscouncillors, officers and employees to understand the way in which the Act operates and needs to be administered.</p> <p>2.1 The system created by these procedures provides for such disclosures to be made to the General Manager (the Principal Officer) or to a delegated Public Interest Disclosure Officer. Disclosures may be made by people who are "public officers" with the Council, or by people who are or have been "contractors" with Council for the supply of goods or services.</p>			
SCOPE:	<p>3.3 These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate. Council policies that should be referred to regarding grievance procedures include:</p> <p>Policy 9.14 – Code of Conduct for Employees</p> <p>Policy 9.15 – Issue Resolution Procedures</p> <p>Policy 9.12 - Disciplinary Administrative Policy Procedures</p> <p>Policy 1.8 - Councillor Code of Conduct</p> <p>Policy 9.14 – Code of Conduct for Employees</p>			

	<p>3.3 The procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be seen on the Ombudsman's website at www.ombudsman.tas.gov.au.</p>
COMMUNICATION:	<p>Members of the public. Kingborough Councillors Kingborough Council Staff Contractors engaged by Kingborough Council The Ombudsman</p>
LEGISLATION:	<p><i>Public Interest Disclosures Act 2002</i></p>
<u>Related Documents</u>	<p>https://www.ombudsman.tas.gov.au/public-interest-disclosures https://www.legislation.tas.gov.au/view/html/inforce/current/act-2002-016 https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0007/593206/PID-Guideline-One-Serious-or-significant-improper-conduct.PDF https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0008/593207/PID-Guideline-Two-Procedures-for-public-bodies-with-attachments.PDF</p>
<u>Audience</u>	<p>The Public Kingborough Councillors, Staff and Contractors</p>

UPDATED POLICY FOR APPROVAL



Policy No: **1.4**
Approved by Council **September 2021**
New Review Date: **May 2024**
Responsible Officer: **Chief Information Officer**

Minute No: **TBA**
ECM File No: **12.127**
Version: **2.0**

Public Interest Disclosures Policy and Procedures

1. POLICY STATEMENTS

- 1.1 Kingborough Council is committed to the aims and objectives of the Public Interest Disclosures Act 2002 (the Act). It does not tolerate improper conduct by its employees, officers, or councillors, or the taking of detrimental action against those who come forward to disclose such conduct.
- 1.2 Kingborough Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal the type of conduct to which the Act is directed
- 1.3 Kingborough Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

2. OBJECTIVE

- 2.1 These procedures establish a system for reporting disclosures of improper conduct or detrimental action by councillors, officers or employees of Kingborough Council. The system enables such disclosures to be made to the General Manager (the Principal Officer) or to a delegated Public Interest Disclosure Officer.
- 2.2 Disclosures may be made by councillors, employees, or by contractors or former contractors who have or had a contract with Council for the supply of goods or services.
- 2.3 The procedures are also intended to assist councillors, officers and employees to understand the way in which the Act operates and needs to be administered.

3. SCOPE

- 3.1 These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate. Council policies that should be referred to regarding grievance procedures include:

Policy 9.14 – Code of Conduct for Employees

Policy 9.15 – Issue Resolution Procedures

Policy 9.12 - Disciplinary Procedures

Code of Conduct for Councillors

- 3.2 The procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be seen on the Ombudsman's website at www.ombudsman.tas.gov.au.



Policy No: 1.4
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4. PROCEDURE (POLICY DETAIL)

4.1 See annexure 1.

5. COMMUNICATION

- 5.1 Members of the public
- 5.2 Kingborough Councillors
- 5.3 Kingborough Council Staff
- 5.4 Contractors engaged by Kingborough Council
- 5.5 Ombudsman

6. LEGISLATION

6.1 *Public Interest Disclosures Act 2002.*

7. RELATED DOCUMENTS

- 7.1 <https://www.ombudsman.tas.gov.au/public-interest-disclosures>
- 7.2 <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2002-016>
- 7.3 https://www.ombudsman.tas.gov.au/data/assets/pdf_file/0007/593206/PID-Guideline-One-Serious-or-significant-improper-conduct.PDF
- 7.4 https://www.ombudsman.tas.gov.au/data/assets/pdf_file/0008/593207/PID-Guideline-Two-Procedures-for-public-bodies-with-attachments.PDF

8. AUDIENCE

- 8.1 The Public
- 8.2 Kingborough Councillors, Staff and Contractors



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Kingborough Council

Public Interest Disclosures Act 2002

Public Interest Disclosure Procedures

These procedures are based on guidelines and standards (Model procedures to be followed by public bodies) prepared and published by the Ombudsman

June 2021

Public Interest Disclosure Officer: Executive Manager Organisational Development



Policy No: **1.4**
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New Review Date: May 2024
Responsible Officer: Chief Information Officer

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1. Statement of Support

Kingborough Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act). It does not tolerate improper conduct by its employees, officers or councillors, or the taking of detrimental action against those who come forward to disclose such conduct.

The Kingborough Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal the type of conduct to which the Act is directed.

Kingborough Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

2. Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Kingborough Council protects disclosers and affords procedural fairness¹ to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate.

Policy 9.15 – Issue Resolution Procedures

Policy 9.14 – Code of Conduct for Employees

Code of Conduct for Councillors

Policy 9.12 - Disciplinary Procedures

The procedures have been prepared in accordance with the Ombudsman's Guideline Two: Procedures for Public Bodies. This Guideline can be accessed on the Ombudsman's website at www.ombudsman.tas.gov.au.

¹ Referred to as natural justice in the Act



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3. How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers and contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6)²;
- it provides certain statutory protections for protected disclosures, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a *public interest disclosure* (ss 30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides investigative powers; and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

4. Roles and responsibilities

This part explains the roles and responsibilities under the Act of individuals within Kingborough Council.

² Members of the public may also make disclosures in limited circumstances, when the Ombudsman or Integrity Commission deems this in the public interest under s 7A.



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4.1 Councillors, officers, and employees

Councillors, officers, and employees (public officers) of Kingborough Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of Kingborough Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

4.2 Principal Officer

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Kingborough Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of procedural fairness in Kingborough Council's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

4.3 Public Interest Disclosure Officer

A Public Interest Disclosure Officer is appointed by the Principal Officer under s 62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- *act as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;*
- *make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;*
- *receive any disclosure from a public officer made orally or in writing;*



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- *record in writing the details of any disclosure which is made orally;*
- *impartially assess the allegation and determine whether it is a disclosure made in accordance with Part 2 of the Act (that is, “a protected disclosure”);*
- *impartially assess under s 33 of the Act whether a disclosure is a “public interest disclosure”;*
- *take all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and*
- *undertake administrative functions to support the role under the Act, as required*

See the cover page for Kingborough Council’s Public Interest Disclosure officers.

4.4 Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to Kingborough Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within Kingborough Council or a consultant engaged for that purpose.

4.5 Welfare Manager

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;
- advise the discloser of the legislative and administrative protections available to them³;
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

A welfare manager may be a person employed by Kingborough Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

³ See [Protection](#) below for details of the legislative protections.



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5. Who can make a disclosure?

5.1 Public officers

Any current public officer⁴ can make a disclosure to Kingborough Council under the Act. This includes all employees and councillors of Kingborough Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.

5.2 Contractors

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman or the Integrity Commission not to Kingborough Council. Public Interest Disclosure officers should refer any contractors wanting to make a disclosure to either of these bodies.

5.3 Members of the public

Members of the public can make a disclosure about a public body and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public interest disclosure officers should refer any members of the public wanting to make a disclosure to either of these bodies.

5.4 Anonymous persons

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s 8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor, it should be referred to the Ombudsman.

6. What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Kingborough Council as a whole or the Principal Officer of Kingborough Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

6.1 Improper conduct

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

⁴ This can include a public officer from another public body



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- a) conduct that constitutes an illegal or unlawful activity; or
- b) corrupt conduct; or
- c) conduct that constitutes maladministration; or
- d) conduct that constitutes professional misconduct; or
- e) conduct that constitutes a waste of public resources; or
- f) conduct that constitutes a danger to public health or safety or to both public health and safety; or
- g) conduct that constitutes a danger to the environment; or
- h) misconduct, including breaches of applicable codes of conduct; or
- i) conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman⁵.

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- a principal officer spends \$15,000 of public money on a staff Christmas party.

6.2 Corrupt conduct

Corrupt conduct is further defined in s3 of the Act as:

- a) conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- b) conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or

⁵ See Public Interest Disclosure Guideline One: Serious or Significant Improper Conduct, available at www.ombudsman.tas.gov.au



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- c) conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- d) conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- e) a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a public officer accesses and discloses confidential information at the request of a friend, without any legitimate reason.

6.3 Detrimental action

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s 3 of the Act, as including:

- a) action causing injury, loss or damage; and
- b) intimidation or harassment; and
- c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- d) threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;
- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.



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7. Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with s 7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
An officer or employee of Kingborough Council	Kingborough Council; or The Integrity Commission; or The Ombudsman
The Principal Officer of Kingborough Council or Kingborough Council as a whole	The Ombudsman; or The Integrity Commission
A councillor, within the meaning of the <i>Local Government Act 1993</i>	The Ombudsman

8. How to make a disclosure

Public officers can make a disclosure about other public officers of Kingborough Council orally or in writing to the following officers:

- the General Manager – who is the Principal Officer of the public body, for the purposes of the Act; and
- a Public Interest Disclosure Officer. Email: pid@kingborough.tas.gov.au

8.1 Public Interest Disclosure Officers

The following staff are public interest disclosure officers and can receive disclosures:

- Executive Manager Organisational Development*

If someone wants to make a disclosure about the Principal Officer or Kingborough Council, they should be referred to the Ombudsman or the Integrity Commission.

8.2 Written or oral disclosure

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer. A disclosure can be sent, delivered or left at Kingborough Council, 15 Channel Highway, Kingston Tasmania 7050.

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.



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8.3 Disclosure to the Ombudsman

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

or at

Level 6
86 Collins Street
HOBART TAS 7000

Website: www.ombudsman.tas.gov.au
Email: ombudsman@ombudsman.tas.gov.au
Phone: 1800 001 170

8.4 Disclosure to the Integrity Commission

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the Integrity Commission Act 2009 or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

Integrity Commission
GPO Box 822
HOBART TAS 7001

or at

Level 2
Surrey House
199 Macquarie Street
HOBART TAS 7000

Website: www.integrity.tas.gov.au
Email: contact@integrity.tas.gov.au
Phone: 1300 720 289

9. Confidentiality

Kingborough Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.



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Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The Kingborough Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

All printed and electronic material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as interview recordings, will also be stored securely with the files. Electronic files should have access restricted to the relevant officers.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.



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Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or
- information that is likely to lead to the identification of the person who:
 - o made the disclosure; or
 - o the person who is the subject of the disclosure.

10. Assessing the disclosure

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to Kingborough Council,
 - o has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
 - o is it about the conduct of a public officer;
 - o does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
 - o is it about conduct that could objectively fall within the definition of improper conduct; and
 - o does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

10.1 What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and any accompanying documents⁶. If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

⁶ Contractors or members of the public who wish to make a disclosure should be advised to contact the Ombudsman or Integrity Commission, as per [Who can make a disclosure?](#)



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10.2 Is it a protected disclosure?

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a *protected disclosure* made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at [Assessing the disclosure](#), and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

10.3 Mixed content disclosures

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on Kingborough Council to identify whether or not the Act applies. Consider discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

10.4 Risk Assessment

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment 2 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be implemented. A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or Kingborough Council. The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the



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Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

10.5 Referral of a protected disclosure to the Integrity Commission

Kingborough Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

Kingborough Council must notify the discloser of the referral under s 29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

10.6 Is the disclosure a public interest disclosure?

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s 33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:



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- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s 34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under s 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

10.7 Referral of criminal conduct to the Commissioner of Police

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, Kingborough Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s 41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, Kingborough Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues



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which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of Kingborough Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

11. Protection

11.1 When does protection commence?

Where Kingborough Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure - see s19 of the Act.

11.2 What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and
- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.



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12. Investigation

12.1 Introduction

Any disclosure Kingborough Council determines to be a public interest disclosure under s 33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s 64.

Kingborough Council must investigate every disclosure referred to it for investigation by the Ombudsman under s 63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

12.2 Matters that do not have to be investigated

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in s64 apply.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.



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If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

12.3 Appointment of investigator and framing of terms of reference

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, Kingborough Council may apply to the Ombudsman for an extension of up to a further six months.

12.4 Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

12.5 Procedural fairness

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

Kingborough Council will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.



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No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or
- against whom there are reasonable grounds for apprehending or suspecting bias⁷.

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

12.6 Conduct of the investigation

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector⁸ is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

⁷ The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.

⁸ Accessible at <https://www.integrity.tas.gov.au/publications/prevention-resources/guides>



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Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

12.7 Referral of an investigation to the Ombudsman

Under s 68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation (see [Referral of criminal conduct to the Commissioner of Police](#) above for more detail).

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

12.8 Provision of information about the investigation

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by s 74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

13. Action taken after an investigation

13.1 Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;



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- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under s 75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the Kingborough Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Kingborough Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

13.2 Action to be taken

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, Kingborough Council must, in accordance with s75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to Kingborough Council and the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.



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As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

14. Managing the welfare of the discloser

14.1 Support for the discloser

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Kingborough Council, they may report the matter to the Ombudsman.

14.2 Keeping the discloser informed

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by Kingborough Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Kingborough Council in relation to a disclosure. All communication with the discloser must be in plain English.

14.3 Occurrence of detrimental action

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.



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14.4 Discloser implicated in improper conduct

Where a person who makes a disclosure is implicated in improper conduct, Kingborough Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time Kingborough Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

15. Management of the person against whom a disclosure has been made

Kingborough Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

Kingborough Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.



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The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of Kingborough Council is afforded [procedural fairness](#) in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Kingborough Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of Kingborough Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

16. Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on 2 June 2021.

The procedures will be submitted to the Ombudsman for review at least once every three years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c).

The date by which the procedures must be submitted to the Ombudsman for review is May 2024.



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Assessment of disclosure form (attachment 1)

Public Interest Disclosures Act 2002

File number:

Date of assessment:

Name of assessing officer:

Summary of disclosure:

Include details of how the disclosure was received, the subject of the disclosure and details of the allegations.

An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.

Part 1: Is the disclosure a protected disclosure?

Question 1: Is the discloser a public officer?

The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.

If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.

☐ Yes

☐ No

Please provide details if relevant:

Question 2: Is the disclosure about a public officer?

A disclosure can be made even if the discloser cannot identify the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.

☐ Yes

☐ No



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Question 3: Has the disclosure been made to the right person or body?

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

☐ Yes ☐ No

Please provide details:

Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?

☐ Yes ☐ No

If no, provide details:

Question 5: Does the disclosure relate to improper conduct?

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.

☐ Yes ☐ No

Please provide details:



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Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?

This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.

☐ Yes

☐ No

Assessment of Answers to Part 1 Questions

If **ALL** the answers to the above are yes, the disclosure is a protected disclosure.

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, the disclosure is not protected and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

Part 2: Should the protected disclosure be referred to the Integrity Commission?

Does the disclosure relate to misconduct, as defined in the *Integrity Commission Act 2009*?

☐ Yes

☐ No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

☐ Yes

☐ No

If yes, please provide details

If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.

Part 3: Is the protected disclosure a public interest disclosure?

Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –

- a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer; or
- b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?

A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.



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This determination under s33 of the Act must be made within 45 days of the disclosure being received.

☐ Yes ☐ No

Provide reasons for your decision and attach evidence if available

Next steps

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.

If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.

Part 4 - Is there a ground under s64 not to investigate the public interest disclosure?

Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?

☐ Yes ☐ No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?

☐ Yes ☐ No

If yes, please provide details

Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?

☐ Yes ☐ No

If yes, please provide details



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Question 4: Did the discloser:

- have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and
- fail to give a satisfactory explanation for the delay in making the disclosure?

☐ Yes ☐ No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?

☐ Yes ☐ No

Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.

If yes, please provide details:

Question 6: Is the public interest disclosure based on false or misleading information?

☐ Yes ☐ No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?

☐ Yes ☐ No

If yes, please provide details

Assessment of Answers to Part 4 Questions

If the answers to **ALL** the questions in Part 4 are no, the disclosure **must** be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is yes to **one or more of the above questions**, will the public interest disclosure be investigated?



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Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.

☐ Yes ☐ No

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

Summary

Part	Question	Answer
Part 1	Is the disclosure a protected disclosure?	
Part 2	Should the protected disclosure be referred to the Integrity Commission?	
Part 3	Is the protected disclosure a public interest disclosure?	
Part 4	Should the public interest disclosure be investigated?	

Approval

Approved by:

Date of approval:

Name of Public Interest Disclosure Officer or Principal Officer:



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Risk Assessment Template (Attachment 2)

Public Interest Disclosures Act 2002

File number:

Date of assessment:

Name of assessing officer:

Risk assessed to:

Please select all relevant options

- ☐ Discloser ☐ Other employees including potential witnesses
- ☐ Your public body ☐ Other (e.g. Tasmanian Government, the general public)
- ☐ The subject of the disclosure

Type of risk / possible harm

Such as:

- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

Please provide details:

Likelihood risk/s will occur

- ☐ Unlikely
- ☐ Possible
- ☐ Likely



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Considerations:

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

Please provide your reasons:

Seriousness of consequences if risk/s occurs

- ☐ Minor
- ☐ Moderate
- ☐ Major

Considerations:

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person's work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

Please provide your reasons:

Evaluation of level of risk

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

Determine your level of risk:



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Steps needed to mitigate risk

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser
- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

Please provide details:

Action to be taken

Considerations:

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

Please provide details of your risk action plan:

Approval

Approved by:

Date of approval

Public Interest Disclosure Officer or Principal Officer – Type Name



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Risk assessment review

Risk assessment to be reviewed on (date) or when (event) occurs.

Name of reviewing officer:

Date of assessment:

Notes on changes to risk since last assessment

Review outcome

- ☐ No change to action plan
☐ Further action required

Please provide details:

*Thank you to the Queensland Ombudsman for the use of some of its
 risk assessment materials in this template.*

Public Copy



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Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name:

Date of disclosure:

Contact person: *(include telephone and email contact details)*

Date of s 33 determination: *(to be made within 45 days of date of disclosure)*

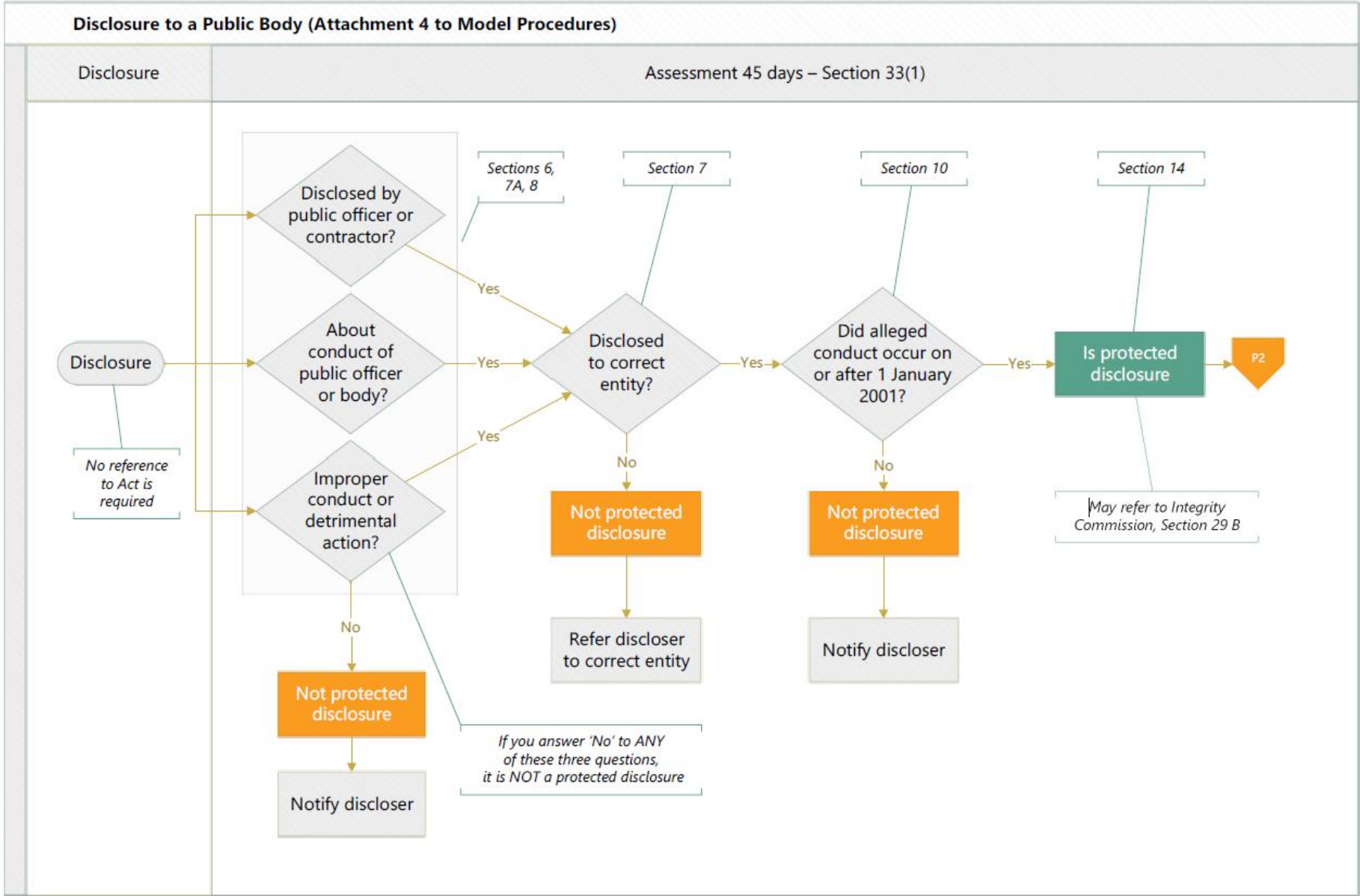
Date of notification:

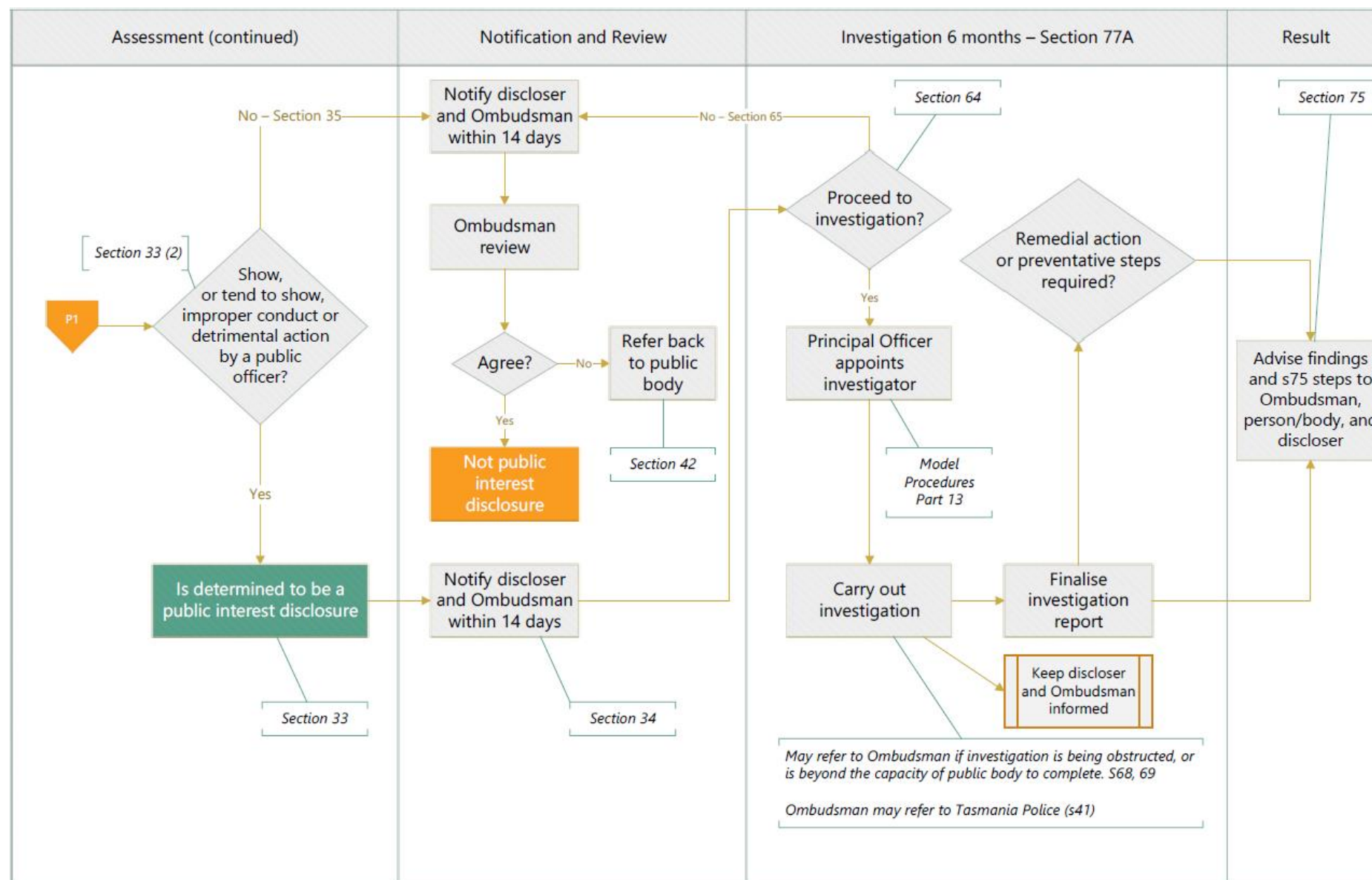
Notification type

- ☐ Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 65 – Decision not to investigate public interest disclosure under s 64
Notification to be made within 14 days of decision
- ☐ Section 76 – Findings of investigation and steps taken under s 75
Investigation to be completed within 6 months unless Ombudsman extension granted

Evidence attached

- ☐ Copy of original disclosure or record of oral disclosure
- ☐ Disclosure assessment
- ☐ Risk assessment/s
- ☐ Investigation report including:
- the transcript or other record of any oral evidence taken, including audio or video recordings; and
 - all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.
- ☐ Any other material used to make determination (list):
- -
 -





16.2 REVIEW OF POLICY 5.9 - SIGNIFICANT TREE REGISTER

File Number: 12.91

Author: Adriaan Stander, Strategic Planner

Authoriser: Tasha Tyler-Moore, Manager Development Services

Strategic Plan Reference

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.5 Management of environmental assets is based on professional advice and strategic planning.

1. PURPOSE

- 1.1 On 6 September 2021 Council passed a motion (C482/18-2021) to undertake a review of the Significant Tree Register Policy.
- 1.2 The purpose of this report is to provide an overview of the review undertaken by Council officers and to seek Council's endorsement of an amended policy consistent with the recommendations of the review.

2. BACKGROUND

- 2.1 The Significant Tree Register Policy was adopted by Council in 2013 and has been the subject to several reviews over the years. It is currently due for renewal.
- 2.2 The objective of a Significant Tree Register in Kingborough is to provide a process to recognise and protect trees in Kingborough that have the highest aesthetic, cultural, heritage and/or environmental values, compared with other trees in the municipal area. The Significant Tree Register applies to native and non-native trees.
- 2.3 The Significant Tree Register Policy provides the criteria that must be considered to determine if a tree is worthy of being listed and it also outlines the process that must be followed to get a tree listed on the Significant Tree Register.
- 2.4 For a tree to be listed on the Significant Tree Register, it must meet the requirements of one or more categories of significance, with the categories having been developed in conjunction with the staff from the Royal Tasmanian Botanical Gardens. A tree or small group of trees may be nominated for listing based on one or more of the categories of significance detailed below.
 - Aesthetic significance
 - Size (height, circumference, canopy)
 - Age
 - Landscape significance
 - Historical significance
 - Rarity of species, variety or genome
 - Unusual physical features

- 2.5 When the Significant Tree Register Policy was adopted by Council in 2013, there was no ability to list significant trees in the planning scheme. This changed with the introduction of the Kingborough Interim Planning Scheme in 2015 (KIPS2015). Since 2015 trees listed on the Significant Tree Register are also listed in Table E24.1 of the KIPS2015.
- 2.6 Development applications that may impact or include the removal of a tree listed in Table E24.1 are required to be assessed against the Significant Trees Code of the KIPS2015.
- 2.7 The Significant Trees Code will cease to exist under the Tasmanian Planning Scheme, however similar protection will be afforded for Significant Trees in the Local Historic Heritage Code of the Tasmanian Planning Scheme.
- 2.8 The Significant Tree Register Policy currently does not include the process to list significant trees in the planning scheme.
- 2.9 During the recent community consultation about the Health and Environmental Services By-law it was obvious that there is a great deal of interest in having a contemporary and appropriate Significant Tree Register Policy. It is also apparent from the community's interest in the matter, that there is need to streamline the process to list or delist trees in the planning scheme.
- 2.10 As the changes to the policy and its layout are numerous a 'track changes' version has not been included as an attachment. However, a copy of the current version and the proposed version have been attached.

3. STATUTORY REQUIREMENTS

- 3.1 Section 3(2)(b) of Schedule 6 of *Land Use Planning and Approvals Act 1993* (LUPAA) provides for a planning scheme amendment application to the planning instrument (i.e. Kingborough Interim Planning Scheme 2015) to be considered under the former provisions of LUPAA.
- 3.2 The ability to make amendments to the Kingborough Local Provision Schedule will continue to exist when the Tasmanian Planning Scheme comes into effect for Kingborough municipality.
- 3.3 Pursuant to section 34(1)(b) of the former provisions of LUPAA, a planning authority may initiate to amend a planning scheme administered by it and the aim of the review is to align the policy with the initiation, public consultation, and other procedural requirements of the Act.

4. DISCUSSION

The following provides a summary of the review and Councill officer's recommendations:

Significant criteria and guidelines

- 4.1 The assessment criteria and guidelines in the policy are considered sound and requires little change. A couple of minor changes are suggested to broaden the scope of heritage criteria that may be considered when assessing nominations.

Alignment with the planning scheme amendment process

- 4.2 The policy procedure must be updated to include the LUPAA statutory process to amend the planning scheme (i.e. to list or delist significant trees in the planning

scheme). The procedural alignment with the requirements of the Act will reduce the overall time it takes to list significant trees in the planning scheme.

Relation with the Health and Environmental Services By-law.

- 4.3 Until recently, the Significant Tree Register Policy operated in conjunction with the now expired Health and Services Environment By-law.
- 4.4 Reference to the By-law in the policy is no longer required. The potential introduction of a new Environmental/Tree By-law is not a consideration for this policy review; however, it has been taken into account.
- 4.5 When Council introduces a new Environmental/Tree Bylaw in future, it will provide for the protection of trees that are not able protected by the planning scheme. It is likely to provide for the temporary protection of trees that have been assessed as worthy of being listed but where the process of being listed in the planning scheme has not been completed.

Assessment panel

- 4.6 The policy requires an Assessment Panel to meet and review all nominations. The Assessment Panel must consist of three members drawn from either Council staff or a mix of staff and external expertise with skills in one or more of the following: arboriculture, cultural heritage, environmental management, urban and/or landscape design. The membership of the Panel must be determined by the General Manager.
- 4.7 Even though the panel provides a sound mechanism to review nominations, resourcing does not always allow the panel to fully operate as intended by the policy and this may result in unnecessary delays in the processing of nominations.
- 4.8 It is recommended that the requirement of an Assessment Panel be removed from the policy. However, nominations must still be assessed against the set criteria by at least three Council officers with appropriate skills in two or more of the following: arboriculture, cultural heritage, environmental management and urban and/or landscape design. Where resources are not available, Council officers may also need to call on the advice of an expert regarding specific values.

Additional information and associated cost

- 4.9 The policy allows Council to ask for additional information from the nominee to assess a nomination.
- 4.10 The policy should be reworded to indicate that when a nomination for delisting is received, Council may request an arborist report.
- 4.11 All trees recommended for listing will continue to be assessed by a qualified arborist to determine the tree's health and viability. Council will cover this cost.
- 4.12 The cost associated with a tree assessment by an arborist is approximately \$100 per tree.

Education and call for nomination

- 4.13 The policy currently requires an annual call for nominations.
- 4.14 It is recommended that the focus be shifted to an educational program at least once annually to draw attention to the benefits of significant tree listing in the planning

scheme, the associated process involved and ultimately to encourage nominations during the year.

Public consultation

- 4.15 The public consultation process in the policy does not align with the public consultations requirements of LUPAA to undertake a planning scheme amendment (to list or de-list significant trees in the planning scheme).
- 4.16 It is recommended that the public consultation process be aligned that of LUPAA. The process would involve a report to Council as the Planning Authority to seek initiation of a planning scheme amendment. Advertising and notification will be undertaken in accordance with LUPAA which is broadly as follows:
- Notification to landowners, occupants and adjoining landowners;
 - A site notice;
 - Advertisement in The Mercury;
 - Exhibition in Council's administrative building; and
 - Exhibition on Council's website.

The affected landowners and general public will have the opportunity to make submissions within a 28 day period.

After the public exhibition period has closed, a report addressing each submission will be presented to Council, as the Planning Authority, to determine whether to proceed with the planning scheme amendment and (if proceeding) certify the amendment and forward a report to the Tasmanian Planning Commission in accordance with requirements of LUPAA.

The standard procedure for planning scheme amendments and determination by the Tasmanian Planning Commission will apply and this will include the opportunity for people who have made submissions during the exhibition period to attend a hearing at the Tasmanian Planning Commission. An overview of the planning scheme process and a flow chart illustrating the various steps in the process is available on the Tasmanian Planning Commission's website.

- 4.17 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
- The person/group who has nominated the tree.
 - The landowner, occupants when the tree is on land other than that owned or leased by Council.
 - Any owners of land adjoining the property on which the tree is situated.

5. FINANCE

- 5.1 There are no financial implications to Council in reviewing this policy.
- 5.2 All trees recommended for listing must be assessed by a qualified arborist to determine the tree's health and viability. Council will cover this cost.
- 5.3 The cost associated with a tree assessment by an arborist is approximately \$100 per tree.

- 5.4 A fee of \$330 (current fee) is payable the Tasmanian Planning Commission for a Planning Scheme Amendments. Council will cover this cost.

6. ENVIRONMENT

- 6.1 The policy aims to encourage good environmental outcomes by providing a process to identify and recognize trees across the municipality that have the highest aesthetic, cultural or commemorative values. The policy outlines the criteria that must be considered to determine if a tree is worthy of being listed as significant and it also outlines the process that must be followed to get a tree listed in the planning scheme.

7. COMMUNICATION AND CONSULTATION

- 7.1 As the intent of the amended policy is to align with the statutory requirements of LUPAA and to reduce the overall processing time to list significant trees in the planning scheme, community consultation in relation to the review of this policy is not required. The underlying objectives of the policy and transparency is likely to be improved through the recommended changes and will be reflected through an ongoing education program as recommended.

8. RISK

- 8.1 There is a reputational risk for Council if nominations are not processed in a timely fashion. Failure to process significant in a timely fashion, is likely to lose the community's trust in the process and benefits the listing in the planning scheme will provide.
- 8.2 There is an environmental risk if trees that are deemed significant are not afforded the protection that can be provided by the planning scheme.
- 8.3 There is also a risk that trees may be removed or damaged between the time it is nominated and the time it takes to get it listed in the Planning Scheme. If a By-law is reintroduced it may help protect the trees during that time.

9. CONCLUSION

- 9.1 The recommendations under Section 4 of this report are considered necessary to align with statutory requirements under LUPAA. The procedure outlined in the policy is outdated and does not reflect the procedure that is required to list significant trees in the planning scheme.
- 9.2 The amended policy under Attachment 1 reflects the recommendations discussed under Section 4 and will result in a more transparent assessment process whilst also substantially reduce the time it takes to process nominations.
- 9.3 If a broader tree strategy for Kingborough is developed in future, this policy would be able to operate and function in conjunction with that.

10. RECOMMENDATION

That the amended Significant Tree Policy 5.9 be approved and implemented.

ATTACHMENTS

- 1. Existing Policy**
- 2. Updated Policy for Approval**

EXISTING POLICY



Policy No:	5.9	Minute No:	C667/21-18
Approved by Council:	September 2018	ECM File No:	12.91
Next Review Date:	September 2020	Version:	3.0
Responsible Officer:	Environmental Planner		

Significant Tree Register Policy

POLICY STATEMENT:	<p>1.1 Individual trees and groups of trees in Kingborough that are considered worthy of conservation will be included on a Significant Tree Register.</p> <p>1.2 Registered trees are protected by the Health and Environmental Services By-Law No.3 of 2011 and are to be conserved and managed to optimise their health and longevity in the landscape.</p> <p>1.3 Pending the inclusion of new provisions, the Planning Scheme will also enable protection of significant trees where proposed removal or other impacts may occur as part of a development application.</p> <p>1.4 A tree may only be added or removed from the Register with Council approval, based on the procedures outlined in this Policy.</p>
DEFINITIONS:	<p>2.1 "Arborist" – a person with a qualification of Certificate 4 in Arboriculture or equivalent</p> <p>2.2 "Significant tree" – a tree deemed significant in accordance with the categories of significance defined in this policy.</p> <p>2.3 "Threatened native vegetation community" – a vegetation community listed under Schedule 3A of the <i>Tasmanian Nature Conservation Act 2002</i>.</p> <p>2.4 "Tree" – any woody plants with a height or potential height of 5m or more</p>
OBJECTIVE:	<p>3.1 To recognise and protect trees in Kingborough that have the highest aesthetic, cultural and/or environmental values, compared with other trees in the municipal area.</p>
SCOPE:	<p>4.1 The policy may be applied to any tree that meets one or more of the categories of significance, to a highly significant or exceptional degree.</p> <p>4.2 The policy is primarily aimed at conserving individual or small groups of trees, rather than large areas of trees that are already protected under the <i>Nature Conservation Act 2002</i> as threatened vegetation communities.</p> <p>4.3 This policy applies to all land in the Kingborough area, whether publicly or privately owned.</p>
PROCEDURE (POLICY DETAIL):	<p>5.1 A Register is to be created to document the trees adopted as significant by Council. The document will be known as the 'Significant Tree Register'.</p> <p>5.2 The Register will be publicised and an annual public call for nominations made. Nominations must be received in writing. Council is also able to nominate trees for listing. A tree can be nominated for inclusion on the Register outside the public nomination timeframe.</p> <p>5.3 A tree or small group of trees may be considered for inclusion on the register on the basis of one or more of the categories of significance detailed below.</p> <p>5.4 Trees to be considered for inclusion in the Register may be located on private or public land.</p>

	<p>5.5 The categories of significance include:</p> <ul style="list-style-type: none">a) Aesthetic significanceb) Size (height, circumference, canopy)c) Aged) Landscape significancee) Historical significance (European, Aboriginal or other)f) Rarity of species, variety or genomeg) Unusual physical features <p>5.6 The assessment as to whether a tree is to be included on or removed from the Register is to be undertaken by an Assessment Panel. Council staff may be required to gather information or to conduct a preliminary assessment.</p> <p>5.7 The Assessment Panel shall consist of three members drawn from either Council staff or a mix of staff and external expertise with skills in one or more of the following: arboriculture, cultural heritage, environmental management, urban and/or landscape design. The membership of the Panel will be determined by the General Manager. The Panel shall be governed by a Terms of Reference approved by the General Manager. From time to time the Panel may need to call on the independent advice of an expert in regard to specific values.</p> <p>5.8 When a nomination for listing or delisting is received it will be made publically available for at least fourteen calendar days, prior to the meeting of the Assessment Panel, including notification in writing to owners of adjoining land where that land is within 50 metres of the nominated tree. The general public will be able to make submissions on the proposed listing during this period.</p> <p>5.9 If a tree located on private land is nominated for listing or delisting, the landowner is to be notified in writing of the nomination and given the opportunity to make a submission within four weeks of the date of notification as to whether the tree should be listed / delisted. All submissions must be considered by the Assessment Panel in making their recommendation. If the tree is recommended for listing by the Panel, despite landowner concerns, the landowner is to be invited to meet with staff to discuss the significance of the tree, the arborist's assessment, roles and responsibilities of both parties and any concerns of the landowner. If, following the meeting, the landowner reiterates in writing their objection to the nomination, Council will not proceed with the listing.</p> <p>5.10 The Assessment Panel will assess nominations for listing with consideration of categories of significance, any received submissions and mitigating factors. All trees recommended for listing by the Panel must also be assessed by a qualified arborist to determine the tree's health and viability.</p> <p>5.11 Determination of listing or delisting will be by Council, although Council may delegate this responsibility to the General Manager where no objections have been received. In determining a listing/delisting of a significant tree, Council must consider the recommendations of the Assessment Panel and any submissions from the public.</p> <p>5.12 Trees nominated for listing should not be removed or lopped until the listing is determined.</p> <p>5.13 Council may consider an interim listing of a significant tree where a tree is at risk of removal, based on an assessment and recommendation by Council staff without public notification, although the landowner must be notified at the time of interim listing. A full assessment of the tree for the Register by the Assessment Panel, including public notification, must occur within four months of the interim listing.</p>
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	<p>5.14 When a nomination for listing or delisting a tree on the Register has been determined, Council will notify:</p> <ul style="list-style-type: none"> • The person/group who has nominated the tree. • The landowner when the tree is on land other than that owned or leased by Council. • Any owners of land adjoining the property on which the tree is situated, where that land is within 50m of the tree. <p>5.15 Trees approved for listing will be included in the Register, which will document tree location, species, health and general condition, and reasons for listing.</p> <p>5.16 Once a tree is listed, it will not be physically sign-posted but a copy of the Register will be publicised in print, including in the Planning Scheme and on Council's website.</p> <p>5.17 Any person desiring to cut, remove or otherwise alter the state of a tree listed on the Register shall require the written approval of Council under By-Law 3 of 2011, unless the proposed works consist of minor pruning in order to improve the tree's health and are undertaken in accordance with the recommendations of an arborist's report endorsed by Council.</p> <p>5.18 In situations where an immediate risk to public safety from the tree is demonstrated, Council approval must still be obtained and Council reserves the right to require an arborist's assessment to be undertaken. In these circumstances the decision will be determined by the General Manager within one business day.</p> <p>5.19 In situations where an immediate risk to public safety is not perceived, applications to cut, remove or otherwise alter the state of a tree listed on the Register must be accompanied by an arborist's report and will be determined on the basis of:</p> <ul style="list-style-type: none"> • The health of the tree; • Whether the tree is likely to pose a significant public health and safety risk; • Whether the tree is likely to cause damage to any nearby existing built structures; • The reasons for listing and the impacts of the proposed works on the significance of the tree. <p>5.20 An application for removal of a tree listed on the Register must be accompanied by a nomination for delisting.</p> <p>5.21 A tree may be nominated for delisting by anyone with a demonstrated interest, including Council. Nominations for delisting must be accompanied by an arborist report and sufficient information to address the matters listed in 4.19. Nominations for delisting will be publicised, assessed and determined under the same process as a nomination for listing, including assessment by the Assessment Panel with a resulting recommendation to Council.</p> <p>5.22 Where a tree listed on the Register is approved for removal, Council may require a financial contribution or other offset commensurate with the value of the tree to compensate for the loss.</p> <p>5.23 Council will undertake a review of this Policy every 5 years to ensure continued relevance. Reviews may also be undertaken in the interim if deemed necessary by Council or the General Manager. Councillors will receive an annual report on the status of the Register.</p>
GUIDELINES:	<p>6.1 The categories of significance are generally qualitative rather than quantitative and specific criteria for assessment under each category have not been proposed. Each nomination is assessed on its merits against the categories of significance by the Assessment Panel and any received submissions.</p>

	<p>6.2 The presence of a tree in an urban setting does not make it automatically significant – there must be a particularly special attribute or attributes consistent with the categories of significance to make a tree appropriate for listing.</p> <p>6.3 The proposed categories of significance are described in more detail as follows:</p> <ul style="list-style-type: none"> a) Trees whose form, seasonal beauty and/or placement are such that they are a significant aesthetic component of the streetscape, park, garden or natural landscape in which they grow. b) Trees of outstanding dimensions in height, trunk circumference or canopy spread for their species or for the area. c) Trees that are particularly old either for their species or for the area. d) Trees which occur in a unique location or context and so provide a key contribution to the environmental, cultural and/or historical landscape. e) Trees commemorating a particular occasion of broader community interest associated with an historical event or associated with historical activities. f) Trees of a species or variety that is rare or of very localised distribution or has known genetic values. g) Trees which exhibit a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage or unusually pruned forms. <p>6.4 Mitigating factors and exceptions:</p> <p>In addition to assessing the significance of the tree(s), the Assessment Panel shall consider the following:</p> <ul style="list-style-type: none"> • The health of the tree – whether the tree is likely to survive for at least ten years from the time of assessment. • Whether the tree is likely to pose a significant public health and safety risk e.g. through falling limbs. • Whether the tree is likely to cause damage to any nearby existing built structures. • Submissions from affected land owners and the general public. <p>Where the Assessment Panel deems an external report to be necessary for assessment of significance or mitigating factors, this report shall be paid for by Council if approved by the General Manager or delegate.</p>	
COMMUNICATION:	<p>7.1 The policy will be introduced to the public in an edition of the Kingborough News.</p> <p>7.2 The policy will be perpetually available on the Council website.</p> <p>7.3 Council will issue one public call for nominations per year.</p>	
LEGISLATION:	<p>8.1 Health and Environmental Services By-Law (By-Law 3 of 2011)</p> <p>8.2 Kingborough Interim Planning Scheme 2015 or subsequent scheme.</p>	
RELATED DOCUMENTS:	<p>9.1 Health and Environmental Services By-Law 2011</p> <p>9.2 Significant Tree Register Policy Council Reports: September 2011, October 2012, February 2014.</p> <p>9.3 Significant Tree Register listing template</p>	
AUDIENCE:	<p>10.1 Councillors</p> <p>10.2 Council staff</p>	<p>10.3 Kingborough landowners</p> <p>10.4 General public</p>

UPDATED POLICY FOR APPROVAL



Policy No:
Approved by Council
New Review Date:
Responsible Officer:

5.9
September 2021
September 2025
Strategic Planner/Environmental Planner

Minute No: **TBA**
ECM File No: **12.91**
Version: **4.0**

Significant Tree Policy

1. POLICY STATEMENTS

- 1.1 The aim of this policy is to outline the process and the criteria to be considered for the listing or delisting of significant trees in the Planning Scheme.

2. DEFINITIONS

- 2.1 “Arborist” – a person with a qualification of Certificate 4 in Arboriculture or equivalent
- 2.2 “Significant tree” – a tree deemed significant in accordance with the categories of significance defined in this policy.
- 2.3 “Threatened native vegetation community” – a vegetation community listed under Schedule 3A of the *Tasmanian Nature Conservation Act 2002*.
- 2.4 “Tree” – any woody plants with a height or potential height of 5m or more.
- 2.5 “Planning Scheme” – Kingborough Planning Scheme 2015 or any subsequent planning scheme.
- 2.6 “LUPAA” – *Land Use Planning Assessment and Approvals Act 1993*.

3. OBJECTIVE

- 1.1 To provide a process to recognise and protect trees in Kingborough that have the highest aesthetic, cultural, heritage and/or environmental values, compared with other trees in the municipal area.

4. SCOPE

- 4.1 The policy may be applied to any tree that meets one or more of the categories of significance, to a highly significant or exceptional degree.
- 4.2 The policy is primarily aimed at conserving individual or groups of trees, rather than large areas of bushland. These are already protected under the *Nature Conservation Act 2002* as threatened vegetation communities or other provisions in the planning scheme.
- 4.3 This policy applies to all land in the Kingborough area, whether publicly or privately owned.
- 4.4 Development applications that may impact or include the removal of a tree listed in Table E24.1 are required to be assessed against the Significant Trees Code of the Kingborough Interim Planning Scheme 2015.
- 4.5 The Significant Trees Code will cease to exist under the Tasmanian Planning Scheme, however similar protection will be afforded for Significant Trees in the Local Historic Heritage Code of the Tasmanian Planning Scheme.

4. PROCEDURE (POLICY DETAIL)

- 5.1 Council’s website and the Planning Scheme will provide details of all current significant tree listings.



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- 5.2 Nominations by the public or Council for listing or delisting will be able to be received at any time. An educational program will be provided annually to draw attention to the benefits of significant tree listing in the planning scheme, the associated process involved and ultimately to encourage nominations during the year.
- 5.3 Nominations for listing or delisting must be received in writing by completing the significant tree nomination form.
- 5.4 A tree group of trees may be nominated for listing based on one or more of the categories of significance detailed below.
- Aesthetic significance
 - Size (height, circumference, canopy)
 - Age
 - Landscape significance
 - Historical significance
 - Rarity of species, variety or genome
 - Unusual physical features
- 5.5 An assessment as to whether a tree is to be listed or delisted from the significant tree list (as appropriate in relation to the categories of significance in Clause 5.4 above and the guidelines provided in Section 6 below) is to be undertaken by at least three Council officers with appropriate skills in two or more of the following fields: arboriculture, cultural heritage, environmental management and urban and/or landscape design.
- 5.6 Where resources are not available, Council officers may also need to call on the advice of an expert regarding specific values.
- 5.7 Additional information may be required from a nominee to assess a nomination.
- 5.8 Nominations for delisting must outline the reasons and may include supporting information for the request. Council may request an Arborist report to support a nomination for delisting.
- 5.9 All trees recommended for listing must be assessed by a qualified arborist to determine the tree's health and viability. Council will cover this cost.
- 5.10 Where a nomination for listing or delisting is supported by Council staff and it is located on private land, the landowner will be contacted to inform them of Council's intention to list or delist a tree in the planning scheme. Landowners will have the opportunity to make a submission, in support or against a proposed listing or delisting, as part of the public consultation process described in 5.12 below.
- 5.11 A report will be presented to Council to inform them of the nominations received and to seek initiation of a planning scheme amendment as the Planning Authority. Advertising and notification will be undertaken in accordance with LUPAA which is broadly as follows:
- Notification to landowners and adjoining landowners;
 - A site notice;
 - Advertisement in The Mercury;



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- Exhibition in Council's administrative building; and
 - Exhibition on Council's website.
- 5.12 After the public exhibition period has closed, a report addressing each submission will be presented to Council, as the Planning Authority, to determine whether to proceed with the planning scheme amendment and (if proceeding) certify the amendment and forward a report to the Tasmanian Planning Commission in accordance with requirements of LUPAA.
- 5.13 The standard procedure for planning scheme amendments and determination by the Tasmanian Planning Commission will apply and this will include the opportunity for people who have made submissions during the exhibition period to attend a hearing at the Tasmanian Planning Commission. An overview of the planning scheme process and a flow chart illustrating the various steps in the process is available on the [Tasmanian Planning Commission's website](#).
- 5.14 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
- The person/group who has nominated the tree.
 - The landowner, when the tree is on land other than that owned or leased by Council. The notification will outline the responsibilities in relation to the planning scheme provisions.
 - Any owners of land adjoining the property on which the tree is situated.
- 5.15 Once a tree is listed, it will not be physically sign-posted, but details of the listing will be publicised in the Planning Scheme and on Council's website.
- 5.16 Any person wanting to cut, remove or otherwise alter the state of a significant tree must contact Council as a permit may be required.
- 5.17 In situations where an immediate risk to public safety from a significant tree is identified, Council approval must still be obtained; and Council reserves the right to require an arborist's assessment to be undertaken. In these circumstances the decision may be determined by the General Manager under delegated authority.

6. GUIDELINES

- 6.1 Each nomination is assessed on its merits against the categories of significance.
- 6.2 The presence of a tree in an urban setting does not make it automatically significant; there must be a particularly special attribute or attributes consistent with the categories of significance to make a tree appropriate for listing.
- 6.3 The proposed categories of significance are described in more detail as follows:
- a) Trees whose form, seasonal beauty and/or placement are such that they are a significant aesthetic component of the streetscape, park, garden or natural landscape in which they grow.
 - b) Trees of outstanding dimensions in height, trunk circumference or canopy spread for their species or for the area.
 - c) Trees that are particularly old either for their species or for the area.
 - d) Trees which occur in a unique location or context and so provide a key contribution to the environmental, cultural and/or historical landscape.



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- e) Trees commemorating a particular broader community interest associated with an historical significance or event.
- f) Trees of a species or variety that is rare or of very localised distribution or has known genetic values.
- g) Trees which exhibit a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage or unusually pruned forms.

6.4 Mitigating factors and exceptions:

In addition to assessing the significance of the tree(s), the following must be considered:

- The health of the tree – whether the tree is likely to survive for at least ten years from the time of assessment.
- Whether the tree is likely to pose an unacceptable risk.
- Submissions from affected landowners.

7. COMMUNICATION

- 7.1 The policy will be perpetually available on Council's website. It will include the details of nomination received and also indicate the status of each nomination (i.e. received, assessed, approved etc).
- 7.2 An educational program will be undertaken at least once annually, to draw attention to the benefits of significant tree listing in the planning scheme, the associated process involved and ultimately to encourage nominations during the year.
- 7.3 Proposed listing/delisting of trees will be notified and advertised as part of a Planning Scheme Amendment under LUPAA.
- 7.4 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
 - The person/group who has nominated the tree.
 - The landowner and occupier when the tree is on land other than that owned or leased by Council (the notification will outline the responsibilities in relation to the planning scheme provisions)
 - Any owners of land adjoining the property on which the tree is situated.

8. LEGISLATION

- 8.1 *Land Use Planning and Approvals Act 1993.*

9. RELATED DOCUMENTS

- 9.1 Kingborough Interim Planning Scheme 2015 or subsequent scheme.

10. AUDIENCE

- 10.1 Kingborough landowners
- 10.2 General public
- 10.3 Tasmanian Planning Commission

16.3 LOUISA HINSBY PARK: LANDSCAPE PLAN AND FUNDING ALLOCATION

File Number: 20.139

Author: Paul Donnelly, Urban Designer

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 The purpose of this report is to present a Landscape Plan for Louisa Hinsby Park and to confirm a funding allocation for associated landscape and play space upgrades at the site.

2. BACKGROUND

- 2.1 Council's Urban Designer has been coordinating with the Tarooma Community Association (TCA) and Tarooma Environment Network (TEN) in relation to improvements to Louisa Hinsby Park since February 2020.
- 2.2 Louisa Hinsby Park is located at 19 Jenkins Street in Tarooma. The site is presently an undeveloped and underutilised vacant lot and is owned by Kingborough Council. The subject site encompasses 1,026m² of land located in the Open Space zone. It is bound (to the north, west, and south) by lots in the Low Density Residential zone. The site has frontage to Jenkins Street and slopes gently towards the southeast.

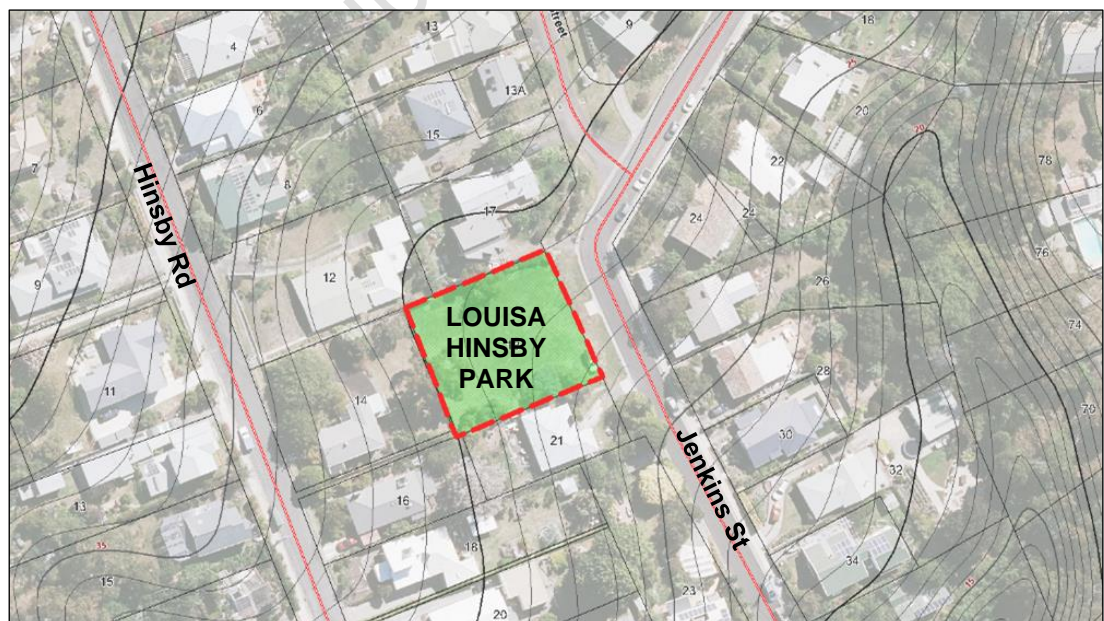


Figure 1: Location Plan, showing the subject site (Louisa Hinsby Park) in context. Jenkins Street is visible to the east of the subject site. The subject site is connected to Hinsby Road (to the west) via a narrow pedestrian walkway.

- 2.3 The TCA has shown an active interest in the ownership and use of this parcel of land since October 2018, when discussions revealed the ownership status of the land was

unknown to local residents. The TCA has been engaging with local residents and Council since then in order to investigate options for improvements to the site.

- 2.4 During 2018 and 2019 Council undertook work to develop a strategy for public open space across the municipality. The 'Kingborough Open Space Strategy 2019' was subsequently finalised in March 2019. Action 24 of the Strategy recommended Council give further consideration to the need to retain 19 Jenkins Street (the subject site) as public open space.
- 2.5 Council subsequently began a process of exploring options for the sale of this parcel of land; however, further investigations revealed the site was bequeathed to Council in 1950 by a local resident, Louisa Hinsby, to be used as a children's playground. Disposal of the property was, therefore, considered to be inappropriate. As a result, the subject site was formally incorporated into the [Kingborough Play Space and Playground Strategy 2020 – 2025](#), and is classified as a 'local suburban' play space under the Strategy.
- 2.6 The subject site was recently renamed *Louisa Hinsby Park*. It had previously been known as *Louise Hinsby Reserve*, which included a misspelling of Louisa Hinsby's given name.
- 2.7 On 14 September 2020 resolved to sell a selection of properties under the 'Properties for Potential Disposal' project (ref. minute C524/17-2020). The intention of the project is to raise funds from the sale of underutilised and undeveloped Council-owned properties to fund investment in play space improvements.
- 2.8 A supplementary report was provided to Council detailing the outcome of the public submissions received during the advertising period. A motion was subsequently endorsed requiring Council to invest the proceeds of the sale of 110 Channel Highway, Tarooma, at Louisa Hinsby Park (ref. minute: C626/20-2020).



Figure 2: Louisa Hinsby Park, as seen from Jenkins Street (looking southwest).



Figure 3: Louisa Hinsby Park, as seen from within the park (looking northeast towards Jenkins St).

3. STATUTORY REQUIREMENTS

- 3.1 Interim Planning Directive 4 (IPD4) was recently issued by the Minister for Planning in accordance with recommendations from the Tasmanian Planning Commission and came into effect on 22 February 2021. Amongst other matters, IPD4 included changes to the application of planning scheme *exemptions* that apply under the Kingborough Interim Planning Scheme 2015 (KIPIS2015). These changes are reflected in Table 5.0 of the KIPIS 2015.
- 3.2 Table 5.2.10 identifies an exemption for the provision of 'minor infrastructure' by, or on behalf of, a council.
- 3.3 In accordance with Table 5.2.10, works illustrated in the proposed Landscape Plan for Louisa Hinsby Park are considered to meet the exemption requirements that apply to 'minor infrastructure'. They are, therefore, considered to be exempt from requiring a planning permit under the KIPIS2015.
- 3.4 A Planning Permit Application ('DA') and/or Building Permit Application ('BA') will be submitted for any part of the works not eligible for an exemption under Table 5.0 of the KIPIS2015 and/or the Building Regulatory Framework.

4. DISCUSSION

- 4.1 A Landscape Plan illustrating proposed improvements to Louisa Hinsby Park has been developed by the TCA (authored by: Fiona Rice, based on a previous draft landscape plan developed by Sarah Bury) in consultation with Council's Urban Designer. The plan is based on the outcome of the TCA's engagement with the local community in Taroona (ref. 7.1, 7.2, and 7.6 below) and is considered to be reflective of the community's expectations for the site as well as Louisa Hinsby's wishes (as defined by her in 1950 when the land was donated to Council). The proposed Landscape Plan is attached to this report and includes:
 - a) A large central grassed open space, bordered by a compacted gravel path. Retaining an adequate amount of grassed open space was a common request from residents.

- b) A few pieces of simple timber-framed play equipment and other natural play elements, including boulders, logs, small mounds for beginner trike/bike riders.
- c) A perimeter planting of Taroona native tree, shrub and ground cover species. The 25 species selected were used by the area's Traditional Owners, the Muwinina people, for food, shelter, medicine and/or tools.
- d) Interpretive plant labels for each species, describing their value to the Muwinina, designed with help from Taroona Primary School students and Aboriginal consultant, Trish Hodge.
- e) Several timber seats.
- f) A simple timber shelter with a timber picnic table.
- g) A story panel on Louisa Hinsby at the entrance to the reserve. Louisa's husband Joseph Hinsby was renowned in Tasmania in the early 1900s for propagating award-winning daffodils. The story panel will be surrounded by 'Heather Hinsby Jenkins' daffodils, which a descendant has donated to the project. The daffodil was named for Joseph and Louisa's great niece, Heather Hinsby Jenkins.

4.2 The proposed Landscape Plan has been subject to community consultation through an engagement activity described at 7.6 (below). The TCA and TEN have proposed revisions to the planting plan in response to feedback received. These changes are designed to accommodate concerns expressed in relation to overshadowing to adjoining properties, and are highlighted in yellow on the plan below:

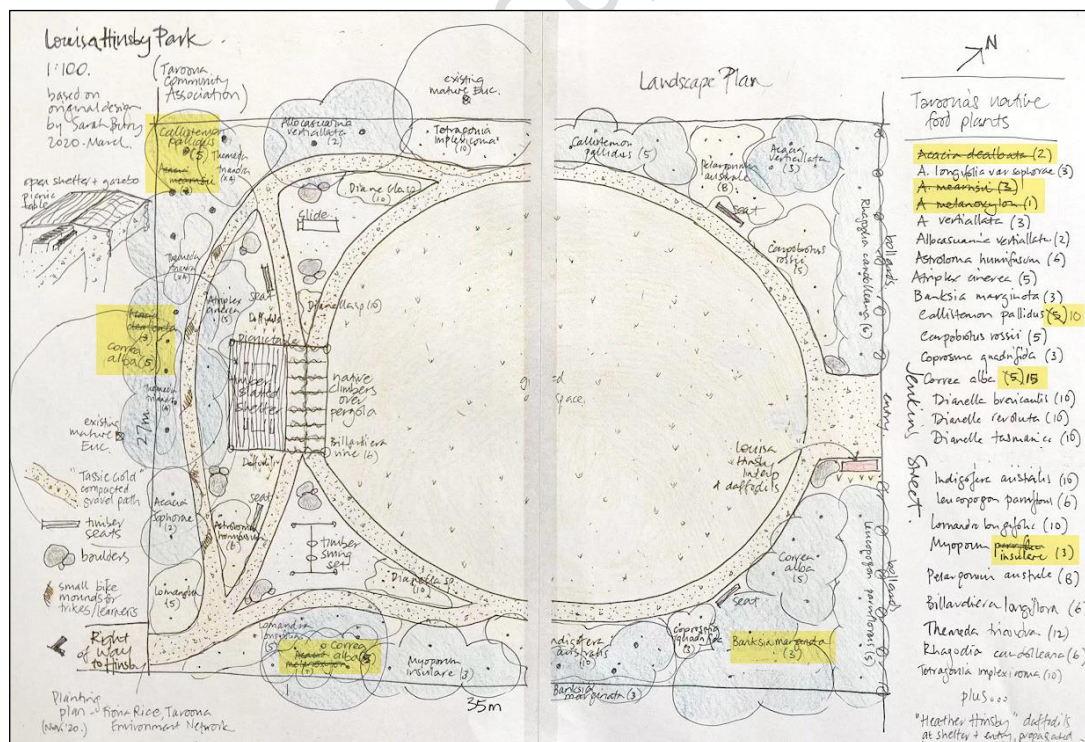


Figure 4: Louisa Hinsby Park Landscape Plan (Revision B), revised in response to feedback.

Proposed changes to the planting plan include:

- *Acacia melanoxylon*, *Acacia dealbata*, and *Acacia mearnsii* have been substituted with *Correa alba* and *Callistemon pallidus*.
- *Myoporum parviflorum* has been substituted with *Myoporum insulare*.

- 4.3 A final Landscape Plan will be developed by Council staff, based on the TCA Landscape Plan. This plan will be implemented by Council staff as part of the 2021/22 Capital Works Programme.

5. FINANCE

- 5.1 \$125,000 has been allocated for upgrades to Louisa Hinsby Park under Council's 2021/22 Capital Works Programme. However, in accordance with C626/20-2020, the funding allocation is contingent on the sale of Council-owned land at 110 Channel Highway (through the Properties for Disposal project, ref. 2.6 above).

Site constraints at 110 Channel Highway, require the relocation of a stormwater main to be completed before this property can be sold. These works are associated with stormwater upgrades to Meath Avenue in Tarooma.

- 5.2 \$468,000 has been allocated to complete stormwater upgrades to Meath Avenue (including the works referred to at 5.1 above) under Council's 2021/22 Capital works Programme. Construction is scheduled to commence between mid-October and mid-February 2021 (to be confirmed once the tender for the works is let). It is therefore considered unlikely that the property (110 Channel Hwy) will be fit for sale within the current financial year.
- 5.3 In order to expedite implementation of the Landscape Plan for Louisa Hinsby Park and remove a project dependency with planned stormwater infrastructure upgrades, it is proposed that funds be advanced to this project (Louisa Hinsby Park Upgrades) from the balance of the Public Open Space Reserve Account.
- 5.4 In accordance with C626/20-2020, it is proposed that proceeds from the sale of 110 Channel Highway, be transferred to the Public Open Space Reserve Account to cover the costs of the Louisa Hinsby Park Upgrades project.
- 5.5 The balance of the Public Open Space Reserve Account is currently \$996,018 (as at July 2021).

6. ENVIRONMENT

- 6.1 There are no environmental considerations that relate directly to this matter, other than to note existing native vegetation located on adjoining properties will be retained and protected in accordance with Australian Standard '4970-2009: protection of trees on development sites'.

7. COMMUNICATION AND CONSULTATION

- 7.1 Engagement activity 1: The TCA convened a public meeting on the subject site in July 2019. The purpose of this meeting was to garner local knowledge about the site and to better understand residents' desires for future improvements to the site.
- 7.2 Engagement activity 2: The TCA subsequently undertook an additional engagement activity about improvements to the site in November 2019. This activity took place as part of the Tarooma Seaside Festival. Interested Tarooma residents were invited to make suggestions for the site's development and respond to a short survey developed by the TCA. Representatives from the TCA and TEN then contacted Council to present the results of engagement activities 1 and 2 and to discuss options for the site's development in accordance with Louisa Hinsby's wishes. At this point, the matter was referred to Council's Urban Designer for further investigation.
- 7.3 TCA comms: An article was published in the Tarooma News (the Tarooma Community Association newsletter) in July 2020, including information about Louisa Hinsby and

her family, historical information relating to the donation of the land to Council, and the TCA's plans to pursue development of the site in accordance with Louisa Hinsby's wishes.

- 7.4 Council comms: A media release was issued by Council on 22 September 2020 with the title '18 Kingborough Playgrounds not up to standard'. The media release canvassed matters relating to the outcome of the [Kingborough Play Space and Playground Audit 2020](#), which identified a number of play spaces considered to be in critical need of upgrades (including Louisa Hinsby Park).
- 7.5 Kingborough Chronicle: A feature article was published in the Kingborough Chronicle on 9 November 2020 outlining the details of the 'Properties for Disposal' project, which involves the sale of Council-owned land to fund improvements to six play spaces throughout the municipality. Louisa Hinsby Park is identified in the article as one of the first four priority sites for investment.
- 7.6 Engagement activity 3: A third (and final) engagement activity was undertaken by the TCA in April 2021. This activity was led by the TCA under guidance from Council's Urban Designer. It was developed and deployed in accordance with Council's [Communications and Engagement Policy](#) and was based on the 'consult' model (as defined by the International Association for Public Participation – IAP2). An engagement strategy was developed to allow the TCA to continue to lead engagement with the local community, with a view to informing future works to be undertaken by Council. Engagement strategies of this kind based around 'community led' activities and aim to facilitate community advocacy.

The DRAFT Landscape Plan (attached here) was published in the March edition of Tarooma News, along with an invitation to provide feedback on the plan directly to Kingborough Council. The deadline for submissions was originally set to April 30, but was extended through to May 2nd to facilitate an improved response rate. The engagement activity was promoted by the TCA & TEN, including through a series of updates (published on the TCA's Good Karma Network Facebook page) encouraging interested residents to provide their feedback.

Council received a total of 37 responses:

- 26 positive _____ (70%)
- 10 with suggested changes/improvements_ (27%)
- 1 against _____ (03%)

Detailed (depersonalised) feedback is provided in the Summary of Engagement Activity Results (attached to this report). Minor changes to the Landscape Plan may be required to accommodate reasonable requests, particularly with respect to species selection within the planting palette and provision of play value within the space. These changes will be managed by Council staff through the detailed design phase.

8. RISK

- 8.1 This project currently enjoys a level of momentum built up by the TCA since 2018, which has been further cultivated and supported by Council staff. As outlined in Section 5 (above), this project is funded by, and therefore dependent on, the successful sale of Council-owned land at 110 Channel Highway, Tarooma.
- 8.2 There is a risk that the momentum behind this project will be lost if implementation works are unreasonably delayed due to unforeseen delays or constraints associated with the stormwater upgrades described at 5.1 and 5.2 (above). Loss of momentum

may lead to a loss of community support for the proposed works. This may also lead to reputational damage.

- 8.3 Based on the length of the project timeline to date, this risk is considered to be medium to high. As described at 5.3 (above), it is therefore recommended that implementation of the Landscape Plan for Louisa Hinsby Park be expedited to allow for completion within the 2021/22 financial year, while the project enjoys strong community support.

9. CONCLUSION

- 9.1 A Landscape Plan has been developed by the Taroona Community Association, in collaboration with Council's Urban Designer, for Louisa Hinsby Park (at 19 Jenkins St, Taroona).
- 9.2 Community consultation has been undertaken by the TCA, with support from the Urban Designer, in relation to the site and the proposed Landscape Plan (ref. Section 7).
- 9.3 The proposed Landscape Plan enjoys wide-ranging support from the Taroona community, including adjoining property owners. A final Landscape Plan will be developed by Council staff. Implementation of this plan will be led by Council staff (ref. Section 4).
- 9.4 Funding has been allocated to this project through the Properties for Disposal project. However, this allocation is dependent on the sale of land at 110 Channel Hwy, Taroona (ref. Section 5). It is therefore proposed to expedite implementation of improvements to Louisa Hinsby Park by advancing the amount of \$125,000 to this project from the Public Open Space Reserve Account.
- 9.5 A decision of Council is required to bring forward funds to expedite implementation of the proposed improvements to Louisa Hinsby Park.

10. RECOMMENDATION

That the Landscape Plan for Louisa Hinsby Park, developed by the Taroona Community Association and Taroona Environment Network, and as revised in response to community feedback, be given in-principle endorsement, and that:

- (i) Funding allocated to Louisa Hinsby Park Upgrades (\$125,000) under the Capital Works Programme 2021/22 be advanced to that project from the Public Open Space Reserve Account.
- (ii) Proceeds of the sale of 110 Channel Hwy, Taroona, be transferred to the Public Open Space Reserve Account to cover the cost of implementing improvements to Louisa Hinsby Park.

ATTACHMENTS

- 1. Louisa Hinsby Park: summary of engagement activity results**
- 2. Louisa Hinsby Park Landscape Plan (March 2021)**



4 June 2021

Our Ref: 20.139 & PID 5716470

Taroona Community Association and Taroona Environment Network
C/O Jill Hickie, Fiona Rice, and Anne Parrott

By email: [REDACTED]

Dear Jill, Fiona, and Anne

RE: LOUISA HINSBY PARK – SUMMARY OF ENGAGEMENT ACTIVITY RESULTS

I am pleased to provide the following summary of results in relation to the engagement activity undertaken by the Taroona Community Association and Taroona Environment Network in collaboration with Kingborough Council about the proposed landscape improvement works at Louisa Hinsby Park in Taroona.

The engagement activity was designed and undertaken in accordance with Council's Communications and Engagement Policy and associated Communications and Engagement Framework 2020. The engagement activity was based on the 'consult' engagement model (IAP2), and was designed to allow respondents to provide feedback about the proposed DRAFT Landscape Plan for Louisa Hinsby Park, prepared by the TCA & TEN.

The DRAFT Landscape Plan was published in the March edition of Taroona Community News, along with an invitation to provide feedback on the plan directly to Kingborough Council. The deadline for submissions was originally set to April 30, but was extended through to May 2nd to facilitate an improved response rate. The engagement activity was promoted by the TCA & TEN, including through a series of updates (published on the TCA's Good Karma Network Facebook page) encouraging interested residents to provide their feedback.

Council received a total of 37 responses:

- | | |
|--------------------------------------------|-------|
| - 26 POSITIVE | (70%) |
| - 10 WITH SUGGESTED CHANGES / IMPROVEMENTS | (27%) |
| - 01 AGAINST | (03%) |

Detailed (depersonalised) feedback is provided below, for review. Minor changes to the Landscape Plan may be required in order to accommodate reasonable requests, particularly with respect to species selection within the planting palette and provision of play value within the space.

kingborough.tas.gov.au

Civic Centre, 15 Channel Hwy, Kingston, Tasmania 7050. Locked Bag 1, Kingston, Tasmania 7050
T: (03) 6211 8200 F: (03) 6211 8211 E: kc@kingborough.tas.gov.au

	DETAILED FEEDBACK & SUGGESTED CHANGES	SUMMARY OF REQUESTED CHANGES
01.	"Excited about the opportunity to comment on the garden. In the design it would be good to have some garden reference to the old hall/school perhaps dedicated table and chairs to remember the founders of the original ex-servicemen's hall. All not long back from war. maybe a Rosemary hedge/panel with old historic photos. Refer to the Taroona book for the history Many thanks for the opportunity..."	Historical references.
02.	"The proposal for the playground at Louisa Hinsby Park is overall very good and I support it. However I am not sure how big the boulders will be. Are they big enough to climb on? I think there should be some climbing opportunities in the park and also balancing opportunities like logs, stepping stones or timber beams low to the ground. Some shady area for summer would also be good."	Additional play value: climbing.
03.	<p>"I reside very closely to the intended Louisa Hinsby Park. Speaking as someone who has resided in Taroona as a child and now with my young family (also note my Taroona residency tracks back four generations) I am so very pleased that something is finally commencing with this parcel of donated land.</p> <p>I have reviewed the plans and would love to give some feedback... I walk past here with my children nearly daily. This parcel of land is to be a dedicated area for children to enjoy, and although the plans look lovely they also appear to be more appropriate for an age bracket for retirees or for the immediate neighbours to have some further garden / picnic area.</p> <p>I understand there is a budget to uphold as well as ensuring the enjoyment from all neighbouring properties, however I am sure that there can be some further play equipment for children to enjoy. I note there is a small slide and swing but I would really enjoy seeing some further play equipment or interactive equipment for children to enjoy?</p> <p>I want to make sure this parcel of land is enticing to families and is therefore used for its purpose rather than a piece of property that is merely sitting there for minimal use (albeit a nice outlook for its neighbours) yet again."</p>	Additional play value: adventure play
04.	<p>"As a resident of ... I am very excited about the development... The suggested landscape plan will certainly enhance the beauty of our area. I appreciate the ideas expressed in the design but do not think it appropriate to have the number of large trees in such a small area. There is a small number of play equipment in the design and I think some climbing equipment will enhance the activities for the children using the park.</p> <p>We are looking forward to the new development which will counteract the big footprint of units and townhouses being built at the top of the road."</p>	<p>Changes requested to proposed planting palette: large trees not supported.</p> <p>Additional play value: climbing.</p>

05.	<p>"We live at ... and will be the residence most impacted by the proposed Louisa Hinsby Park. This home has been in our family for the past 35 years. To gain privacy from people accessing the right of way to Hinsby Rd we planted a row of native trees many years ago. The landscape plan is to remove these trees and replant other native trees some of which are totally inappropriate for a residential area and will lead to our home and backyard losing much of our afternoon sun. e.g. Acacia Melanoxylon (Blackwood) can grow to a height of 20 metres. Myoporum insulare (boobialla) can grow to a height of 6 metres</p> <p>Is it possible to replace these species with lower shrubs and plant the new species interspersed between the existing so we retain our privacy whilst they are growing, which will be very important with the increased usage of the Park.</p> <p>Along the back fence of the park the trees suggested will grow far too high and encroach on the limited area of the park available. E.g. Acacia Dealbata 30 metres! Acacia mearnsii 15 metres. Also Acacia verticillata has prickly leaves is this suitable for a children's playground.</p> <p>Design suggestion:</p> <p>The playground is obviously aimed at younger children but could a round net swing be included in the swing set. There is one at the Tarroona Beach which is very popular and is suitable for adults and children. This would enable older children to enjoy the park with their younger siblings or adults with their children on the swing.</p> <p>A paling fence (similar to our backyard fence) will be required to our front verge to delineate the park area.</p> <p>We appreciate the work done for this Park and look forward to working with the council to resolve our concerns and suggestions."</p>	<p>Privacy.</p> <p>Changes requested to proposed planting palette: large trees not supported.</p> <p>Additional play value: net swing.</p>
06.	<p>"Dear Councillors, I am writing to express our appreciation of the interest that has now been centred on this park. It was a very important meeting place for us, growing up in the 60's, where we played cricket, football, soccer or just sat around with the neighbourhood gang eating icy poles! To have this area loved and cared for is a wonderful feeling and we are impressed by the design presented in the Tarroona newsletter.</p> <p>All the plantings have been well-researched and placed. My only concern is an Acacia melanoxylon (blackwood). I believe this is positioned close to plumbing and an inspection point. There are a couple of these trees growing in the vicinity of our garden and the root systems spread up to 4m across our land. I am concerned for neighbouring gardens, where extra watering and fertilising may encourage this tree to grow out of control.</p> <p>Again, thank you to Mayor Dean Winter who listened to our concerns for this area and set the ball rolling and the councillors who understand the importance of quality community spaces."</p>	<p>Changes requested to proposed planting palette: large trees not supported.</p>

07.	<p>"As a resident on ... and having our property adjoin the Louisa Hinsby Park, I want to express my/our full support in the proposed landscape plan that the TCA has put together. The plan encourages children to play outside and use the space more, while keeping a natural look and feel to the area and keeping some open space and picnic table for bigger kids and adults to enjoy. We particularly love the idea of native food, shelter, medicinal plants that the muwinina people used.</p> <p>My only concern that I have for the area as it currently is, is that the land slopes towards Jenkins St. We have found that kicking a ball or playing cricket on the reserve, often sends balls directly onto the road, and with it inevitably becoming a higher use area for children, I hope the development of the space includes a levelling out of the land so we don't see too many kids running out into traffic.</p> <p>Again, I want to express our full support for the plan. It would be a wonderful addition to Taroona."</p>	Safety: frontage to Jenkins Street.
08.	<p>"On my first read of the TCA Newsletter I thought that the proposed plan looked pretty good. However, on my second look at the project I realised that there were several errors and omissions.</p> <p>1. Firstly, there is a lack of toilet facilities. Small children and their grandparents are often in need of a toilet at short notice. During the working week it is often the Grandparents who have charge of the young children. If arriving on foot, it is a long way to the available public toilets, not to mention the arduous route to get there. Even if arriving by car, it rather spoils the session if having to go off to find a toilet.</p> <p>Due to the street design, parking could be at a premium on the nicer days.</p> <p>2. There are not enough play items on site. There must be enough items for a family of four children, or for two families of two children each, to all be entertained at the same time. As well as the swing set and the slide, there should at least be a see-saw and a teeter-totter of some description. This is a minimum.</p> <p>3. There is no indication of for what age-group the playground is intended. If it is meant to cater for 8-12 year olds as well as the younger fraternity, then the equipment must fit that group. Perhaps there needs to be two sets of gear on site.</p> <p>4. The layout is not quite correct. With the younger ones, they need constant supervision/help. It is no good having the slide separated from the swing, etc. Position the items much closer together so that those doing the supervision and perhaps still enjoying their picnic, can do so from the shelter, without having to look in two or more directions at once.</p> <p>5. Make it primarily a playground, as originally stipulated, not a garden.</p>	<p>Additional play value: additional toddler play equipment.</p> <p>Additional recreational amenity: reduce planting extents.</p> <p>Convenience: dog tether point adjacent to Jenkins Street frontage.</p> <p>Additional play value: climbing.</p>

	<p>The plantings are very generous, given the overall size of the plot. In order to allow for the missing play items, some of the larger species need to be minimised in number. Fewer/smaller plantings ensures less maintenance, less mess, better security, better safety for visitors.</p> <p>6. Provide drinking water. The site had a water supply and a sewer line when used for the old hall. Having provided a toilet, also provide drinking water near/at the shelter.</p> <p>7. There needs to be extra seating, near the play items and elsewhere.</p> <p>8. A family out for a walk/excursion often has a dog with them. It is good exercise for all. However, a dog should be on a lead. There is no tether point. There should be several - near the shelter (two tethers, preferably in the shade), and just north of the entrance (three tethers, about 2.5 metres apart allowing for the more boisterous four-legged friends, or where the visitors already over at the play equipment cannot cope with dogs, even if on a lead).</p> <p>9. There is no public trike/bike learners area in Taroona. This is an ideal location to put a small one.</p> <p>Suggested layout modifications:</p> <ul style="list-style-type: none"> a. Provide toilets up in the western corner, b. Move the shelter to the west where a seat is shown. c. Move that seat to where the slide is depicted. d. Position the slide and the extra play items near the swing set. e. Minimise the plantings on the eastern fenceline to make more space. f. Move the line of the path closer to the fence as it goes past the play items. g. Just inside the bollards ensure that the plantings are very low, so that safety/security is maintained. h. In the northern corner, but outside the perimeter path, install the dog-waiting area - three tethers about 2.5 metres apart. Allow access to shade. Provide water for the dogs to drink, plus for human consumption. i. Provide an extra seat near the playground equipment, another at/near the northern side of the entrance. j. Remove the boulder shown at that location. k. Ensure that any boulders used should be suitable for climbing, without foot traps, but possibly with toe-holds. l. Make sure that the paths are a minimum of 1.25 metres wide. m. Install a hot-mix or concrete paved "circuit" mini bike/trike layout in the north-east corner." 	
09.	<p>"I am writing in response to the proposal published on the Taroona Good Karma network recently.</p> <p>I am in support of the proposal but would like to ensure that the play equipment is as natural as possible- balance rocks/ logs etc and a</p>	Reconfigured play amenity: nature play.

	wooden framed swing rather than bright plastic stuff like in many small parks."	
10.	<p>"We like the basic plan with grassy open space in the centre. We would like to draw attention to what appear to be two inappropriate choices of trees.</p> <p>1. The blackwood (<i>Acacia melanoxylon</i>) in the southern corner (near the laneway through to Hinsby Rd.) This will eventually be a tall tree which will block sunlight to the neighbouring property. A fence height shrub or tree would be more appropriate.</p> <p>2. The <i>Acacia verticillata</i> directly behind the seat near the northern entrance is not suitable as it is very prickly and usually grows quite wide. It is likely to impinge on the seating area.</p> <p>Thank you for the opportunity to comment."</p>	Changes requested to proposed planting palette: large trees not supported.
	OPPOSED	
01.	<p>I understand the Taroona Community Association have submitted a landscape plan for the vacant lot at Louise Hinsby Park in Jenkins St. I own a property in [REDACTED] and live nearby in [REDACTED] so have an interest in seeing something good at the site. It is great that council are thinking about utilising the land but I think the proposed plan has a number of flaws</p> <ul style="list-style-type: none"> • The plan has no consideration of the topography of the site • There is a poor scale • This is an important strategic development for Jenkins Street and surrounds and should be designed by an accredited landscaper rather than a member of the community. • How does the plantings allow for ongoing maintenance by council? 	Lack of confidence in Landscape Plan.

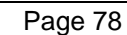
Please let me know if you would like to meet to discuss the results in detail. Alternatively, TCA & TEN may provide a written response to the feedback, addressing concerns raised against proposed alternative solutions.

Please do not hesitate to contact me directly should you wish to discuss the matter further.

Yours sincerely,

PAUL DONNELLY
URBAN DESIGNER

Phone: (03) 6211 8124
Email: pdonnelly@kingborough.tas.gov.au



16.4 COPPING REFUSE SITE JOINT DISPOSAL AUTHORITY - PROPOSED RULE CHANGE

File Number: 24.128

Author: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.1 Service provision meets the current and future requirements of residents and visitors.

1. PURPOSE

- 1.1 The purpose of this report is to seek the support of Council to adopt the proposed amendment to the Copping Refuse Disposal Site Joint Authority's Rule 219.

2. BACKGROUND

- 2.1 The Copping Refuse Disposal Site Joint Authority trading as Southern Waste Solutions (the Authority) is a waste management authority established under Section 30 of the *Local Government Act 1993*.
- 2.2 The Authority is jointly owned by Clarence, Sorell, Tasman, and Kingborough councils.
- 2.3 At its meeting on 13 August 2020 the Authority approved a dividend policy.
- 2.4 This approval was subject to amending the Authority's Rule 219 to be consistent with the intent of the policy.
- 2.5 In order to progress the process of changing Rule 219 the endorsement of the four councils is required.

3. STATUTORY REQUIREMENTS

- 3.1 The Authority's legal advice has confirmed that the proposed amendment to Rule 219 is a material change and therefore is required to follow the process prescribed under Sections 31 and 32 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 The Authority is seeking to change the wording of Rule 219 to include "The Authority may not declare a dividend in excess of the amount recommended by the Board" as follows:

219. The Representatives in General Meeting may, on the advice of the Board, declare a dividend in respect of the results of the financial transactions of the Authority during each financial year that is to be distributed to the Members. The Authority may not declare a dividend in excess of the amount recommended by the Board. The dividend is to be paid by the end of the following financial year.

- 4.2 Council at its meeting held on 3 May 2021 resolved to endorse the proposed amendment and approve advertising the proposed amendment (Minute C214/8 -2021 refers).

4.3 Public advertising in accordance with the requirements of the *Local Government Act 1993* has concluded, and no submissions were received from the public.

4.4 The participating councils are now requested to adopt the proposed amendment.

5. FINANCE

5.1 As one of the four owner councils of the Authority it is expected that ultimate approval of the proposed Rule 219 amendment will lead to future dividend payments to council.

6. ENVIRONMENT

6.1 There are no environmental implications with this report.

7. COMMUNICATION AND CONSULTATION

7.1 Council's decision will be communicated to the Authority.

8. RISK

8.1 There are no apparent risks to Council in adopting the proposed Rule change.

9. CONCLUSION

9.1 The proposed Rule change has been publicly advertised and no submissions were received.

9.2 It is recommended that Council Adopt the proposed Rule change.

10. RECOMMENDATION

That Council adopt the proposed amendment to Copping Refuse Disposal Site Joint Authority's Rule 219 dated August 2021 and certified by a legal practitioner and the Nominating Council's General Manager.

ATTACHMENTS

Nil

16.5 POLICY 3.8 TREASURY MANAGEMENT

File Number: 12.86

Author: John Breen, Chief Financial Officer

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

1.1 The purpose of this report is to consider the updated Policy 3.8 on Treasury Management.

2. BACKGROUND

2.1 In June 2019 Council adopted the Policy 3.8 Treasury Management.

2.2 The Policy covers both investments and borrowings by Council.

3. STATUTORY REQUIREMENTS

3.1 Section 75 of the *Local Government Act 1993* outlines the statutory requirements relating to the investment of funds:

75. Investments

A council may invest any money –

*(a) in any manner in which a trustee is authorised by law to invest trust funds; and
in any investment the Treasurer approves*

3.2 Section 78 and 80 of the *Local Government Act 1993* outlines the statutory obligations relating to borrowings:

78. Borrowings

(1) A council, for the purpose of raising a loan or obtaining any form of financial accommodation, may decide by an absolute majority to provide any of the following forms of security:

- (a) Debentures;*
- (b) Bills of sale, mortgage or other charges;*
- (c) Inscribed stock;*
- (d) Guarantees;*

(e) *Any other document evidencing indebtedness other than bearer instruments.*

(2) *A council may not raise a loan in any financial year exceeding any amount the Treasurer determines for that financial year.*

(3) *In this section, loan includes any financing arrangement as determined by the Treasurer.*

80. Limit on borrowings

(1) *Except with the approval of the Minister, a council may not borrow additional money for any purpose if the annual payment required to service the total borrowings would exceed 30% of its revenue of the proceeding financial year.*

(2) *Grants made to a council for specific purposes are to be excluded in calculating 30% of revenue of the council.*

4. DISCUSSION

4.1 Council takes a risk-based approach to managing its investment portfolio. The main risks covered are credit risk, liquidity risk, refinancing risk, interest rate risk and sustainability risk. Sustainability risk is a new addition to the policy and recognises that Council will give preference to financial institutions that are not involved with the fossil fuel industry. These risks are covered in section 5.1 to 5.5.

4.2 There are several other changes to the Policy. The major change is the removal of the section on Investment with Funds Managers. Council has not used Funds Managers in the past and cannot see the need for them in the future as there is a need to keep investments to a term of less than 12 months to manage liquidity risk.

4.3 Another change is a recommended increase in the amount that can be invested in A2 financial institutions such as Mystate Financial. This amount has been increased from 20% to 30% which will allow Council to support local banks.

4.4 Also reference to the Deputy General Manager has been removed and replaced by the Chief Information Officer as a secondary signature option.

4.5 A track changes version of the policy is attached as well as the new policy in an updated format.

5. FINANCE

5.1 The policy guides Council in regulating the management of investments and borrowings to maximise return and to minimise costs.

6. ENVIRONMENT

6.1 By recognising sustainability risk, Council is supporting the environment.

7. COMMUNICATION AND CONSULTATION

7.1 The policy will be placed on Council's website after approval.

8. RISK

8.1 The policy is aimed at reducing Council's risks in relation to the investment of surplus funds and the undertaking of borrowings.

9. CONCLUSION

- 9.1 The renewal of the policy will continue to aid Council in regulating the investment of surplus funds and the use of borrowings.

10. RECOMMENDATION

That the updated Treasury Management Policy 3.8 be approved and implemented.

ATTACHMENTS

1. Existing Policy with Track Changes
2. Updated Policy for Approval

Public Copy

EXISTING POLICY WITH TRACK CHANGES



Policy No: 3.8 Minute No: C430/13-19
 Approved by Council: ~~June 2019~~September 2021 ECM File No: 12.86
 Next Review Date: ~~June 2024~~September 2023 Version: 3.0
 Responsible Officer: Manager Finance

Treasury Management Policy	
POLICY STATEMENT	<p>1.1 The policy outlines the risks associated with treasury management and provides a framework that allows the Finance Department to manage those risks whilst minimising the cost of debt and maximising returns on surplus funds.</p> <p>1.2 The policy outlines how required borrowings will be raised and how cash and investments will be managed to fund Council operations.</p> <p>1.3 The policy ensures that all of Council's bank instruments and authorities are appropriately authorised and signed by authorised Council Officers.</p>
DEFINITIONS	<p>2.1 Credit Rating A credit rating is an evaluation of the credit risk of an institution, predicting their ability to pay back debt, and an implicit forecast of the likelihood of the debtor defaulting. The credit rating represents an evaluation by a credit rating agency of the qualitative and quantitative information for a prospective debtor, including information provided by the prospective debtor and other non-public information obtained by the credit rating agency's analysts.</p> <p>2.2 Credit Risk Credit risk is the risk of potential loss associated from default or insolvency of a financial institution. The Council's credit risk arises from transactions entered into with financial institutions.</p> <p>2.3 Funding Risk Funding Risk is the risk that Council has not, or is unable to arrange, adequate debt finance to fund future financial commitments.</p> <p>2.4 Interest Rate Risk Interest rate risk is the impact of volatility in net interest income / expense on the financial position of Council.</p> <p>2.5 Interest Rate Swaps An interest rate swap is a derivative transaction that gives you the ability to swap a stream of floating interest rate interest payments for interest payments at a fixed rate. The swap allows you to manage interest rate risk independently of your floating rate debt facility.</p> <p>2.6 Liquidity Risk Liquidity risk is the risk that Council does not have access to sufficient available funds to enable it to make all payments as they become due.</p> <p>2.7 Refinancing Risk Refinancing risk is the inability to rollover existing facilities as they mature.</p> <p><u>2.8 Sustainability Risk</u> <u>Sustainability risk is the inability to sustain financial outcomes while preserving the environment.</u></p>
OBJECTIVE	<p>3.1 The objective of this policy is to set the principles and criteria with regards to Council's treasury (cash) management in the context of its Strategic Plan, Long Term</p>

	Financial Plan and Annual Budget with its associated projected cash receipts and expenditure.
SCOPE	4.1 This Policy will apply to all bank accounts, investment funds and loan funds controlled by Council and administered through the Finance Department.
PROCEDURE (POLICY DETAIL)	<p>Risk Management</p> <p>5.1 Credit Risk</p> <p>Objective: To manage the overall level of credit exposure to individual financial institutions to acceptable levels of credit risk through institutional selection and diversification.</p> <p>Management: Bank deposits must be invested within the allocation constraints outlined in the 'Funds for Investment' section.</p> <p>Prior to any bank deposit transaction being placed, the current exposure to a counterparty must be checked to ensure the new transaction will not result in a breach of policy.</p> <p>5.2 Short Term Liquidity Risk</p> <p>Objective: To ensure the Council has the financial flexibility to meet all financial obligations as they fall due with surplus cash held specifically for this reason.</p> <p>Management: The Council will hold a minimum level of liquidity in cash or cash equivalents in line with its statutory reserves.</p> <p>5.3 Funding and Refinancing Risk</p> <p>Objective: To ensure the Council can obtain new debt and roll over existing debt in order to meet its financial requirements in a timely manner.</p> <p>Management: The long term financial plan will identify the possible need for debt funding, while the annual plan will detail the amount required during the next twelve months.</p> <p>The Chief Financial Officer (CFO) is required to develop and maintain management procedures relating to debt facilities.</p> <p>The CFO is to identify annual debt funding requirements with Treasury in the Loan Council Allocation survey.</p> <p>5.4 Interest Rate Risk</p> <p>Objective: To monitor and manage interest income and expense volatility to acceptable levels.</p> <p>Management: Council manages its interest rate risk on deposits by investing in short-term maturities.</p> <p>Council will seek to minimise the interest rate risk of borrowings by taking debt for the minimum amount of time or utilising interest rate swaps to reduce the level of risk.</p> <p><u>5.5 Sustainability Risk</u> <u>Council gives preference to fossil fuel free Authorised Deposit-Taking Institutions when making deposits if:</u> <u>a) the rate of return on investment is greater than or equal to the rates of other Authorised Deposit-Taking Institutions which comply with Council's investment policy;</u> <u>b) the financial institution and product is otherwise compliant with Council policy.</u></p> <p>Investment Guidelines</p> <p>Funds for Investment</p> <p>6.1 Council's Direct Investments</p> <p>Council may deposit funds with any Commonwealth, State or Financial Institution having a rating as prescribed in Section 6.1.2.</p> <p>6.1.1 Quotations on Investments</p> <p>Not less than three quotations shall be obtained from authorised deposit-taking institutions whenever an investment is proposed. The best quote will be</p>

successful after allowing for administrative and banking costs, as well as having regard to the limits set in the Policy.

6.1.2 Credit Rating

With the exception of investments for which the principal and interest are guaranteed by the Federal Government or a State Government, the amount invested with any one financial institution shall not exceed 50% of the total funds invested, subject to the following spread of credit risk across the whole portfolio.

Short Term Rating (Standard & Poors)	Long Term Rating (Standard & Poors)	Maximum Percentage of Total Investment
A1+	AAA to AA-	100%
A1	A+ to A-	50%
A2	BBB+ to BBB	20% 30%

If any of the financial institutions are downgraded such that they no longer fall within Council's Investment Policy guidelines, they will be divested as soon as practicable, and in any case within 30 days of Council becoming aware of the downgrade.

Debt security definitions are the criteria given by Standard & Poors and are as follows:

Short Term Rating	Definition
A1+	Extremely strong degree of safety regarding timely payment
A1	A strong degree of safety for timely repayment
A2	A satisfactory capacity for timely repayment

Long Term Rating	Definition
AAA to AA-	Extremely strong capacity to repay
A+ to A-	A strong capacity to repay
BBB+ to BBB-	An adequate capacity to repay

6.1.3 Term to Maturity

The term to maturity of any of Council's direct investments may range from 'at call' to '1 Year'.

6.2 Investments with Fund Managers

~~Council may deposit funds with the manager of a cash fund, cash enhanced fund or bond fund, provided the manager invests the funds so that Council retains beneficial ownership in a security authorised by the Trustee Act.~~

~~The fund must have a rating as prescribed in Section 3.2.1 or be guaranteed by the Commonwealth, State or a rated Financial Institution. Investments in guaranteed funds will be subject to the underlying credit rating of the guarantor.~~

6.2.1 Credit Rating

~~With the exception of investments for which the principal and interest are guaranteed by the Federal Government or a State Government, no one fund manager shall hold more than 50% of the total funds invested, subject to the following spread of credit risk across the whole portfolio:~~

Cash Fund (Standard & Poors)	Cash Enhanced & Bond Fund (Standard & Poors)	Maximum Percentage of Total Investment
---------------------------------	----------------------------------------------------	-------------------------------------------

AAAm	AAAf	100%
AAm	AAf	80%
Am-BBBm	Af-BBBf	10%

if any of the Financial Institutions are downgraded such that they no longer fall within Council's Investment Policy guidelines, they will be divested as soon as practicable, and in any case within 30 days of Council becoming aware of the downgrade.

Cash fund rating level definitions are the criteria given by Standard & Poors and are as follows:

Cash Fund Rating	Definition
AAAm	Superior capacity to maintain principal value and limit exposure to loss
AAm	Strong capacity to maintain principal value and limit exposure to loss
Am-BBBm	Adequate capacity to maintain principal value and limit exposure to loss

Cash enhanced and bond rating level definitions are the criteria given by Standard & Poors and are as follows:

Cash Enhanced & Bond Fund Rating	Definition
AAAf	Fund assets exhibit extremely strong protection against losses from credit default
AAf	Fund assets exhibit very strong protection against losses from credit default
Af-BBBf	Fund assets exhibit satisfactory protection against losses from credit default

6.2.2 Term to Maturity

Council's funds with an available investment term of 0 to 180 days should be invested in a cash fund, whilst funds which are available for 3 to 12 months or more should be invested in a cash enhanced or fixed interest (bond) fund. The maximum percentage is the maximum of the funds available subject to the restrictions imposed by Section 3.2.1.

6.2.3 Performance Benchmarks

Type of Fund	Benchmark
Cash	11am Cash Rate
Cash Enhanced	UBS 90 Day Bank Bill Index
Fixed Interest	UBS Composite Bond Index

Type of Fund	Minimum Time Horizon	Maximum Percentage of Total Available Investment
Cash	0 – 90 days	100%
Cash Enhanced	3 – 12 months	100%
Fixed Interest	3 – 12 months	25%

6.3 Reporting

	<p>A report on the performance of each investment shall when practicable form part of the monthly financial report presented to Council.</p>
	<p>Borrowing Guidelines</p> <p>7.1 Council manages its income and expenditure to ensure there is sufficient cash to service its operating requirements. Borrowings can be utilised to fund significant capital projects and should be repaid over a defined period.</p> <p>7.2 Need for Borrowings</p> <p>The need for borrowings will be identified in Councils LTFP, while the specific amount required for the financial year will be included in the annual budget. The annual borrowing requirements will be included in the Loan Council Allocation survey to be determined by the Treasurer.</p> <p>7.3 Regulations</p> <p>Council shall at all times conduct its borrowings in accordance with the requirements of the Local Government Act 1993, PART 8 – Financial Management, Division 2 – Borrowings. The Act places a maximum limit on Council borrowings of <u>repayments of</u> 30% of its revenue in the preceding financial year.</p> <p>7.4 Borrowing Terms</p> <p>In undertaking borrowings Council will consider the period over which the funds are required and the potential future movements in interest rates in determining the loan term. Council recognises the importance of balancing risk management and costs and in an effort to minimise both risk and interest cost, may utilise various borrowing mechanisms including:</p> <ul style="list-style-type: none"> • Fixed interest borrowings (including credit foncier and interest only) • Variable interest borrowings including cash advances and long term interest only). • Interest rate swaps. <p>7.5 Reporting</p> <p>The Council will receive a report at the beginning of each financial year recommending the borrowing program for the next 12 months. The report will highlight the following:</p> <ul style="list-style-type: none"> • the reason behind the need for additional cash • level of borrowings required • Council's overall debt maturity profile and mix • an assessment of future interest rate movements • the period over which cash is likely to be required and subsequently repaid • cost of the borrowings.
	<p>Signatories Guidelines</p> <p>8.1 Cheques</p> <p>The authorising signatories for the signing of cheques shall be <u>any two of</u> the General Manager, Chief Financial Officer, Manager Finance or the Senior Finance Officer.</p> <p>The authorising signatories for the counter-signing of cheques shall be any of the other authorised signatories or the Deputy General Manager<u>Chief Information Officer</u>. Selected Departmental Managers may also be used.</p> <p>8.2 Investments</p> <p>The authorising signatories for the signing of investment documents and the withdrawal of investments shall be the General Manager, Chief Financial Officer, Manager Finance or the Senior Finance Officer.</p> <p>The authorising signatories for the counter-signing of investment documents and the withdrawal of investments shall be any of the other authorised signatories or the Deputy General Manager<u>any Executive Management Team member, and selected</u></p>

	<p>Departmental Managers. Investments may only be undertaken in accordance with this Policy.</p> <p>8.3 Electronic Funds Transfer Payments</p> <p>The authorising officers for the approval of electronic funds transfer payments shall be the General Manager, Chief Financial Officer, Manager Finance or the Senior Finance Officer.</p> <p>The authorising officers for the counter-approval of electronic funds transfer payments shall be any of the other authorised signatories or the Chief Information Officer the Deputy General Manager, selected Departmental Executive Managers Management Team member and the Payroll Officer.</p> <p>8.4 Loan Borrowings</p> <p>Any loan borrowings can only be approved by the Council. Any two of the The following signatories may sign loan borrowings documents, the General Manager, the Deputy General Manager, the Chief Financial Officer or the Manager Finance. All loan documents must incorporate the placement of the Council seal.</p> <p>8.5 Any Other Bank Instruments</p> <p>Any other bank instruments can only be approved by the Council. Any two of the The following signatories may sign the documents associated with any other bank instruments, the General Manager, the Deputy General Manager, the Chief Financial Officer or the Manager Finance.</p> <p>8.6 Other Officers</p> <p>No other Council Officer is authorised to sign any form of bank instrument or authority.</p> <p>Policy Variations</p> <p>9.1 The General Manager and the Chief Financial Officer are authorised to approve temporary variations to this policy in exceptional circumstances, if the investment is to Council's advantage and/or also due to revised legislation.</p> <p>9.2 Such variation will be reported to Council as soon as practicable. Any major variations to this policy will be submitted to Council for approval.</p>
GUIDELINES	<p>10.1 There is no specific section of the Local Government Act 1993 requiring Council to make this policy, however the following will be taken into consideration:</p> <p>10.1.1 Funds for Investment</p> <p>Investments of Council's funds are to be in accordance with Council's power of investment under:</p> <ul style="list-style-type: none"> Local Government Act 1993 - Section 75. The Trustee Amendment (Investment Powers) Act 1997 <p>10.1.2 Borrowing of Funds</p> <p>Borrowings by Council will be in accordance with the following:</p> <ul style="list-style-type: none"> Local Government Act 1993 - Section 78-80.
COMMUNICATION	<p>11.1 Kingborough Councillors are informed of this Policy</p> <p>11.2 A copy of the Policy is available.</p>
LEGISLATION	<p>12.1 The <i>Local Government Act 1993</i></p> <p>12.2 The Trustee Amendment (Investment Powers) Act 1997</p>
AUDIENCE	<p>13.1 Kingborough Councillors</p> <p>13.2 Community</p>

UPDATED POLICY FOR APPROVAL

Policy No: **3.8**
Approved by Council **September 2021**
New Review Date: **September 2023**
Responsible Officer: **Manager Finance**

Minute No: **TBA**
ECM File No: **12.86**
Version: **3.0**

Treasury Management Policy

1. POLICY STATEMENTS

- 1.1 The policy outlines the risks associated with treasury management and provides a framework that allows the Finance Department to manage those risks whilst minimising the cost of debt and maximising returns on surplus funds.
- 1.2 The policy outlines how required borrowings will be raised and how cash and investments will be managed to fund Council operations.
- 1.3 The policy ensures that all of Council's bank instruments and authorities are appropriately authorised and signed by authorised Council Officers.

2. DEFINITIONS

2.1 Credit Rating

A credit rating is an evaluation of the credit risk of an institution, predicting their ability to pay back debt, and an implicit forecast of the likelihood of the debtor defaulting.

The credit rating represents an evaluation by a credit rating agency of the qualitative and quantitative information for a prospective debtor, including information provided by the prospective debtor and other non-public information obtained by the credit rating agency's analysts.

2.2 Credit Risk

Credit risk is the risk of potential loss associated from default or insolvency of a financial institution. The Council's credit risk arises from transactions entered into with financial institutions.

2.3 Funding Risk

Funding Risk is the risk that Council has not, or is unable to arrange, adequate debt finance to fund future financial commitments.

2.4 Interest Rate Risk

Interest rate risk is the impact of volatility in net interest income / expense on the financial position of Council.

2.5 Interest Rate Swaps

An interest rate swap is a derivative transaction that gives you the ability to swap a stream of floating interest rate interest payments for interest payments at a fixed rate. The swap allows you to manage interest rate risk independently of your floating rate debt facility.

2.6 Liquidity Risk

Liquidity risk is the risk that Council does not have access to sufficient available funds to enable it to make all payments as they become due.



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2.7 Refinancing Risk

Refinancing risk is the inability to rollover existing facilities as they mature.

2.8 Sustainability Risk

Sustainability risk is the inability to sustain financial outcomes while preserving the environment.

3. OBJECTIVE

3.1 The objective of this policy is to set the principles and criteria with regards to Council's treasury (cash) management in the context of its Strategic Plan, Long Term Financial Plan and Annual Budget with its associated projected cash receipts and expenditure.

4. SCOPE

4.1 This Policy will apply to all bank accounts, investment funds and loan funds controlled by Council and administered through the Finance Department.

5. PROCEDURE (POLICY DETAIL)

5.1 Risk Management

5.1.1 Credit Risk

Objective: To manage the overall level of credit exposure to individual financial institutions to acceptable levels of credit risk through institutional selection and diversification.

Management: Bank deposits must be invested within the allocation constraints outlined in the 'Funds for Investment' section.

Prior to any bank deposit transaction being placed, the current exposure to a counterparty must be checked to ensure the new transaction will not result in a breach of policy.

5.1.2 Short Term Liquidity Risk

Objective: To ensure the Council has the financial flexibility to meet all financial obligations as they fall due with surplus cash held specifically for this reason.

Management: The Council will hold a minimum level of liquidity in cash or cash equivalents in line with its statutory reserves.

5.1.3 Funding and Refinancing Risk

Objective: To ensure the Council can obtain new debt and roll over existing debt in order to meet its financial requirements in a timely manner.

Management: The long term financial plan will identify the possible need for debt funding, while the annual plan will detail the amount required during the next twelve months.

The Chief Financial Officer (CFO) is required to develop and maintain management procedures relating to debt facilities.

The CFO is to identify annual debt funding requirements with Treasury in the Loan Council Allocation survey.



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5.1.4 Interest Rate Risk

Objective: To monitor and manage interest income and expense volatility to acceptable levels.

Management: Council manages its interest rate risk on deposits by investing in short-term maturities.

Council will seek to minimise the interest rate risk of borrowings by taking debt for the minimum amount of time or utilising interest rate swaps to reduce the level of risk.

5.1.5 Sustainability Risk

Council gives preference to fossil fuel free Authorised Deposit-Taking Institutions when making deposits if:

- a) the rate of return on investment is greater than or equal to the rates of other Authorised Deposit-Taking Institutions which comply with Council's investment policy;
- b) the financial institution and product is otherwise compliant with Council policy.

5.2 Investment Guidelines

Funds for Investment

5.2.1 Council's Direct Investments

Council may deposit funds with any Commonwealth, State or Financial Institution having a rating as prescribed in Section 6.1.2.

5.2.2 Quotations on Investments

Not less than three quotations shall be obtained from authorised deposit-taking institutions whenever an investment is proposed. The best quote will be successful after allowing for administrative and banking costs, as well as having regard to the limits set in the Policy.

5.2.3 Credit Rating

With the exception of investments for which the principal and interest are guaranteed by the Federal Government or a State Government, the amount invested with any one financial institution shall not exceed 50% of the total funds invested, subject to the following spread of credit risk across the whole portfolio.

Short Term Rating (Standard & Poors)	Long Term Rating (Standard & Poors)	Maximum Percentage of Total Investment
A1+	AAA to AA-	100%
A1	A+ to A-	50%
A2	BBB+ to BBB	30%

If any of the financial institutions are downgraded such that they no longer fall within Council's Investment Policy guidelines, they will be divested as soon as practicable, and in any case within 30 days of Council becoming aware of the downgrade.



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Debt security definitions are the criteria given by Standard & Poors and are as follows:

Short Term Rating	Definition
A1+	Extremely strong degree of safety regarding timely payment
A1	A strong degree of safety for timely repayment
A2	A satisfactory capacity for timely repayment

Long Term Rating	Definition
AAA to AA-	Extremely strong capacity to repay
A+ to A-	A strong capacity to repay
BBB+ to BBB-	An adequate capacity to repay

5.2.4 Term to Maturity

The term to maturity of any of Council's direct investments may range from 'at call' to '1 Year'.

5.2.5 Performance Benchmarks

Type of Fund	Benchmark
Cash	11am Cash Rate
Cash Enhanced	UBS 90 Day Bank Bill Index
Fixed Interest	UBS Composite Bond Index

Type of Fund	Minimum Time Horizon	Maximum Percentage of Total Available Investment
Cash	0 – 90 days	100%
Cash Enhanced	3 – 12 months	100%
Fixed Interest	3 – 12 months	25%

5.2.6 Reporting

A report on the performance of each investment shall when practicable form part of the monthly financial report presented to Council.

5.3 Borrowing Guidelines

5.3.1 Council manages its income and expenditure to ensure there is sufficient cash to service its operating requirements. Borrowings can be utilised to fund significant capital projects and should be repaid over a defined period.



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5.3.2 Need for Borrowings

The need for borrowings will be identified in Councils LTFF, while the specific amount required for the financial year will be included in the annual budget. The annual borrowing requirements will be included in the Loan Council Allocation survey to be determined by the Treasurer.

5.3.3 Regulations

Council shall at all times conduct its borrowings in accordance with the requirements of the Local Government Act 1993, PART 8 – Financial Management, Division 2 – Borrowings. The Act places a maximum limit on Council borrowings of repayments of 30% of its revenue in the preceding financial year.

5.3.4 Borrowing Terms

In undertaking borrowings Council will consider the period over which the funds are required and the potential future movements in interest rates in determining the loan term. Council recognises the importance of balancing risk management and costs and in an effort to minimise both risk and interest cost, may utilise various borrowing mechanisms including:

- Fixed interest borrowings (including credit foncier and interest only)
- Variable interest borrowings including cash advances and long term interest only).
- Interest rate swaps.

5.3.5 Reporting

The Council will receive a report at the beginning of each financial year recommending the borrowing program for the next 12 months. The report will highlight the following:

- the reason behind the need for additional cash
- level of borrowings required
- Council's overall debt maturity profile and mix
- an assessment of future interest rate movements
- the period over which cash is likely to be required and subsequently repaid
- cost of the borrowings.

5.4 Signatories Guidelines

5.4.1 Cheques

The authorising signatories for the signing of cheques shall be any two of the General Manager, Chief Financial Officer, Manager Finance or the Senior Finance Officer.

The authorising signatories for the counter-signing of cheques shall be any of the other authorised signatories or the Chief Information Officer. Selected Departmental Managers may also be used.



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5.4.2 Investments

The authorising signatories for the signing of investment documents and the withdrawal of investments shall be the General Manager, Chief Financial Officer, Manager Finance or the Senior Finance Officer.

The authorising signatories for the counter-signing of investment documents and the withdrawal of investments shall be any of the other authorised signatories or any Executive Management Team member. Investments may only be undertaken in accordance with this Policy.

5.4.3 Electronic Funds Transfer Payments

The authorising officers for the approval of electronic funds transfer payments shall be the General Manager, Chief Financial Officer, Manager Finance or the Senior Finance Officer.

The authorising officers for the counter-approval of electronic funds transfer payments shall be any of the other authorised signatories or the Chief Information Officer, selected Executive Management Team member and the Payroll Officer.

5.4.4 Loan Borrowings

Any loan borrowings can only be approved by the Council. The following signatories may sign loan borrowings documents, the General Manager, , the Chief Financial Officer or the Manager Finance. All loan documents must incorporate the placement of the Council seal.

5.4.5 Any Other Bank Instruments

Any other bank instruments can only be approved by the Council. The following signatories may sign the documents associated with any other bank instruments, the General Manager, the Chief Financial Officer or the Manager Finance.

5.4.6 Other Officers

No other Council Officer is authorised to sign any form of bank instrument or authority.

5.5 Policy Variations

The General Manager and the Chief Financial Officer are authorised to approve temporary variations to this policy in exceptional circumstances, if the investment is to Council's advantage and/or also due to revised legislation.

Such variation will be reported to Council as soon as practicable. Any major variations to this policy will be submitted to Council for approval.

6. GUIDELINES

6.1 There is no specific section of the Local Government Act 1993 requiring Council to make this policy, however the following will be taken into consideration:

6.1.1 Funds for Investment

Investments of Council's funds are to be in accordance with Council's power of investment under:



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- *Local Government Act 1993* - Section 75.
- The Trustee Amendment (Investment Powers) Act 1997

6.1.2 Borrowing of Funds

Borrowings by Council will be in accordance with the following:

- *Local Government Act 1993* - Section 78-80.

7. COMMUNICATION

7.1 Kingborough Councillors are informed of this policy.

7.2 A copy of the policy is available.

8. LEGISLATION

8.1 *Local Government Act 1993*.

8.2 The Trustee Amendment (Investment Powers) Act 1997.

9. AUDIENCE

9.1 Councillors.

9.2 Public.

Public Copy

16.6 SOUTHERN OBEDIENCE CLUB LEASE

File Number: 3202222

Author: Sean Kerr, Property Officer

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

1. PURPOSE

- 1.1 The purpose of this report is to consider the approval of a lease to the Southern Obedience Club.

2. BACKGROUND

- 2.1 The Southern Obedience Club currently occupies land in the Kingborough Sports Precinct in Gormley Drive, Kingston.
- 2.2 They have occupied this area exclusively under lease agreements with Council since 1983, with the current agreement due for renewal.

3. STATUTORY REQUIREMENTS

- 3.1 The disposal of Council land (including leasing) is subject to the provisions of Section 177 and 178 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 The Southern Obedience Club provides dog obedience training for their 200 members.
- 4.2 The club was formed in 1979 and is a non-profit group. All instructors and the committee serve the club on a voluntary basis.
- 4.3 The club conducts State Obedience Trials at the end of the year and gives the opportunity for dogs and their handlers to be evaluated by judges.
- 4.4 In accordance with Council's Leasing and Licencing Policy the following items have been considered in determining the recommendation to Council.
- Nature of the Asset – the site is made up of several fenced areas and a small shed.
 - Level of investment – the group has established several separate training areas and constructed a small shed on site.
 - Proposed financial arrangements – it is proposed that the Club meet all outgoings associated with the use of the leased areas, including insurance, maintenance and service charges.

- Income generating capacity – the Southern Obedience Club raises funds from fees for members to sustain their enterprise, all funds raised are used to provide for equipment and maintenance, it is a non-for-profit organisation.
- Level of government support – The group receives no operational funding.
- Level of public access – visitors are welcome on site and encouraged to join.
- Nature of organisation – the Southern Obedience Club is a non for profit and volunteer-based organisation established for the training of dogs.
- Broader community benefit – the Southern Obedience Club provides a valuable community service, contributing to social connectivity and physical activity.
- Consistency with other similar organisations – the proposed application of a peppercorn rental is consistent with other similar not-for profit groups that have full responsibility for maintenance of their leased asset.

4.5 The proposed lease area is shown in the image below.



- 4.6 The site has been earmarked within the Kingborough Sports Precinct Future Directions Plan as a location for a small community park, along with carparking and has also previously been proposed as a location for a new oval within the precinct.
- 4.7 There is no doubt that having a relatively large parcel of valuable land tied up for exclusive use by the Southern Obedience Club is not a desirable situation going forward.
- 4.8 In Hobart for example, dog obedience training is held on a sports ground with shared supporting infrastructure. A similar sharing of space could be possible within the Kingborough Sports Precinct in the future and indeed, this is proposed within the Future Directions Plan.
- 4.9 However, at this point in time, Council has no immediate plans (or funds) to develop the site for alternate uses and a renewal of the lease to the Southern Obedience Club is considered appropriate.

- 4.10 Lease conditions will include a clause that will enable the agreement to be cancelled if the site is required for the development of alternate community facilities.

5. FINANCE

- 5.1 The Government valuation for the property indicates an Assessed Annual Value of \$25,308. In effect, this would be the rental that would be applied if a commercial lease for the site was being considered.
- 5.2 Considering the above information relating to councils Leasing and Licencing Policy it is proposed that a “peppercorn” rental would apply to the Southern Obedience Club.
- 5.3 As the site is part of the larger title for the KSC Precinct, it is not separately rateable and being Council owned land, no rates are applied.

6. ENVIRONMENT

- 6.1 No environmental issues have been identified in relation to this matter.

7. COMMUNICATION AND CONSULTATION

- 7.1 In the preparation of this report, discussions have been held with representatives from the Southern Obedience Club.

8. RISK

- 8.1 It is necessary from a risk management perspective to have a formal agreement in place to delineate the responsibilities of the Council and the Southern Obedience Club with respect to the use of the land and its structures.

9. CONCLUSION

- 9.1 The Southern Obedience Club has sought a lease agreement with Council over premises in Gormley Drive.
- 9.2 Whilst alternate uses for the site have been proposed, there are no immediate plans to implement these and a lease in the interim is considered appropriate.

10. RECOMMENDATION

That the General Manager be authorised to negotiate a lease agreement with the Southern Obedience Club on premises at Gormley Drive, Kingston on the following terms and conditions:

- a) A term of five years at peppercorn rental to apply;
- b) The lessee to be responsible for all costs associated with the use of the facilities, including maintenance and insurance;
- c) Council to reserve the right to cancel the agreement in the event that the site is required for the development of alternate community facilities.

ATTACHMENTS

Nil

16.7 BARNES BAY HALL LEASE

File Number: 5054630

Author: Sean Kerr, Property Officer

Authoriser: Daniel Smee, Director Governance, Recreation & Property Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

1. PURPOSE

- 1.1 The purpose of this report is to consider a lease for the use of the Barnes Bay Hall by the North Bruny Country Women's Association.

2. BACKGROUND

- 2.1 The Barnes Bay Hall is located at 678 Bruny Island Main Road, North Bruny and was formerly used as a schoolhouse.



- 2.2 In 1994, Council undertook a review of its community halls throughout the Municipal Area and proposed that the facility be sold given its proximity to the Dennes Point Hall and small resident population on North Bruny Island.
- 2.3 Following resistance to this proposal from the local community, Council agreed in 1996 to lease the facility to the Country Womens Association for a 25-year period for the purpose of conducting meetings and social functions of the North Bruny Branch of the CWA.
- 2.4 Included within the terms of a lease was a clause requiring the lessee to be responsible for all interior and exterior maintenance, failing which, "Council will exercise an option to sell the property".

- 2.5 In 2004, the CWA wrote to Council for assistance in maintaining the hall, stating that the conditions in the lease requiring the lessee to be responsible for all of the maintenance of the facility was “impossible to fulfill and should never have been signed in the first place.
- 2.6 Council subsequently agreed to assist with the cost of re-roofing in 2005 and has also provided funds for kitchen renovations, as well as repainting of the hall.
- 2.7 The lease terms states that the CWA shall have the option to renew the agreement in negotiation with Council. The CWA has advised that they wish to exercise this option, with the terms of the current lease to apply.

3. STATUTORY REQUIREMENTS

- 3.1 The disposal of Council land (including leasing) is subject to the provisions of Section 177 and 178 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 A condition assessment of the hall undertaken by Optimus Building Surveyors in 2020 found the hall to be in overall good condition.
- 4.2 In this regard, it is considered that the CWA has upheld the condition of the lease requiring them to maintain the premises to an acceptable standard.
- 4.3 As the CWA is a non-for-profit organisation, any income generated is used for maintenance of the Hall or donated to other community organisations such as the Bruny Fire Brigade, Bruny Volunteer Ambulance Service, the Cancer Council and Orange Sky.
- 4.4 In accordance with Council's Leasing and Licencing Policy the following factors have been considered in determining the recommendation to Council.
 - Nature of the Asset – there is one building on site being the Barnes Bay Hall.
 - Level of investment – The CWA have contributed to the costs of maintenance and repair over the years, albeit without fully meeting the requirement under the lease to maintain the Hall at their own expense entirely.
 - Proposed financial arrangements – it is proposed that the lessee has responsibility for all outgoings associated with their use of the premises, including maintenance and contents insurance. Council will insure the building structure and depreciate the asset.
 - Income generating capacity – the group raises funds through hire of their small meeting room and fundraising activities.
 - Level of government support – the group receives no operational funding but has been the beneficiary of several contributions to the maintenance of the Hall from Council.
 - Level of public access – the North Bruny CWA Branch currently has 19 members. The hall is available to hire by the community.
 - Nature of organisation – the group is entirely not for profit and volunteer based. Their aim is to assist with local charity groups and encourage social interaction for women that live in isolated areas.

- Broader community benefit – the North Bruny CWA provide a valuable community service, contributing to social connectivity and they donate to other raising funds to support local community causes.
- Consistency with other similar organisations – the proposal to charge a peppercorn rental is consistent with other similar not for profit community groups that have full maintenance responsibilities for the asset they lease.

5. FINANCE

- 5.1 The Government valuation for the property indicates an Assessed Annual Value of \$4,600. In effect, this would be the rental that would be applied if a commercial lease was being considered.
- 5.2 Whilst the current lease agreement has a rental of \$50 per annum, it is proposed for reasons of consistency that a “peppercorn” rental would apply to the new lease. As the site is Council owned land, no rates are applied.

6. ENVIRONMENT

- 6.1 No environmental issues have been identified in relation to this matter.

7. COMMUNICATION AND CONSULTATION

- 7.1 In the preparation of this report, discussions have been held with representatives from the North Bruny CWA.

8. RISK

- 8.1 It is necessary from a risk management perspective to have a formal agreement in place to delineate the responsibilities of the Council and the CWA with respect to the use of the land and its structures.

9. CONCLUSION

- 9.1 The North Bruny CWA has sought to exercise an option to renew their lease with Council over the Barnes Bay Hall at 678 Bruny Island Main Road, North Bruny.
- 9.2 The group has leased the site for the last 25 years and has maintained the facility to an acceptable standard. Accordingly, it is proposed that the North Bruny CWA is offered a lease for a further five years.

10. RECOMMENDATION

That the General Manager be authorised to negotiate a lease agreement with the North Bruny CWA for the Barnes Bay Hall at 678 Bruny Island Main Road, North Bruny on the following terms and conditions:

- a) A five-year lease;
- b) A “peppercorn” rental to apply;
- c) The lessee to be responsible for all costs associated with the use of the facilities, including maintenance and contents insurance.

ATTACHMENTS

Nil

16.8 USE OF ANODISED ALUMINIUM BATTENS AT TINDERBOX BEACH RESERVE**File Number: 22.122****Author: Darren Johnson, Manager Works****Authoriser: David Reeve, Director Engineering Services****Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.3 Community facilities are safe, accessible and meet contemporary standards.

1. PURPOSE

- 1.1 The report is in response to a petition initiated by Mr Timothy Sidebottom requesting council to use genuine timber battens in place of anodised seat battens with a woodgrain finish for the replacement of 2 seat in the tinderbox beach reserve.

2. BACKGROUND

- 2.1 A variety of solutions are deployed throughout the municipality in accordance with relevant project constraints. Decisions regarding the specification of park furniture (including materials and surface finishes) are taken on-balance, giving consideration to product availability, budget, project location, and community feedback.
- 2.2 Anodised Aluminium is anti-corrosive and stain resistant therefore making it a preferred option for public coastal settings where harsh weather, salt and graffiti will quickly deteriorate steel or timber products. Anodised aluminium street furniture, it is available in a wide range of colours and “timber texture” finishes and has been used successfully in other costal locations throughout the municipality.
- 2.3 More recently Councils works department have started to replace a number of standard rural seats and tables with oiled hardwood, replacing the old painted treated pine battens and benches. This work has also involved powder coating the galvanised steel frames. The upcycling of old furniture has saved it from land fill and extended the life of the asset whilst delivering a cost saving to Council. There are well over 300 pieces of this older style furniture through the municipality.

3. STATUTORY REQUIREMENTS

- 3.1 The petition meets the requirements of Section 57 of the Local Government Act 1993 and Council is therefore required to determine any action to be taken in respect to the subject of the petition.

4. DISCUSSION

- 4.1 Anodised aluminium battens are a cost-effective and robust solution for a costal environment and are used successfully throughout the municipality.
- 4.2 The purposed seating for Tinderbox Beach Reserve had been procured and scheduled for installation.
- 4.3 The seat was provided by a memorial donation, and feedback has been forwarded to the memorial Applicant for their consideration.

- 4.4 Council use a number of alternative solutions depending on the location, availability, and life cycle costs.
- 4.5 The petitioner's feedback is noted and will be taken into consideration when selecting street and park furniture in similar locations in the future.

5. FINANCE

- 5.1 Market prices do fluctuate, based on demand and availability of materials. National hardwood timber stocks were significantly impacted by fires during the 2019/2020 summer, and again during the construction boom in 2021. As a result, the cost of sourcing hardwood timber battens is on an upward trend.
- 5.2 Historically, hardwood timber battens were priced 20% below the price of anodised aluminium battens. Under current market conditions, we see cost parity between hardwood timber and anodised aluminium battens.
- 5.3 Initial cost outlays for aluminium battens (as seen historically) are offset by significantly reduced maintenance requirements over the life of the asset. Ongoing maintenance (either through oiling or painting) timber battens increases the operational costs over the life of these assets.
- 5.4 The Memorial Applicant's contribution to the project has been assessed and determined in accordance with Council's Memorials Policy
- 5.5 Anodised aluminium bench seat cost is approximately \$1,350 plus installation cost, in comparison a Harwood furniture product can cost up to \$2,000
- 5.6 Recycled bench seat cost is approximately \$750 plus installation cost

6. ENVIRONMENT

- 6.1 No particular issues have been identified as part of this matter.

7. COMMUNICATION AND CONSULTATION

- 7.1 Prior to the petition there was discussions with several council staff with the convener of the petition as to the applicability of the various types of street furniture in different locations.
- 7.2 The seats are funded by a memorial donation and the applicant was contacted to seek their views on street furniture type for this location and they confirmed that they wished to proceed regardless of the style of furniture.
- 7.3 Feedback will be provided back to the petitioners as regards the outcome of this report and any follow up communication undertaken as required

8. RISK

- 8.1 Higher maintenance costs associated with timber furniture
- 8.2 Community expectations not being met in a localised area

9. CONCLUSION

- 9.1 It is Council's preference to utilise timber wherever possible; however, in some projects constraints may result in durability and cost-effective maintenance being given precedence over 'look and feel'. Council will consider the options available on a case-

by-case basis, with advice from the urban design office and the Works department. Community consultation forms part of this decision making.

10. RECOMMENDATION

That Council:

- a) Notes the comments raised within the petition
- b) Resolves for recycled standard rural type park bench that has hardwood timber battens to be installed at Tinderbox Beach reserve. This may require other furniture in the park to also be replaced if it is to be matching.
- c) Informs petitioners of the council decision

ATTACHMENTS

1. Recycled rural park bench

Public Copy



16.9 FINANCIAL REPORT - AUGUST 2021**File Number: 10.47****Author: John Breen, Chief Financial Officer****Authoriser: Gary Arnold, General Manager****Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

- 1.1 The purpose of this report is to provide the August 2021 financial report information to Council for review.

2. BACKGROUND

- 2.1 The attached report has been prepared based on current information with estimates being used where final information is not available.

3. STATUTORY REQUIREMENTS

- 3.1 There are no specific requirements under the *Local Government Act 1993* regarding financial reporting, however best practice would indicate that a monthly financial report is required to enable adequate governance of financial information.

4. DISCUSSION

- 4.1 The Summary Operating Statement contains several variances to the original budget. The following are the major variances and explanations:
- Statutory fees and fines are \$46k over budget due primarily to recovered legal fees by the Compliance area in relation to a matter decided by the courts.
 - User fees are \$72k over budget primarily due to the stronger than expected revenue from KSC which was \$45k over budget and Environment licence fees and fines of \$23k over budget.
 - Grants Recurrent are \$207k over budget primarily due to grant income carried forward from 2020/21 under the new accounting standards. This income will be matched with expenditure in 2021/22. In addition, the financial assistance grant for 2021/22 will be around \$150k over budget due to changes in allocation between Councils.
 - Employee costs are \$100k under budget primarily due to no enterprise agreement increase being paid to date as negotiations are still underway. IN addition, the works area it undertaking significant capital works which reduces the level of operational employee costs.
 - Other expenses are \$67k over budget due primarily to the cost of the recent Council election of which \$87k was expensed to 2021/22.

- Grants Capital is over budget by \$1.48m due to grant expenditure being carried forward from 2020/21, predominately for funds under the city deal grant.

4.2 Council's cash and investments amount to \$28.2m at the end of August, which is up \$13.9 from the August 2020 figure. Borrowing of \$22.3 million offset this amount.

5. FINANCE

5.1 Council's underlying surplus for August 2021 is \$27.33 million, which is a \$0.36m favourable variance on the budget for 2021/22. The forecast underlying deficit has been reduced by \$0.20m to \$0.39 million for the year.

6. ENVIRONMENT

6.1 There are no environmental issues associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 The financial results for August 2021 are available for public scrutiny in the Council meeting agenda.

8. RISK

8.1 There is a risk in continuing to deliver underlying deficits due to diminishing cash reserves. It is important to move to an underlying surplus as quickly as possible and the Long-Term Financial Plan provides a plan to achieve this outcome in 2022/23.

9. CONCLUSION

9.1 Council is on track to deliver a result that is in line with the budget underlying deficit.

10. RECOMMENDATION

That Council endorses the attached Financial Report at 31 August 2021.

ATTACHMENTS

- 1. Financial Report - August 2021**
- 2. Capital Report - August 2021**



Kingborough

KINGBOROUGH COUNCIL

SUMMARISED FINANCIAL REPORT
FOR THE PERIOD
1ST JULY, 2021
TO
31ST AUGUST, 2021

SUBMITTED TO COUNCIL
20TH SEPTEMBER, 2021

kingborough.tas.gov.au



KINGBOROUGH COUNCIL - August 2021

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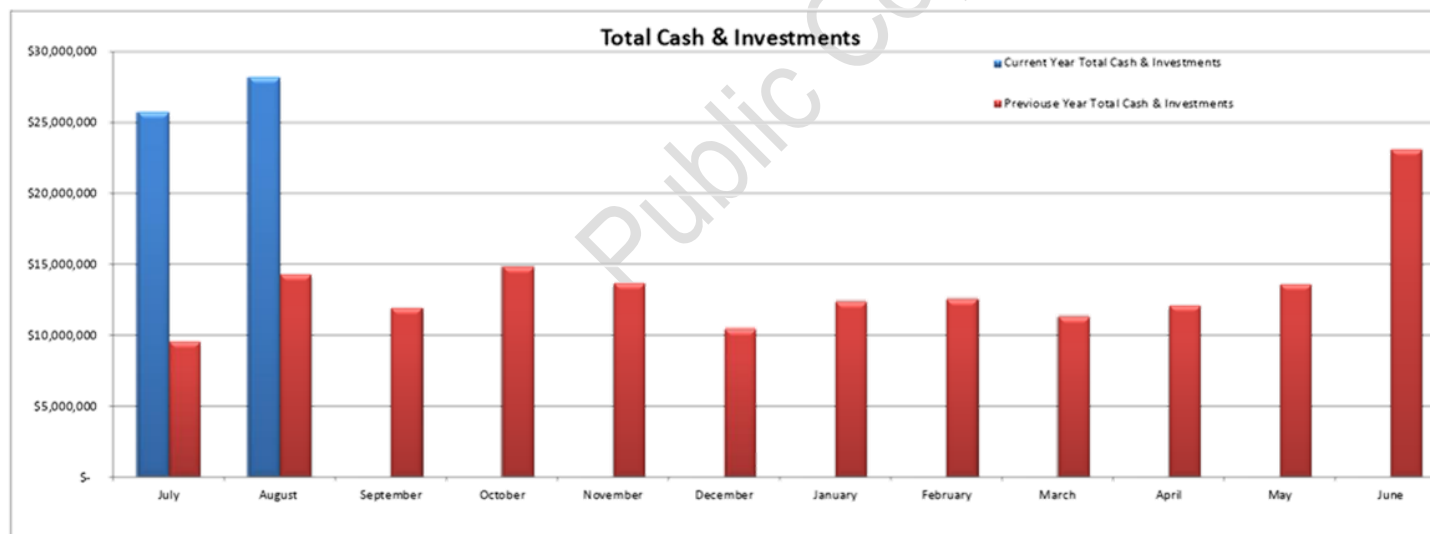
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KINGBOROUGH COUNCIL - August 2021

CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 3,622,695	\$ 2,853,365	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Held in Trust	\$ 1,718,472	\$ 1,716,249										
Unexpended Capital Works*	\$ 454,973	\$ 1,281,223										
Current Year Total Committed Cash	\$ 5,796,140	\$ 5,850,837	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Committed Cash	\$ 6,119,864	\$ 6,207,371	\$ 6,203,636	\$ 6,455,329	\$ 6,956,359	\$ 7,379,163	\$ 8,179,736	\$ 8,644,283	\$ 8,978,091	\$ 9,681,463	\$ 10,154,617	\$ 10,485,817
Uncommitted Funds	\$ 19,927,050	\$ 22,382,710	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash	\$ 25,723,190	\$ 28,233,547	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Cash	\$ 9,551,285	\$ 14,307,424	\$ 11,939,006	\$ 14,835,953	\$ 13,676,499	\$ 10,502,790	\$ 12,430,269	\$ 12,599,016	\$ 11,369,278	\$ 12,133,665	\$ 13,630,478	\$ 23,115,909

*Unexpended Capital Works excludes Kingston Park expenditure



KINGBOROUGH COUNCIL - August 2021

CASH, INVESTMENTS & BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June
CBA - Overdraft Account			\$ 2,867,601	\$ 4,661,131										
CBA - Applications Account			\$ 96,470	\$ 253,479										
CBA - AR Account			\$ 465,852	\$ 1,023,596										
CBA - Business Online Saver			\$ 8,058,542	\$ 8,059,911										
Total Cash			\$ 11,488,466	\$ 13,998,118	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
INVESTMENTS														
Bendigo 4	0.30%	10-Jan-22	\$ 5,000,000	\$ 5,000,000										
Mystate 3	0.30%	23-Sep-21	\$ 2,021,423	\$ 2,021,423										
Mystate 4	0.45%	31-Dec-21	\$ 3,000,139	\$ 3,000,139										
Tascorp HT	0.10%	Managed Trust	\$ 2,115,369	\$ 2,115,549										
Tascorp Cash Indexed	0.15%	Managed Trust	\$ 2,097,792	\$ 2,098,318										
Total Investments			\$ 14,234,724	\$ 14,235,429	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash & Investments			\$ 25,723,190	\$ 28,233,547	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Cash & Investments			\$ 9,551,285	\$ 14,307,424	\$ 11,939,006	\$ 14,835,953	\$ 13,676,499	\$ 10,502,790	\$ 10,253,798	\$ 12,430,269	\$ 12,599,016	\$ 12,133,665	\$ 13,630,478	\$ 23,115,909
Borrowings														
Tascorp (Grant Funded)	3.43%	22-Jun-23	\$2,700,000											
Tascorp	3.47%	11-Oct-23	\$2,800,000											
Tascorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000											
Tascorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000											
Tascorp	1.32%	16-Jun-23	\$2,900,000											
Tascorp	1.10%	19-Jun-24	\$9,422,500											
			\$ 22,322,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

KINGBOROUGH COUNCIL - August 2021

RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733	\$ 10,733										
Car Parking	\$ 46,248	\$ 46,248										
Hall Equipment Replacement	\$ 70,785	\$ 70,785										
IT Equipment Replacement	\$ 54,931	\$ 54,931										
KSC Equipment Replacement	\$ 135,070	\$ 135,070										
Office Equipment Replacement	\$ 87,024	\$ 87,024										
Plant & Equipment Replacement	\$ 618,887	\$ 618,887										
Public Open Space	\$ 996,018	\$ 1,005,718										
Tree Preservation Reserve	\$ 821,968	\$ 823,968										
Unexpended Grants	\$ 781,030	\$ -										
Current Year Total Reserve	\$ 3,622,695	\$ 2,853,365	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Reserve	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945	\$ 3,250,945

KINGBOROUGH COUNCIL - August 2021

BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
BUDGET UNDERLYING RESULT	(593,408)
Forecast Changes:	
User Fees - KSC	150,000
Grants Recurrent - Carried forward from 2020/21.	150,000
Grants Recurrent - Financial Assistance Grants	150,000
Materials & Services - Expenditure of Grant Funds	(150,000)
Other Expenses - Council election costs	(100,000)
FORECAST UNDERLYING RESULT	(393,408)
Adjustments not affecting the Underlying Surplus	
Capital Grants	1,500,000
Net Operating Surplus.	5,106,592

KINGBOROUGH COUNCIL - August 2021

Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	32,017,606	32,012,779	4,827	32,210,000	32,210,000	0
Income Levies	1,787,109	1,799,000	(11,891)	1,799,000	1,799,000	0
Statutory Fees & Fines	542,731	496,710	46,021	2,614,700	2,614,700	0
User Fees	288,196	216,280	71,916	1,299,550	1,449,550	150,000
Grants Recurrent	579,910	372,500	207,410	2,765,000	3,065,000	300,000
Contributions - Cash	35,763	34,520	1,243	207,000	207,000	0
Reimbursements	1,108,007	1,110,000	(1,994)	1,200,000	1,200,000	0
Other Income	177,011	149,440	27,571	1,203,600	1,203,600	0
Internal Charges Income	36,666	36,660	6	220,000	220,000	0
Total Income	36,572,997	36,227,889	345,108	43,518,850	43,968,850	450,000
Expenses						
Employee Costs	3,092,277	3,192,540	100,263	15,876,756	15,876,756	0
Expenses Levies	0	0	0	1,799,000	1,799,000	0
Loan Interest	16,504	16,340	(164)	98,000	98,000	0
Materials and Services	1,923,142	1,926,560	3,418	10,372,023	10,522,023	(150,000)
Other Expenses	2,181,873	2,114,250	(67,623)	4,381,880	4,481,880	(100,000)
Internal Charges Expense	36,666	36,660	(6)	220,000	220,000	0
Total Expenses	7,250,462	7,286,350	35,888	32,747,658	32,997,658	(250,000)
Net Operating Surplus/(Deficit) before:	29,322,535	28,941,539	380,996	10,771,192	10,971,192	200,000
Depreciation	2,014,763	1,988,760	(26,003)	11,932,600	11,932,600	0
Loss/(Profit) on Disposal of Assets	(8,248)	0	8,248	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	27,316,020	26,952,779	363,241	(1,561,408)	(1,361,408)	200,000
Interest	9,780	16,340	(6,560)	98,000	98,000	0
Dividends	0	0	0	620,000	620,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
NET OPERATING SURPLUS/(DEFICIT)	27,325,800	26,969,119	356,681	(593,408)	(393,408)	200,000
Grants Capital	1,488,685	0	1,488,685	3,000,000	4,500,000	1,500,000
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
NET SURPLUS/(DEFICIT)	28,814,485	26,969,119	1,845,366	3,406,592	5,106,592	1,700,000
Underlying Result						
Grant Received in Advance	0	0	0	0	0	0
UNDERLYING RESULT	27,325,800	26,969,119	356,681	(593,408)	(393,408)	200,000
TOTAL CASH GENERATED	25,311,037	24,980,359	330,678	11,339,192	11,539,192	200,000

KINGBOROUGH COUNCIL - August 2021

Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	26,360,638	26,471,210	(110,572)	26,631,000	26,631,000	0
Income Levies	1,787,109	1,799,000	(11,891)	1,799,000	1,799,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	14,167	14,160	7	85,000	85,000	0
Grants Recurrent	332,066	285,000	47,066	2,420,000	2,420,000	0
Contributions - Cash	33,013	20,840	12,173	125,000	125,000	0
Reimbursements	1,108,007	1,110,000	(1,994)	1,200,000	1,200,000	0
Other Income	2,089	500	1,589	273,000	273,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	29,637,089	29,700,710	(63,621)	32,533,000	32,533,000	0
Expenses						
Employee Costs	77,323	76,470	(853)	401,650	401,650	0
Expenses Levies	0	0	0	1,799,000	1,799,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	104,815	86,000	(18,815)	171,000	171,000	0
Other Expenses	1,438,260	1,364,720	(73,540)	2,241,200	2,341,200	(100,000)
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	1,633,411	1,527,190	(106,221)	4,612,850	4,712,850	100,000
Net Operating Surplus/(Deficit) before:	28,003,677	28,173,520	(169,843)	27,920,150	27,820,150	(100,000)
Depreciation	40,695	40,000	(695)	240,000	240,000	0
Loss/(Profit) on Disposal of Assets	(8,248)	0	8,248	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	27,971,230	28,133,520	(162,290)	27,280,150	27,180,150	(100,000)
Interest	0	0	0	0	0	0
Dividends	0	0	0	620,000	620,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
NET OPERATING SURPLUS/(DEFICIT)	27,971,230	28,133,520	(162,290)	28,150,150	28,050,150	(100,000)
Grants Capital	1,488,685	0	1,488,685	3,000,000	3,000,000	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	29,459,915	28,133,520	1,326,395	32,150,150	32,050,150	(100,000)
TOTAL CASH GENERATED	27,930,535	28,093,520	(162,985)	27,910,150	27,810,150	100,000

KINGBOROUGH COUNCIL - August 2021

Summary Operating Statement Corporate Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	51,581	52,200	(619)	313,200	313,200	0
User Fees	0	0	0	0	0	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	8,775	21,400	(12,625)	128,400	128,400	0
Internal Charges Income	25,000	25,000	0	150,000	150,000	0
Total Income	85,356	98,600	(13,244)	591,600	591,600	0
Expenses						
Employee Costs	570,612	551,660	(18,952)	2,900,207	2,900,207	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	16,504	16,340	(164)	98,000	98,000	0
Materials and Services	232,313	208,020	(24,293)	799,000	799,000	0
Other Expenses	563,812	543,120	(20,692)	1,290,800	1,290,800	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	1,383,241	1,319,140	(64,101)	5,088,007	5,088,007	0
Net Operating Surplus/(Deficit) before:	(1,297,885)	(1,220,540)	(77,345)	(4,496,407)	(4,496,407)	0
Depreciation	26,685	12,900	(13,785)	77,400	77,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(1,324,570)	(1,233,440)	(91,130)	(4,573,807)	(4,573,807)	0
Interest	9,780	16,340	(6,560)	98,000	98,000	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(1,314,790)	(1,217,100)	(97,690)	(4,475,807)	(4,475,807)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(1,314,790)	(1,217,100)	(97,690)	(4,475,807)	(4,475,807)	0
TOTAL CASH GENERATED	(1,288,105)	(1,204,200)	(83,905)	(4,398,407)	(4,398,407)	0

KINGBOROUGH COUNCIL - August 2021

Summary Operating Statement Governance & Property Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	205,613	136,910	68,703	456,000	456,000	0
User Fees	230,841	174,640	56,201	1,049,650	1,049,650	0
Grants Recurrent	58,703	33,340	25,363	200,000	200,000	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	15,951	18,900	(2,949)	113,300	113,300	0
Internal Charges Income	0	0	0	0	0	0
Total Income	511,108	363,790	147,318	1,818,950	1,818,950	0
Expenses						
Employee Costs	534,977	538,430	3,453	2,831,089	2,831,089	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	244,901	220,050	(24,851)	1,244,460	1,244,460	0
Other Expenses	63,444	40,330	(23,114)	194,400	194,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	843,322	798,810	(44,512)	4,269,949	4,269,949	0
Net Operating Surplus/(Deficit) before:	(332,214)	(435,020)	102,806	(2,450,999)	(2,450,999)	0
Depreciation	163,905	166,860	2,955	1,001,200	1,001,200	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(496,119)	(601,880)	105,761	(3,452,199)	(3,452,199)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(496,119)	(601,880)	105,761	(3,452,199)	(3,452,199)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(496,119)	(601,880)	105,761	(3,452,199)	(3,452,199)	0
TOTAL CASH GENERATED	(332,214)	(435,020)	108,717	(2,450,999)	(2,450,999)	0

KINGBOROUGH COUNCIL - July 2021

Summary Operating Statement Environment, Development & Community Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	285,537	307,600	(22,063)	1,845,500	1,845,500	0
User Fees	26,357	16,460	9,897	98,700	98,700	0
Grants Recurrent	102,895	54,160	48,735	145,000	145,000	0
Contributions - Cash	2,750	13,340	(10,590)	80,000	80,000	0
Reimbursements	0	0	0	0	0	0
Other Income	4,879	7,440	(2,561)	44,700	44,700	0
Internal Charges Income	0	0	0	0	0	0
Total Income	422,419	399,000	23,419	2,213,900	2,213,900	0
Expenses						
Employee Costs	911,983	924,790	12,807	4,865,086	4,865,086	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	62,552	205,000	142,448	1,021,000	1,021,000	0
Other Expenses	41,983	98,060	56,077	357,300	357,300	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	1,019,267	1,227,850	208,583	6,243,386	6,243,386	0
Net Operating Surplus/(Deficit) before:	(596,848)	(828,850)	232,002	(4,029,486)	(4,029,486)	0
Depreciation	27,390	28,840	1,450	173,000	173,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(624,239)	(857,690)	233,451	(4,202,486)	(4,202,486)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(624,239)	(857,690)	233,451	(4,202,486)	(4,202,486)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(624,239)	(857,690)	233,451	(4,202,486)	(4,202,486)	0
TOTAL CASH GENERATED	(596,848)	(828,850)	232,002	(4,029,486)	(4,029,486)	0

KINGBOROUGH COUNCIL - August 2021

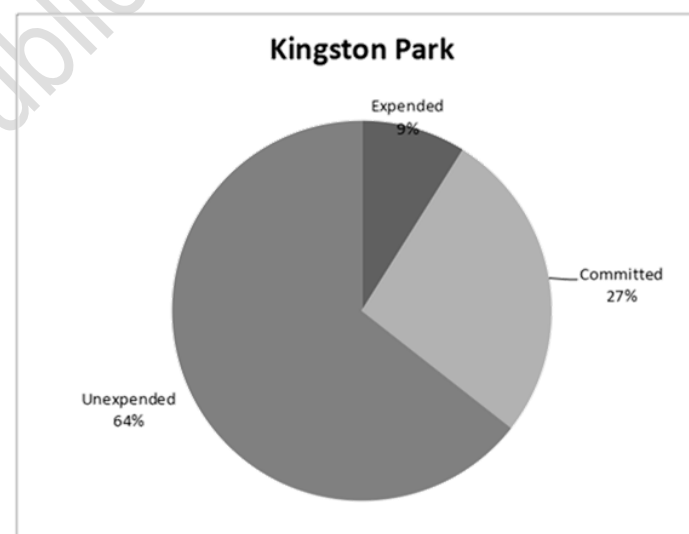
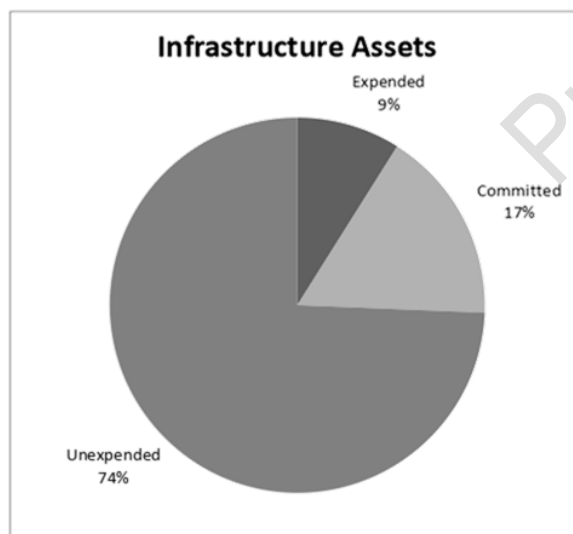
Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	5,656,968	5,541,569	115,399	5,579,000	5,579,000	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	16,831	11,020	5,811	66,200	66,200	0
Grants Recurrent	86,245	0	86,245	0	0	0
Contributions - Cash	0	340	(340)	2,000	2,000	0
Reimbursements	0	0	0	0	0	0
Other Income	145,316	101,200	44,116	644,200	644,200	0
Internal Charges Income	11,666	11,660	6	70,000	70,000	0
Total Income	5,917,026	5,665,789	251,237	6,361,400	6,361,400	0
Expenses						
Employee Costs	997,382	1,101,190	103,808	4,878,723	4,878,723	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	1,278,561	1,207,490	(71,071)	7,276,563	7,276,563	0
Other Expenses	74,375	68,020	(6,355)	158,180	158,180	0
Internal Charges Expense	36,666	36,660	(6)	220,000	220,000	0
Total Expenses	2,386,983	2,413,360	26,377	12,533,466	12,533,466	0
Net Operating Surplus/(Deficit) before:	3,530,043	3,252,429	277,614	(6,172,066)	(6,172,066)	0
Depreciation	1,756,088	1,740,160	(15,928)	10,441,000	10,441,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	1,773,955	1,512,269	261,686	(16,613,066)	(16,613,066)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	1,773,955	1,512,269	261,686	(16,613,066)	(16,613,066)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	1,773,955	1,512,269	261,686	(16,613,066)	(16,613,066)	0
TOTAL CASH GENERATED	17,866	(227,891)	245,757	(6,172,066)	(6,172,066)	0

**KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/08/2021**

EXPENDITURE BY ASSET TYPE

	Budget					Actual			Remaining
	Carry Forward	2020/21	Grants Received	IMG Adjustments	Total	Actual	Commitments	Total	
EXPENDITURE BY ASSET TYPE									
Roads	2,501,057	6,981,000	-	-	9,482,057	1,029,116	1,796,502	2,825,617	6,656,440
Stormwater	1,040,360	1,720,710	-	-	2,761,070	101,336	719,242	820,578	1,940,492
Property	661,905	3,085,500	34,639	-	3,782,044	307,511	221,293	528,804	3,253,240
Other	547,571	-	-	-	547,571	42,938	31,360	74,298	473,273
Sub total	4,750,893	11,787,210	34,639	-	16,572,742	1,480,901	2,768,397	4,249,298	12,323,444
Kingston Park	5,396,437	-	-	-	5,396,437	481,695	1,438,255	1,919,950	3,476,487
Bruny Island Tourism	1,256,220		-	-	1,256,220	227,575	270,453	498,029	758,191
City Deal Funding	1,754,322	-	-	(58,703)	1,695,619	-	-	-	1,695,619
Local Roads and Community Infrastructure to Operational Expenditure	(171,334)		-	-	(171,334)	70,788	20,461	91,249	(262,583)
Grand Total	12,986,538	11,787,210	34,639	-	24,808,387	2,260,958	4,497,566	6,758,525	17,991,159



KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/08/2021

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
KINGSTON PARK														
1	KP	Overall Project budget	Kingston Park	New	2,000,000					2,000,000	-	-	-	2,000,000
2	TRUE C00688	KP Boulevard Construction	Kingston Park	New	-	-		-		-	-	-	-	-
3	FALSE C00689	KP Pardalote Parade Design & Construction	Kingston Park	New	46,122	-		-		46,122	-	-	-	46,122
4	TRUE C00690	KP Community Hub Design	Kingston Park	New	52,343	-		-		52,343	-	196	196	52,147
5	FALSE C00691	KP Open Space Design (Playstreet)	Kingston Park	New	41,311	-		-		41,311	-	-	-	41,311
6	TRUE C01606	KP Parking Strategy	Kingston Park	New	(2,000)	-		-		(2,000)	-	-	-	(2,000)
7	FALSE C03179	KP Temporary Car Park	Kingston Park	New	108,556	-		-		108,556	-	86,172	86,172	22,384
8	FALSE C01618	Boulevard Construction Stage 1A	Kingston Park	New	318,096	-		-		318,096	-	419,340	419,340	(101,244)
9	FALSE C01627	KP Site - Land Release Strategy	Kingston Park	New	(51,227)	-		-		(51,227)	2,816	-	2,816	(54,043)
10	FALSE C01628	KP Site - General Expenditure	Kingston Park	New	32,863	-		-		32,863	33,552	9,239	42,792	(9,929)
11	TRUE C03068	Kingston Park Operational Expenditure	Kingston Park	New	6,489	-		-		6,489	-	-	-	6,489
12	TRUE C03069	KP Community Hub Construction	Kingston Park	New	63,324	-		-		63,324	-	142,253	142,253	(78,929)
13	TRUE C03175	KP Community Hub Plant & Equipment	Kingston Park	New	(1,824)	-		-		(1,824)	-	3,837	3,837	(5,661)
14	FALSE C03173	KP Public Open Space - Playground	Kingston Park	New	331,286	-		-		331,286	34,974	397,253	432,228	(100,942)
15	FALSE C03277	KP Public Open Space - Stage 2	Kingston Park	New	2,522,815	-		-		2,522,815	80,250	329,405	409,655	2,113,160
16	FALSE C03293	Pardalote Parade Northern Section (TIP)	Kingston Park	New	340,200	-		-		340,200	2,020	-	2,020	338,180
17	FALSE C03278	KP Perimeter shared footpath	Kingston Park	New	-	-		-		-	-	-	-	-
18	FALSE C03174	KP Public Open Space - Hub link to Playground	Kingston Park	New	(446)	-		-		(446)	-	-	-	(446)
19	FALSE C03279	KP Boulevard Construction Stage 1B	Kingston Park	New	(5,354)	-		-		(5,354)	21,911	-	21,911	(27,265)
20	FALSE C03306	KP Road F design and construct	Kingston Park	New	(362,183)	-		-		(362,183)	296,406	50,559	346,965	(709,148)
21	FALSE C03280	KP Stormwater wetlands	Kingston Park	New	(43,934)	-		-		(43,934)	9,765	-	9,765	(53,699)
22										-	-	-	-	-
23					5,396,437	-	-	-	-	5,396,437	481,695	1,438,255	1,919,950	3,476,487
24														
25		BRUNY ISLAND TOURISM GRANT												
26														
27	BI	Bruny Island Tourism Grant	Bruny Tourism	New	150,000			-		150,000	-	-	-	150,000
28	FALSE C03282	Alonnah footpath - BI Tourism Grant	Bruny Tourism	New	388,923			-		388,923	224,752	267,272	492,024	(103,101)
29	FALSE C03283	Dennes Point public toilets - BI Tourism Grant	Bruny Tourism	Upgrade	94,012			-		94,012	152	-	152	93,860
30	FALSE C03284	Adventure Bay Road road safety measures - BI Touris	Bruny Tourism	New	113,623			-		113,623	-	-	-	113,623
31	FALSE C03285	Waste disposal sites - BI Tourism Grant	Bruny Tourism	New	43,676			-		43,676	309	3,182	3,491	40,185
32	FALSE C03286	Visitor information - BI Tourism Grant	Bruny Tourism	New	105,830			-		105,830	2,363	-	2,363	103,468
33	FALSE C03287	Mavista Falls Track and picnic area - BI Tourism Gran	Bruny Tourism	New	290,520			-		290,520	-	-	-	290,520
34	FALSE C03288	Nebraska Road road safety measures - BI Tourism Gr	Bruny Tourism	New	69,636			-		69,636	-	-	-	69,636
35														
36					1,256,220	-	-	-	-	1,256,220	227,575	270,453	498,029	758,191
37														

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/08/2021

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
38	CITY DEAL FUNDING													
39														
40	G10034	City Deal Funding (Funding \$7,900,000 paid 2020/21 \$2.0m, 2021/22 \$2m, 2022/23 \$3.9)			954,322			-	(58,703)	895,619	-	-	-	895,619
41	Place	Place Strategy development		Expenditure in C03107 Channel Hwy 2019/20	-			-		-	-	-	-	-
42	CD1	Kingston Interchange Improvements			800,000			-		800,000	-	-	-	800,000
43	CD2	Other initiatives to be determined			-			-		-	-	-	-	-
44	G80001	Transform Kingston Program		in Operational expenditure	-			-	53,715	53,715	in Operational expenditure			
45	G80002	Kingborough Bicycle Plan		in Operational expenditure	-			-	4,989	4,989	in Operational expenditure			
46					-			-		-	-	-	-	-
47					1,754,322	-	-	-	-	1,754,322	-	-	-	1,695,619
48														
49	LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 1													
50														
51	G10036				(283,617)			-		(283,617)	-	-	-	(283,617)
52	OpExp	Kingborough Community Facility maintenance (Act 5030)			-			-		-	-	-	-	-
53	FALSE	C03409	Jenkins St, pedestrian refuge		62,722			-		62,722	56,896	5,742	62,638	84
54	TRUE	C03410	Morris Ave pedestrian crossing and refuge		(1,045)			-		(1,045)	-	-	-	(1,045)
55	FALSE	C03412	Tower Court reconstruction		51,699			-		51,699	13,891	4,269	18,160	33,539
56	TRUE	C03413	Woodbridge Hall, replace roof and front porch		(1,093)			-		(1,093)	-	10,450	10,450	(11,543)
57														
58					(171,334)	-	-	-	-	(171,334)	70,788	20,461	91,249	(262,583)
59														
60	LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 2													
61														
62	G10044	Grant for \$1,404,450			-			-	-	-	-	-	-	-
63	LRCI2	Expenditure in C03277 in Kingston Park above			-			-	-	-	-	-	-	-
64														
65					-	-	-	-	-	-	-	-	-	-
66														
67	FALSE	C03222	Wash down facility for twin ovals workshop	Property	New	43,276	-	-	-	43,276	4,233	3,950	8,183	35,093
68	FALSE	C03265	Cat holding facility Bruny Island fit out	Property	Renewal	6,466	-	-	-	6,466	-	-	-	6,466
69	FALSE	C02373	Kettering Hall Disability Access	Property	Upgrade	7,000	-	-	-	7,000	-	-	-	7,000
70	FALSE	C03429	Dru Point slide renewal	Property	Renewal	34,230	-	-	-	34,230	-	36,985	36,985	(2,755)
71	FALSE	C03324	Civic Centre - Office Accommodation Design	Property	Upgrade	7,699	110,000	-	-	117,699	6,061	3,176	9,237	108,462
72	FALSE	C03325	Kettering Community Hall Public Toilets Upgrade	Property	Upgrade	45,000	160,000	-	-	205,000	144	2,500	2,644	202,356
73	FALSE	C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	98,999	-	-	-	98,999	-	-	-	98,999
74	FALSE	C03329	Light Wood Park 2 Female Changerooms	Property	Upgrade	200,000	-	-	-	200,000	200,212	-	200,212	(212)
75	FALSE	C03331	Light Wood Park 3 training lights	Property	Renewal	25,268	-	-	-	25,268	10,353	-	10,353	14,915
76	FALSE	C03332	Light Wood Park 3 Fencing	Property	New	10,000	-	-	-	10,000	14,022	-	14,022	(4,022)
77	FALSE	C03314	Silverwater Park Upgrade	Property	Upgrade	-	-	-	-	-	8,098	4,900	12,998	(12,998)
78	TRUE	C03330	Light Wood Park 2 cricket nets	Property	Upgrade	-	-	34,639	-	34,639	-	-	-	34,639
78	FALSE	C03340	Christopher Johnson Park Toilet Upgrade	Property	Upgrade	10,000	200,000	-	-	210,000	-	-	-	210,000
79	FALSE	C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	110,000	-	-	-	110,000	-	118,182	118,182	(8,182)
80	FALSE	C03420	Suncoast track protection works investigation	Property	New	6,107	20,000	-	-	26,107	1,328	-	1,328	24,779
81	FALSE	C03421	Conningham to Snug Shared path feasibility	Property	New	29,860	-	-	-	29,860	862	9,903	10,765	19,095
82	FALSE	C03422	Park Furniture upgrade	Property	Renewal	-	-	-	-	-	343	-	343	(343)
83	FALSE	C03430	Demolition of old Conningham Beach Toilet Block	Property	Renewal	28,000	-	-	-	28,000	-	24,712	24,712	3,288
84	FALSE	C03432	Kingston Beach Oval Lighting major repair	Property	Renewal	-	-	Potential Insura	-	-	47,500	-	47,500	(47,500)
85	FALSE	C03454	Adventure Bay Hall Electrical Upgrade	Property	Upgrade	-	11,000	-	-	11,000	-	-	-	11,000
86	FALSE	C03455	Alamo Close Play Space and Parkland Works	Property	New	-	220,000	-	-	220,000	-	-	-	220,000
87	FALSE	C03456	Boronia Beach Track Refurbishment	Property	Renewal	-	116,000	-	-	116,000	-	-	-	116,000

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					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
88	FALSE	C03457	Kingston Hub Auditorium Mechanical Curtian	Property	New	-	40,000	-	-	40,000	-	-	-	40,000
89	FALSE	C03458	Works Depot Toilet & Washroom Facilities	Property	Renewal	-	10,000	-	-	10,000	-	-	-	10,000
90	FALSE	C03459	Donohoe Gardens Playground Upgrade	Property	Upgrade	-	275,000	-	-	275,000	-	-	-	275,000
91	FALSE	C03460	Dru Point Playground Upgrade	Property	Upgrade	-	495,000	-	-	495,000	-	-	-	495,000
92	FALSE	C03461	Kelvedon Oval Fencing	Property	New	-	27,500	-	-	27,500	-	-	-	27,500
93	FALSE	C03462	Kingston to Margate Shared Path Feasibility Study	Property	New	-	40,000	-	-	40,000	-	-	-	40,000
94	FALSE	C03463	KSC Solar PhotoVoltaic and Battery System	Property	New	-	232,000	-	-	232,000	3,973	4,123	8,095	223,905
95	FALSE	C03464	Leslie Vale Oval Clubroom Demolition	Property	New	-	20,000	-	-	20,000	-	12,752	12,752	7,248
96	FALSE	C03465	Longley Hall Upgrade	Property	Upgrade	-	20,000	-	-	20,000	-	-	-	20,000
97	FALSE	C03466	Louise Hinsby Park Playground Upgrade	Property	Upgrade	-	125,000	-	-	125,000	-	-	-	125,000
98	FALSE	C03467	Margate Clubrooms Plumbing	Property	Renewal	-	60,000	-	-	60,000	-	-	-	60,000
99	FALSE	C03468	Margate Hall Disability Toilet	Property	Upgrade	-	110,000	-	-	110,000	-	-	-	110,000
100	FALSE	C03469	Margate Hall Access Ramp	Property	New	-	16,000	-	-	16,000	-	-	-	16,000
101	FALSE	C03470	North West Bay River Multi-Use Trail - Stage 1	Property	New	-	188,000	-	-	188,000	-	-	-	188,000
102	FALSE	C03471	Reserves furniture up cycling project	Property	Upgrade	-	45,000	-	-	45,000	4,054	111	4,165	40,835
103	FALSE	C03472	Taroona Hall Upgrade	Property	Upgrade	-	110,000	-	-	110,000	4,030	-	4,030	105,970
104	FALSE	C03473	Taroona Foreshore Toilet Upgrade - Design Only	Property	Upgrade	-	25,000	-	-	25,000	-	-	-	25,000
105	FALSE	C03474	Twin Ovals Carpet Replacement	Property	Renewal	-	67,500	-	-	67,500	-	-	-	67,500
106	FALSE	C03475	Willowbend Park Playground Upgrade	Property	Upgrade	-	137,500	-	-	137,500	-	-	-	137,500
107	FALSE	C03476	Public Place Recyling - Blackmans Bay Beach	Property	Upgrade	-	45,000	-	-	45,000	-	-	-	45,000
108	FALSE	C03425	Whitewater Creek Track Rehabilitation - Stage 1	Property	Renewal	-	150,000	-	-	150,000	2,298	-	2,298	147,702
109	FALSE	C03477	Margate Oval Fence Extension	Property	New	-	10,000	-	-	10,000	-	-	-	10,000
110						-	-	-	-	-	-	-	-	-
111						-	-	-	-	-	-	-	-	-
112					661,905	3,085,500	34,639	-	-	3,782,044	307,511	221,293	528,804	3,253,240
113														
114	FALSE	C03130	Multi-function devices - CC, Depot, KSC etc	IT	New	66,720	-	-	-	66,720	-	-	-	66,720
115	FALSE	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	13,102	12,872	25,974	(25,974)
116	FALSE	C00672	Digital Local Government Program	IT	New	60,406	-	-	-	60,406	-	-	-	60,406
117	FALSE	C01602	Financial Systems Replacement	IT	Renewal	163,962	-	-	-	163,962	-	-	-	163,962
118	FALSE	C03070	Desktop PC Replacement	IT	Renewal	-	-	-	-	-	-	1,273	1,273	(1,273)
119	FALSE	C03403	Replace two way system in vehicles	IT	Renewal	130,000	-	-	-	130,000	-	-	-	130,000
120	FALSE	C03404	Core Server replacement	IT	Renewal	68,000	-	-	-	68,000	-	-	-	68,000
121	FALSE	C03405	Wireless networking	IT	Renewal	26,763	-	-	-	26,763	-	17,215	17,215	9,548
122											-	-	-	-
123					515,851	-	-	-	-	515,851	13,102	31,360	44,462	471,389
124														
125	TRUE	C90003	Design/survey for future works	Design		100,000	-	-	-	100,000	-	-	-	100,000
126			Design								-	-	-	-
127					-	100,000	-	-	-	100,000	-	-	-	100,000
128														
129	FALSE	C03453	Taroona Park 12 new seats	Reserves	New	31,720	-	-	-	31,720	24,470	-	24,470	7,250
130											-	-	-	-
131					31,720	-	-	-	-	31,720	24,470	-	24,470	7,250
132														
133	TRUE	C03107	Channel Highway John St to Hutchins St	Roads	Upgrade	-	-	-	-	-	556	-	556	(556)
134	TRUE	C03205	Leslie Road widening	Roads	Renewal	-	-	-	-	-	13,756	403	14,159	(14,159)
135	FALSE	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	-	-	-	-	-	-	12,063	12,063	(12,063)
136	FALSE	C03342	Pelverata Road (vic 609) Reconstruction - Design	Roads	Upgrade	-	-	-	-	-	858	-	858	(858)
137	FALSE	C03096	Adventure Bay Road (vic 334) Realignment	Roads	Upgrade	132,617	-	-	-	132,617	42,624	28,788	71,413	61,204
138	TRUE	C03193	Barnes Bay Jetty Replacement	Roads	50% R / 50% N	-	-	-	-	-	480	-	480	(480)
139	FALSE	C01183	Beach Road (vic 2-14)Footpath	Roads	Renewal	51,284	-	-	-	51,284	28,628	11,777	40,405	10,879

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					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
140	TRUE	C03344	Browns-Proctors Road Sealing of Approaches to Brov	Roads	New	2,823	-	-	-	2,823	-	3,644	3,644	(821)
141	FALSE	C03311	Browns Road (vic 1 -51) Rehabilitation - Stage 1 Desi	Roads	New	84,740	710,000	-	-	794,740	6,001	-	6,001	788,739
142	FALSE	C03312	Groombridges Road (vic Oxleys Rd-99) Sealing	Roads	Renewal	981,145	-	-	-	981,145	214,170	700,612	914,782	66,363
143	FALSE	C03315	Kingston Beach Sailing Club Carpark Upgrade	Roads	new	241,583	-	-	-	241,583	43,225	162,722	205,947	35,636
144	FALSE	C03313	Margate Oval Carpark Upgrade	Roads	New	65,096	-	-	-	65,096	66,594	7,200	73,794	(8,698)
145	FALSE	C03349	Nubeena Crescent Pedestrian Refuge	Roads	New	60,953	-	-	-	60,953	58,498	1,330	59,828	1,125
146	FALSE	C03316	Osborne Esplanade (vic 25a) Pedestrian Crossing	Roads	Renewal	260,635	-	-	-	260,635	55,970	165,222	221,191	39,444
147	FALSE	C03416	Kaoota Tramway Track Parking	Roads	New	14,354	-	-	-	14,354	-	3,081	3,081	11,273
148	FALSE	C03418	Missionary Road coastal works	Property	New	297,209	-	-	-	297,209	127,377	123,625	251,002	46,207
149	FALSE	C03427	Beach Road Footpath - Church St to Roslyn Ave	Roads	New	62,280	-	Grant to come	-	62,280	94,109	286,618	380,726	(318,446)
150	FALSE	C03489	Adventure Bay Road Upgrade vicinity No. 290	Roads	Upgrade	-	535,000	-	-	535,000	-	-	-	535,000
151	FALSE	C03490	Allens Rivulet Road Sealing of Approaches to Platypu	Roads	New	-	30,000	-	-	30,000	-	-	-	30,000
152	FALSE	C03491	Burwood Drive Gravel Footpath	Roads	Upgrade	-	180,000	-	-	180,000	-	-	-	180,000
153	FALSE	C03492	Cades Drive Rehabilitation	Roads	Upgrade	-	165,000	-	-	165,000	-	-	-	165,000
154	FALSE	C03493	Endeavour Place Junction Sealing	Roads	New	-	62,000	-	-	62,000	32	-	32	61,968
155	FALSE	C03494	Harvey Road Sealing	Roads	New	-	280,000	-	-	280,000	274	4,810	5,084	274,916
156	FALSE	C03495	Lockleys Road Junction Resealing	Roads	Renewal	-	62,000	-	-	62,000	-	-	-	62,000
157	FALSE	C03417	Snug River Pedestrian Bridge Replacement	Roads	Renewal	-	227,000	-	-	227,000	162	9,800	9,962	217,038
158	FALSE	C03199	Snug Tiers Road Reconstruction vic 42-120	Roads	Renewal	-	1,100,000	-	-	1,100,000	16,960	-	16,960	1,083,040
159	FALSE	C03496	Taroona Crescent Footpath Replacement No. 1 to 58	Roads	Renewal	-	160,000	-	-	160,000	2,032	-	2,032	157,968
160	FALSE	C03497	Village Drive Entrance Reconstruction	Roads	Renewal	-	100,000	-	-	100,000	-	-	-	100,000
161	FALSE	C03498	Wells Parade Reconstruction between Carinya Street	Roads	Renewal	-	370,000	-	-	370,000	209	4,900	5,109	364,891
162	FALSE	C03499	Wyburton Place and Clare Street Reconstruction	Roads	Renewal	-	35,000	-	-	35,000	-	-	-	35,000
163	FALSE	C03431	Gemalla Road Reconstruction	Roads	Renewal	-	1,230,000	-	-	1,230,000	8,141	3,815	11,956	1,218,044
164	FALSE	C03501	Van Morey Road Safety Improvements	Roads	New	-	-	Grant to come	-	-	147,337	12,505	159,843	(159,843)
165			Roads		-	-	-	-	-	-	-	-	-	-
166	TRUE	C90006	Access ramps	Roads	New	-	20,000	-	-	20,000	-	-	-	20,000
167					-	-	-	-	-	-	-	-	-	-
168	TRUE	C90002	2020/21 Resheeting Program	Roads	Renewal	-	615,000	-	(615,000)	-	-	-	-	-
169	FALSE	C03398	Old Bernies Road - Resheet	Roads	Renewal	70,028	-	-	-	70,028	3,105	59,880	62,985	7,043
170	TRUE	C03399	Snug Falls Road - - Resheet	Roads	Renewal	-	-	-	-	-	1,753	-	1,753	(1,753)
171	FALSE	C03400	Dulcia Road - Resheet	Roads	Renewal	22,696	-	-	-	22,696	-	4,913	4,913	17,783
172	FALSE	C03484	Lawless Road - resheet	Roads	Renewal	-	-	-	107,000	107,000	-	34,434	34,434	72,566
173	FALSE	C03485	Moodys Road - resheet	Roads	Renewal	-	-	-	74,000	74,000	-	22,956	22,956	51,044
174	FALSE	C03486	Thompsons Road - resheet	Roads	Renewal	-	-	-	76,000	76,000	-	22,956	22,956	53,044
175	FALSE	C03487	Cox Road - resheet	Roads	Renewal	-	-	-	125,000	125,000	13,776	40,173	53,949	71,051
176	FALSE	C03488	Whittons Road - resheet	Roads	Renewal	-	-	-	233,000	233,000	25,014	64,082	89,096	143,904
177			Roads	Renewal	-	-	-	-	-	-	-	-	-	-
178					-	-	-	-	-	-	-	-	-	-
179	TRUE	C90001	2020/21 Resealing Program	Roads	Renewal	-	1,000,000	-	(1,000,000)	-	-	-	-	-
180	FALSE	C03392	Sandfly Road - Huon Hwy to Allens Rivulet Rd	Roads	Renewal	-	-	-	-	-	811	-	811	(811)
181	FALSE	C03478	Channel Hwy - Orana Place to HN 227 - reseal	Roads	Renewal	-	-	-	28,000	28,000	-	-	-	28,000
182	FALSE	C03434	Kunama Drive - Jindabyne Rd to Dorset Drive	Roads	Renewal	16,206	-	-	47,000	63,206	15,203	4,012	19,215	43,991
183	FALSE	C03433	Nolan Cres - Freesia Crt to Willow Bend Rd	Roads	Renewal	15,217	-	-	115,000	130,217	20,300	-	20,300	109,917
184	FALSE	C03479	Willowbend Rd - Summerleas Rd to Olivia Crt - re:	Roads	Renewal	-	-	-	102,000	102,000	-	-	-	102,000
185	FALSE	C03480	Foley Road - reseal	Roads	Renewal	-	-	-	51,000	51,000	-	-	-	51,000
186	FALSE	C03435	Hutchins St - Auburn Rd to Dorset Drive	Roads	Renewal	5,000	-	-	82,000	87,000	11,124	-	11,124	75,876
187	FALSE	C03481	Wells Parade - Roslyn Ave to Derwent Ave - resea	Roads	Renewal	-	-	-	45,000	45,000	-	-	-	45,000
188	FALSE	C03482	Wells Parade - Persall Ave to Nyuna Rd - reseal	Roads	Renewal	-	-	-	53,000	53,000	-	-	-	53,000
189	FALSE	C03436	Dayspring Drive - Van Morey to No. 19	Roads	Renewal	(388)	-	-	19,000	18,612	-	-	-	18,612
190	FALSE	C03502	Parkdale Drive - Leslie Rd to HN 49 - reseal	Roads	Renewal	-	-	-	44,000	44,000	-	-	-	44,000
191	FALSE	C03437	Culbara Rd	Roads	Renewal	(4,921)	-	-	33,000	28,079	-	82	82	27,997

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					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
192	FALSE	C03438	Slatterys Rd Junction	Roads	Renewal	9,000	-	-	-	9,000	10,036	100	10,136	(1,136)
193	FALSE	C03483	Manuka Road - reseal	Roads	Renewal	-	-	-	44,000	44,000	-	-	-	44,000
194	FALSE	C03439	Dulcia Road	Roads	Renewal	33,000	-	-	13,000	46,000	-	-	-	46,000
195				Roads	Renewal	-	-	-	-	-	-	-	-	-
196	FALSE	C03395	Prep works 2021/22	Roads	Renewal	80,500	-	-	-	80,500	-	-	-	80,500
197	TRUE	C90015	Various heavy patching and junction sealing - reseal	Roads	Renewal	-	-	-	324,000	324,000	-	-	-	324,000
198														
199					2,501,057	6,881,000	-	-	-	9,382,057	1,029,116	1,796,502	2,825,617	6,556,440
200														
201	FALSE	C03161	Community Road Safety Grant - Driving Simulator	Other	Renewal	-	-	-	-	-	5,366	-	5,366	(5,366)
202											-	-	-	-
203					-	-	-	-	-	-	5,366	-	5,366	(5,366)
204														
205	TRUE	C03026	Algona Road Stage 1 SW Upgrade	Stormwater	50% R / 50% U	-	-	-	-	-	138	-	138	(138)
206	TRUE	C03163	Stormwater Regional Flood Gauge Network	Stormwater	New	-	-	Funding to come from GCC	-	-	21,847	-	21,847	(21,847)
207	FALSE	C03241	Burwood Drive stormwater upgrade	Stormwater	50% N / 50% R	38,786	-	-	-	38,786	182	-	182	38,604
208	FALSE	C03242	Leslie Road Stormwater Upgrade	Stormwater	New	79,801	-	-	-	79,801	-	-	-	79,801
209	TRUE	C03250	Algona Road Stage 2 SW Upgrade-design only	Stormwater	50% N / 50% R	12,842	-	-	-	12,842	-	-	-	12,842
210	FALSE	C03251	Hillside Drive Stormwater Upgrade	Stormwater	50% N / 50% R	15,562	235,000	-	-	250,562	3,412	-	3,412	247,150
211	TRUE	C03354	Pit replacement & upgrade 2021/22	Stormwater	50% N / 50% R	-	50,000	-	-	50,000	1,108	149	1,257	48,743
212	FALSE	C03355	Algona Road Stage 2 Stormwater Upgrade - Reline	Stormwater	Renewal	378,411	-	-	-	378,411	76	284,541	284,616	93,795
213	FALSE	C03357	Boronia-Sherburd-CBD Stormwater Survey	Stormwater	New	54,416	-	-	-	54,416	2,759	41,605	44,364	10,052
214	FALSE	C03361	Flinders Esp Stormwater EXTENSION	Stormwater	New	21,903	-	-	-	21,903	607	15,510	16,117	5,786
215	FALSE	C03362	Flowerpot Outlet Improvements	Stormwater	New	-	26,000	-	-	26,000	-	-	-	26,000
216	FALSE	C03363	Harpers Road Stormwater Upgrade - ROAD ONLY	Stormwater	New	146,362	-	-	-	146,362	732	131,944	132,676	13,686
217	FALSE	C03364	Leslie Road (viz 48) Stormwater Upgrade	Stormwater	50% R / 50% U	61,029	-	-	-	61,029	454	65,875	66,329	(5,300)
218	FALSE	C03365	Margate Rivulet Hydraulic Assessment	Stormwater	New	37,017	-	-	-	37,017	5,459	8,022	13,481	23,536
219	FALSE	C03367	Pear Ridge, Margate Stormwater Upgrade	Stormwater	New	21,947	-	-	-	21,947	9,813	780	10,593	11,354
220	FALSE	C03374	Timbertop Drive Stormwater Upgrade	Stormwater	New	47,871	-	-	-	47,871	217	53,908	54,125	(6,254)
221	FALSE	C03419	Bishop Davies to Kingston Green Stormwater link	Stormwater	New	115,677	-	-	-	115,677	-	92,860	92,860	22,817
222	FALSE	C03451	Andersons Rd Culvert Upgrade (intersect with Huon I	Stormwater	New	-	-	-	-	-	5,317	5,541	10,858	(10,858)
223	TRUE	C03452	Andersons Rd (vic 127) Culvert Upgrade	Stormwater	New	-	-	-	-	-	909	368	1,276	(1,276)
224	FALSE	C03442	Flinders Esplanade - vic 35_35A - Construct Only	Stormwater	New	1,000	51,000	-	-	52,000	17,146	-	17,146	34,854
225	FALSE	C03443	Bundalla Catchment Investigation	Stormwater	New	1,000	38,000	-	-	39,000	255	-	255	38,745
226	FALSE	C03450	Denison Street Wetlands Upgrade	Stormwater	Upgrade	736	30,000	-	-	30,736	63	-	63	30,673
227	FALSE	C03093	Garnett St Stg 1 SW Upgrade	Stormwater	Upgrade	-	374,000	-	-	374,000	8,011	1,650	9,661	364,339
228	FALSE	C03449	Kingston Depot Wash Down Bay	Stormwater	New	1,000	40,000	-	-	41,000	622	12,290	12,912	28,088
229	FALSE	C03448	Kingston Wetlands Upgrade	Stormwater	Upgrade	1,000	200,000	-	-	201,000	-	-	-	201,000
230	FALSE	C03424	Meath Avenue, Taroona SW Upgrade	Stormwater	Upgrade	-	468,000	-	-	468,000	10,853	-	10,853	457,147
231	FALSE	C03444	Roslyn-Pearsall-Wells Catchment Investigation	Stormwater	New	1,000	37,040	-	-	38,040	-	-	-	38,040
232	FALSE	C03445	Van Morey-Frosts Road	Stormwater	New	1,000	15,000	-	-	16,000	-	-	-	16,000
233	FALSE	C03446	Victoria Avenue Erosion Risk Assessment	Stormwater	New	1,000	35,000	-	-	36,000	149	-	149	35,851
234	FALSE	C03447	Woodlands-View-Hazell Catchment Invest incl Survey	Stormwater	New	1,000	76,670	-	-	77,670	10,522	4,200	14,722	62,948
235	FALSE	C03500	Allens Rivulet Road Footway Improvements	Stormwater	Upgrade	-	45,000	-	-	45,000	686	-	686	44,314
236				Stormwater		-	-	-	-	-	-	-	-	-
237														
238					1,040,360	1,720,710	-	-	-	2,761,070	101,336	719,242	820,578	1,940,492
239	B00000	Capital Balancing Account	Other								-	-	-	-
240	OC	On costs on capital project						-	-	-				-
TOTAL CAPITAL EXPENDITURE					12,986,538	11,787,210	34,639	-	-	24,808,387	2,260,958	4,497,566	6,758,525	17,991,159

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/08/2021

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget					Actual			Remaining	
					Carry Forward	2021/22	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commit- ments		Total
					Budget	Actual incl Commit- ments								
				Renewal	8,069,612	2,176,007								
				Upgrade	4,433,705	372,672								
				New	4,069,426	1,700,617								
					16,572,743	4,249,296								
				Kingston Park New	5,396,437	1,919,950								
				Bruny Island Tourism grant New	1,256,220	498,029								
				City Deal funding	1,754,322	-								
				Local Roads and Community Infrastructure	(171,334)	91,249								
					24,808,388	6,758,523								
				NOTE: Classification is an estimate at the start of a project and may change on completion of job.										

Public Copy

**KINGSTON PARK
CAPITAL EXPENDITURE TO 31/08/2021**

	Budget & Carried Forward Expenditure	Actual	Commit- ments	Total	Variance
Overall Project budget (yet to be allocated)	2,000,000				2,000,000
C00688 KP Boulevard Construction	0	0	0	0	0
C00689 KP Pardalote Parade Design & Construction	46,122	0	0	0	46,122
C00690 KP Community Hub Design	52,343	0	196	196	52,147
C00691 KP Open Space Design (Playstreet)	41,311	0	0	0	41,311
C01606 KP Parking Strategy	(2,000)	0	0	0	(2,000)
C03179 KP Temporary Car Park	108,556	0	86,172	86,172	22,384
C01618 Boulevard Construction Stage 1A	318,096	0	419,340	419,340	(101,244)
C01627 KP Site - Land Release Strategy	(51,227)	2,816	0	2,816	(54,043)
C01628 KP Site - General Expenditure	39,352	33,552	9,239	42,792	(3,440)
C03069 KP Community Hub Construction	63,324	0	142,253	142,253	(78,929)
C03175 KP Community Hub Plant & Equipment	(1,824)	0	3,837	3,837	(5,661)
C03173 KP Public Open Space - Playground	331,286	34,974	397,253	432,228	(100,942)
C03277 KP Public Open Space - Stage 2	2,522,815	80,250	329,405	409,655	2,113,160
C03293 Pardalote Parade Northern Section (TIP)	340,200	2,020	0	2,020	338,180
C03278 KP Perimeter shared footpath	0	0	0	0	0
C03174 KP Public Open Space - Hub link to Playground	(446)	0	0	0	(446)
C03279 KP Boulevard Construction Stage 1B	(5,354)	21,911	0	21,911	(27,265)
C03306 KP Road F design and construct	(362,183)	296,406	50,559	346,965	(709,148)
C03280 KP Stormwater wetlands	(43,934)	9,765	0	9,765	(53,699)
Total	5,396,437	481,695	1,438,255	1,919,950	3,476,487

16.10 DEVELOPMENT SERVICES QUARTERLY REPORT**Author:** Tasha Tyler-Moore, Manager Development Services**Authoriser:** Dr Katrena Stephenson, Director Environment, Development & Community

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.1 Service provision meets the current and future requirements of residents and visitors.

1. INTRODUCTION

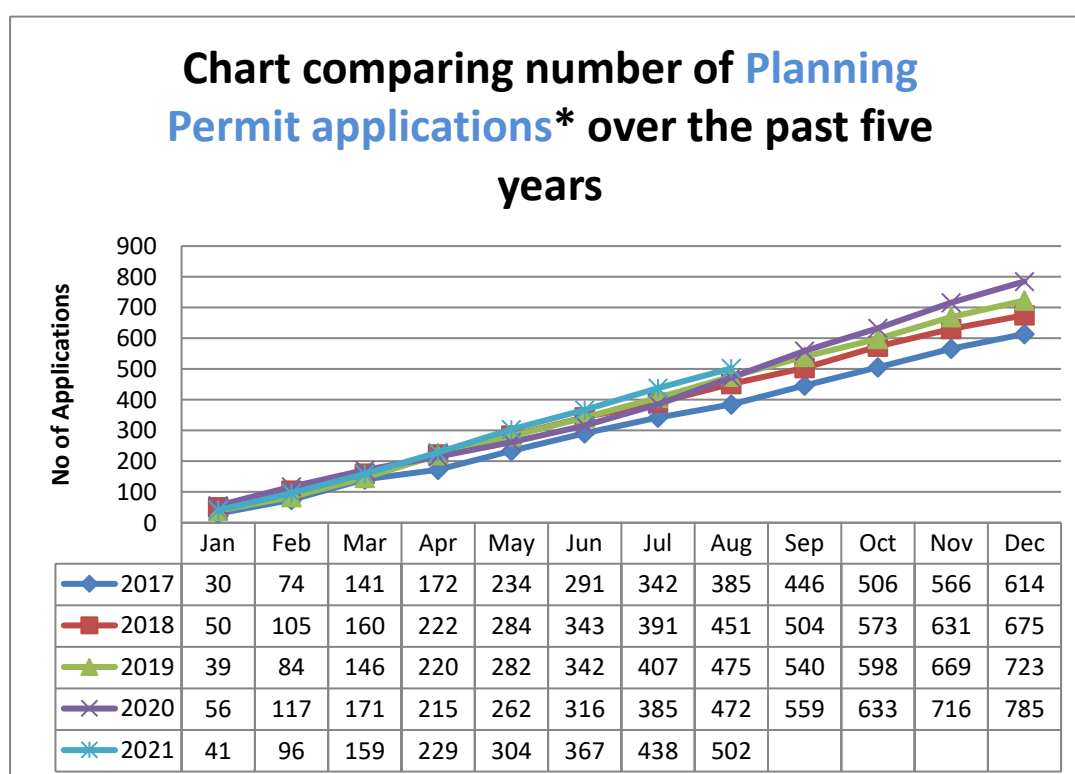
Development Services has Planning Authority delegations under the *Land Use Planning and Approvals Act 1993* and is the Permit Authority for plumbing and building applications under the *Building Act 2016*. These responsibilities include related enforcement functions. Kingborough Council is one of Tasmania's fastest growing municipalities and both planning and building approvals are reaching new records each year.

This report provides an update on Development Services' building and planning permit activity including lodgement numbers; Resource Management Planning and Approvals Tribunal (RMPAT) and Tasmanian Planning Commission (TPC) matters; and strategic planning matters. The report also provides an update on the implementation of the recommendations of the Planning Review that was adopted by Council in December 2019.

2. PLANNING

The chart below details the number of planning applications lodged this year to date (until end of August) and shows a comparison of the number of applications lodged over the past five years.

The data included is for development applications only; applications for subdivisions, sealed plan amendments, strata applications, adhesion order applications, planning scheme amendments, minor amendments, extensions to the life of a permit or pre-application meetings are not included.



The chart shows that a new record number of applications lodged by the end of August has been set. January and February saw a slower start to the year than the year before (which was pre-pandemic impact) but lodgements significantly increased during April, May and July. The increase of applications in July may have been in response to the State Government's announcement of \$10,000 grants towards the cost of ancillary dwellings. If the current trend continues it is likely that we will see another record year for application numbers.

In correlation with the increased number of planning permit applications, the Development Services team has responded to an increased number of general enquiries and pre application requests from the public. This was particularly notable in relation to the State Government ancillary dwelling grant announcement.

2.1 Planning Directive No. 8 Public consultation

Planning Directive No. 8 (PD8) replicates the changes that were introduced and put into effect through Interim Planning Directive No. 4 (IPD4) on 22 February 2021. It affects the provision of all Interim Planning Schemes, including the Kingborough Interim Planning Scheme 2015. The changes impact several parts of the scheme including definitions; general and limited exemptions; application requirements; special provisions; and General Residential and Inner Residential zones. The changes were described in the previous quarterly report (15 March 2021).

The PD8 process included a public consultation period, which closed on 17 May 2021. Kingborough made a submission, which is available for viewing on the State Government website. Typically, the Practice Directive process includes public hearings to discuss the submissions, however, on 3 September 2021 the State Government informed submitters that there would be no hearings held, because the Minister intends to approve the directive and is able to do so due to other recent Act changes allowing the ability for the minister to do so without hearings.

The letter from the TPC included:

I understand that the Minister will write to you soon to outline how he will consider any issues raised in your representation and the process for issuing Planning Directive No. 8.

We are yet to receive that correspondence.

2.2 Huntingfield State Government Subdivision Application

Following the applicant's submission of outstanding information, Planning Permit application DAS-2020-26 commenced public notification on 11 September 2021. The application has been lodged on behalf of the Department of Communities, for what they are referring to as 'stage 1' of a larger subdivision, however as there is no master plan or earlier permit, the application is assessed as a complete application for the site, despite the intention to lodge later further subdivision.

This subdivision includes:

- 53 lots within the Inner Residential Zone
- 165 lots in the General Residential Zone
- 1 lot in the Local Business Zone

The proposal also includes:

- reliance on the proposed roundabout on Channel Highway for access plus connections to existing local roads
- construction of the internal associated roads and accessways
- construction of stormwater infrastructure including bioretention swales and retarding basins
- construction of the sewerage pump station (which will be used for the whole estate)
- vegetation removal
- inclusion of shared paths and pocket parks

The advertising period has been extended to three weeks in lieu of the usual two weeks given the complexity of the application and large amount of documentation, so that the public are able to have adequate time to consider the application in its entirety. The advertising period closes on 1 October 2021.

Following the advertising period, any submissions will be considered and a discussion of each matter raised will be included in the officer's report that will come before Council.

2.3 Progress of Local Provisions Schedule – moving to the ‘Tasmanian Planning Scheme’ and public consultation.

Council's adopted draft of the Local Planning Provisions (LPS) was sent to the Tasmanian Planning Commission (TPC) on 13 December 2019 (additional information was sent on 18 December 2019). A second iteration of the plans (corrected data) was adopted at the Council Meeting on 11 February 2020 and forwarded to the TPC for their consideration.

The TPC notified Council on 2 March 2020 that the information provided is suitable for an assessment of legislative compliance to be conducted. On 27 April 2020 and 21 May 2020 the TPC made requests for additional information related to the GIS files for mapping.

On 30 October 2020, Council attended the post lodgement conference with the TPC and on 20 November 2020, the TPC provided a summary of the parts that they are seeking further justification for or clarification of some of the information that were discussed during the post-lodgement conference. Council's written responses to the queries raised was provided to the TPC on 1 April 2021. We await direction from the TPC whether there will be a further post-lodgement conference or direction to place the draft planning scheme on exhibition.

Noting the above, an extensive communications strategy has been developed in anticipation of the LPS exhibition. The *Land Use Planning and Approvals Act 1993* has a set of minimum exhibition requirements for the LPS, however it is intended to go beyond the minimum requirements to maximise the number of people made aware of the LPS. The communication strategy focusses on making information easily available to assist people to understand the new provisions and by allowing face-to-face questions at a number of locations across the municipality.

Councillors will be provided with an update of the LPS and overview of the consultation strategy once all of the post-lodgement meetings with the TPC have been held.

There is no update since the last meeting.

2.4 Scoping paper for the Tasmanian Planning Policies

On 8 September 2021, the State Government has released the scoping papers for the proposed Tasmanian Planning Policies (TPP). The intent of the policies is to inform land use planning and provisions of the Planning Scheme. It is intended that the TPP's will also guide the review of the outdated Land Use Strategies across the State. The scoping paper clearly states that the TPP's will not be used directly in the assessment of the individual developments.

There are seven themes that the TPP's intend to cover, they include:

- Environmental Protection
- Hazards and Risks
- Economic Development
- Liveable Settlements
- Heritage Protection
- Infrastructure to support the economy and create liveable communities
- Public engagement in planning processes

The scoping paper also touches on the topics of Climate Change, due to State Government policy outside of Planning, and Covid-19 response, however at this stage they will not be stand-alone policies.

Submissions related to the Scoping Paper are due on 22 October 2021. The scoping paper does not indicate expected timing for finalising the policies and when they may be implemented. The paper does not indicate the expected impacts on the work done to change over to the Tasmanian Planning Scheme and whether the implementation of the policies may lead to further change to the scheme after they come in to affect.

To view the scoping paper, people should visit the State Government website www.planningreform.tas.gov.au/policies. Submissions by the public should be sent directly to the State Government.

2.5 Private certification for NPR applications

In January this year, the State Government circulated a paper for comment about the proposal to allow the private sector issue 'no permit required' (NPR) certificates. These are certificates that would be issued that determine that a planning permit application meets the NPR status in the scheme, noting this is not the same thing as being exempt from the Planning Scheme.

To achieve NPR status, an application must be for a use class that is categorised as NPR in the relevant use table to the zone and the proposal must meet all applicable 'acceptable solutions' of the relevant zones and overlay controls that affect the site. Currently, Kingborough provides this service (for a fee of \$147) including the provision of a certificate.

Kingborough provided a submission raising many questions and concerns about the proposed changes, which may be viewed on the State Government website. Many other Councils raised concerns about the proposal. Subsequently, the State Government held hearings which Kingborough participated in. Many of the Local

Government submissions were put together by LGAT, on behalf of the Councils. A copy of their summary is available for viewing on their website.

In mid-September the State Government announced that following the consultation that they intend to proceed with option 2 of the three options put forward earlier and is seeking public feedback on some of the parameters that have been included.

Submissions must be provided to the State Government by 22 October 2021.

2.6 Planning Review Update

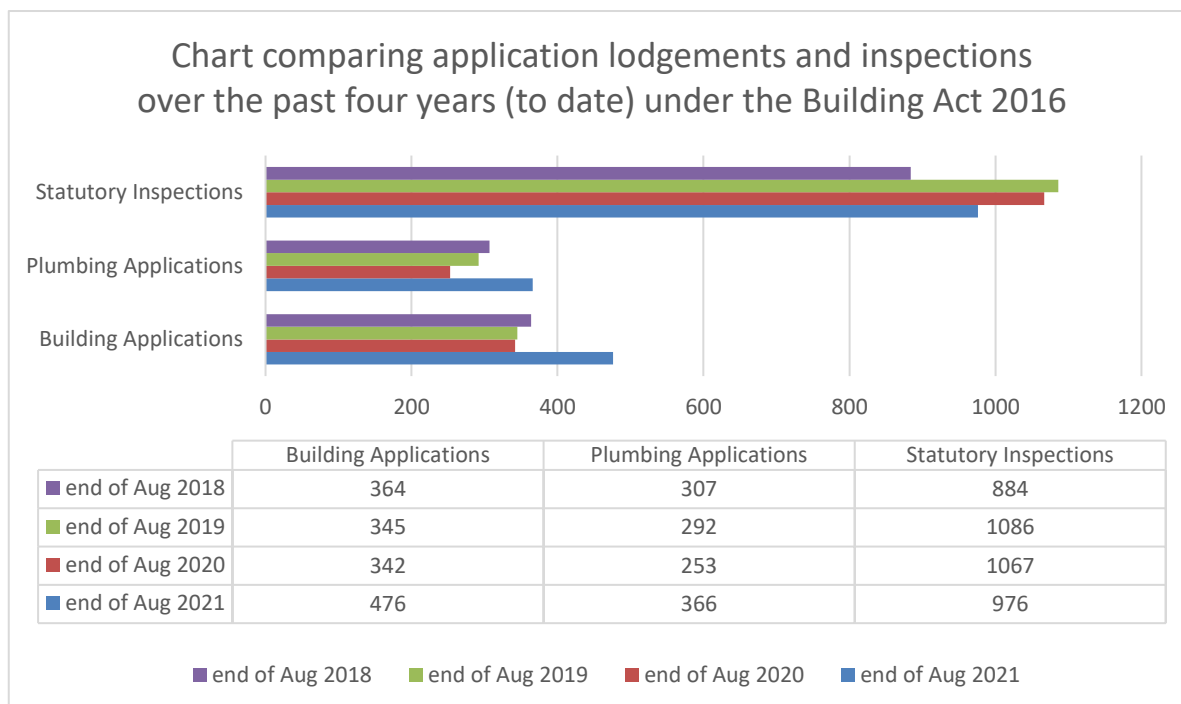
At the Council Meeting on 9 December 2019, Council adopted the 19 recommendations that were included in the external Planning Review. For ease of reading the updated table is provided as an attachment to the report.

2.7 Planning Appeal Update

Below are current Planning matters that are before the Resource Management and Planning Appeal Tribunal.

Council Ref Appeal No.	Subject Site	Description	Current status/comments/outcome
DA-2020-783 (51/21P)	19 Lewan Avenue, Kingston	Appeal by representor against Council's decision to issue a permit.	This was resolved via an agreed consent agreement. Permit has been issued
DA-2020-51 (60/20P)	36 Jenkins Street, Taroona	Appeal by representor against Council's decision to issue a permit.	This was almost resolved by way of a consent agreement on 7 May 2021. However, the Tribunal has ruled that the changes are too substantial and that a fresh planning application to Council must be made. The second application was lodged and approved under delegation. However, the representor is not willing to allow the appeal to be withdrawn as there is concern that the applicant would then act on their original approval. All parties are considering the options available to have this resolved.
DA-2020-676 (92/21P)	1287 Channel Highway, Kingston and 1A Maddocks Road, Kingston	Appeal by the applicant against conditions of the permit and that the decision was made out of time.	This was resolved via a consent agreement, with the main outcome being that condition requiring the construction of a slip lane be removed. A revised Planning Permit was issued.

3. BUILDING AND PLUMBING



The chart above shows the numbers until the end of August for each year. It is clear from the chart that the plumbing and building applications are significantly higher than previous years.

The chart does not demonstrate all the departments work but is a representation of one aspect that shows activity trends in the local building industry. Much of the department's regular work activity is in regard to building and plumbing compliance.

3.1 Government grants for new buildings

On 6 September 2021 the State Government announced more grants for home building. The recent announcement included an increased amount for Tasmania Home Builder Grant which can be used to buy or build a new home. That money is an addition to the \$25,000 which is available from the Federal Government.

The press release states:

We also wanted to support Tasmanians wanting to enter the housing market for the first time, which is why we increased our First Home Owner Grant from \$20,000 to \$30,000 for contracts entered on or after 1 April 2021. In the 2020-21 year, there was an increase in applicants for the First Home Owner Grant with 891 grants paid, up from 690 in the prior year.

These grants have a direct impact on the statutory workload in Local Government, which is reflected in the information provided earlier.

4. RECOMMENDATION

That the Development Services Quarterly report be noted.

ATTACHMENTS

1. Progress of 19 Council adopted recommendations of the 2019 Planning Review

As reported in past quarterly reports recommendations 1, 2, 5, 6, 7 and 10-19 have all been completed. There are four that continue to be progressed, as discussed below.

Recommendation No. 3

That a Council approved set of standard conditions be developed to facilitate the more efficient reporting and review of development applications. The standard conditions could be supplemented with a suite of additional, standardised requests for further information and other external communications.

There is an approved set of standard conditions in place, but they are in need of review. This review is well underway but stalled due to the high workloads and sudden legislative changes that have required attention. The review will be completed this year.

Recommendation No. 4

That standardised checklists or procedure manual for the processing of applications be prepared to guide and assist new or junior staff.

This recommendation is that the existing Pathway software training for all new staff be placed within a documented manual. This has been progressed since the last quarterly report but competing work from the increased number of planning applications has caused a delay. It is anticipated that the manual will be completed by the end of the year.

Recommendation No. 8

That resourcing be made available to upgrade the current IT planning software such that it meets the needs of the departments processes and requirements.

Planning fees are \$318,000 over budget this year and as a result this recommendation will be addressed in the next 2 months.

This is important and fundamental work which will create easier and more efficient processes for planners.

Recommendation No. 9

That Council and management seek to encourage the Planning Department to adopt a philosophy of “working with” a proponent to help achieve a mutually agreeable planning outcome and provide support to the Department in the achievement of this outcome.

Development Services has liaised with the Chief Information Officer in relation to review of the Customer Charter and related activities and will undertake a targeted survey of DA applicants (randomised sample of applicants) to build evidence of outcomes in this space, with such a survey to be undertaken every 2-3 years.

Additionally, internal training and discussions will continue with the team to ensure that customer service is at the forefront of our mind when dealing with customers.

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

Tender Assessment AB2110 TS3036 Kingston Park Public Open Space Stage 2 Construction, Kingston

Regulation 15 (2)(d) *contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

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In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	
Tender Assessment AB2110 TS3036 Kingston Park Public Open Space Stage 2 Construction, Kingston	

CLOSURE

APPENDIX

- A Audit Panel Chairman's Report
- B Copping Refuse Disposal Site Joint Authority Quarterly Report dated 12 August 2021

Public Copy

A AUDIT PANEL CHAIRMAN'S REPORT**Kingborough Council Audit Panel Report August 2021****Composition and Attendance:**

During the financial year ended 30th June 2022, the members of the Panel were:

Panel Member	Period	Capacity
Paul McTaggart	Full Year	Independent Chairman
John Hills	Full Year	Independent Member
Colette Millar	Full Year	Independent Member
Councillor Flora Fox	Full Year	Councillor Member
Councillor Christian Street	Full Year	Councillor Member

The Panel met five times in the financial year ended 30th June 2022 (FY2021: Met five times) with attendance by management, including the General Manager, Chief Financial Officer, Finance Manager, Executive Manager – Information Services and various other Council employees as required.

External Auditors from the Tasmania Audit Office (“TAO”) and representatives of our Internal Auditors (WLF Accounting & Advisory – “WLF”) attended the Audit Panel’s meetings on an “as required” basis.

Panel Member Meeting Attendance:	7 th Aug 2020	16 th Oct 2020	4 th Dec 2020	12 th Feb 2021	14 th May 2021	Total attended
Paul McTaggart	✓	✓	✓	✓	✓	5 from 5
John Hills	✓		✓	✓	✓	4 from 5
Colette Millar	✓	✓	✓	✓	✓	5 from 5
Councillor Flora Fox	✓	✓	✓	✓	✓	5 from 5
Councillor Christian Street	✓	✓		✓	✓	4 from 5

Key Activities as per the Charter**Risk Management**

The Risk Framework and associated Policy was reviewed by the Panel during the year. The key changes included the addition of a section for the rating of control effectiveness and a change in title from a Risk Strategy to Framework.

With the Council a risk workshop was performed on 2 November 2020 facilitated by WLF. The purpose of this workshop was to facilitate Council’s annual risk review which included the following;

- A review of Council's risk context and emerging risks;
- Review of strategic risks; and
- Review of Risk Appetite

Management is currently conducting a review of the operational risk register with a view that it will be reviewed by the Panel at a future meeting.

The Panel conducted "deep dives" into strategic risks. At the last meeting the focus was on climate change and community resilience and emergency management.

Emerging risks are also reviewed regularly by the Panel to identify any new risks and any impacts on the strategic risks.

Business Continuity Management

The Business Continuity Management plans were reviewed by the panel. It is also planned to get KPMG to revisit the plans soon following their updating of the plans before the pandemic.

Insurance

The panel reviewed the current insurance arrangements with the brokers JLT.

Fraud Control

The Panel at their December 2020 meeting reviewed the fraud control plans and associated policies. These then went to Council for approval.

Compliance

There was review of the legislative compliance by the panel. This is done via the compliance checklists that management complete.

In addition the Panel completed several "deep dives" of key compliance areas as a regular part of panel meetings.

A legal claims list was reviewed by the Panel.

Internal Audit

There were a number of internal audits performed by WLF from the approved Strategic Internal audit Plan. These included;

Kingston Park Project (October 2020)

WLF performed a review of governance and progress to date of the Kingston Park Development. It found overall, the governance arrangements in place to oversee the Kingston Park project appear to be working effectively in terms of ensuring that there is adequate oversight of the project by the appropriate Council representatives.

Risk Management Audit (February 2021)

The aim of this review or audit was to perform an evaluation of the risk framework with a focus on compliance and its application across Council to support the Audit Panel in meeting the requirements under the Local Government Act.

It found that Kingborough Council has a risk management framework which is consistent with the ISO Risk Management standard and outlines how Council will identify, document and assess risk. The key challenge for the Council is the practical application implementation of risk management by raising awareness and understanding and ensuring effective risk management strategies are put in place. Currently, while the risk framework is documented well, there is a disconnect

between this framework and how risk is managed across operational areas. The review recommended a number of actions to progress Council to the next phase of maturity in risk management by broadening the use of risk as a decision making tool and enabling it to be more practically applied throughout the Council.

Internal Audit Recommendations Report- February 2021

A review was performed to ensure compliance and follow up of previous internal audit recommendations. This focussed on three key areas;

- Does the management action address the risk identified;
- Does the evidence provided meet the requirement of the action;
- Has the management action been completed in line with the original action as agreed with the Audit Panel?

Financial Sustainability- May 2021

This review focussed on the long term financial plan and underlying assumptions with a particular focus on the impacts of Covid 19 and strategic infrastructure planning.

It found that the processes in place for preparing Council's Long Term Financial Plan (LTFP) and the assumptions underpinning this plan are sound including those around the impact of Covid 19. The review has indicated that some progress has been made regarding the previous recommendations in relation to undertaking road condition assessments and the development of a forecasting tool.

The next step is the development of an updated Long Term Management Plan (LTMP) that incorporates work done to date that can inform the LTFP going forward.

Internal Audit Plan

A new three year Internal Audit Plan was presented and approved at the May 2021 meeting. This includes the following projects for the 2021/22 year;

- Business continuity and disaster recovery - A high-level assessment of the business continuity plan including disaster recovery.
- IT security and cyber risk - A high level-review of the management of IT security governance within the Council. The structures and processes by which Council assesses and manages IT security and cyber risks.
- Payroll - Compliance testing with a particular focus on payments against award/Enterprise Agreement including allowances.

Other Internal Audit Areas

The Panel continues to review the performance of Internal Audit with an Effectiveness Form received after each report. These showed the audits met or exceeded the expectations of management.

In accordance with good governance the Panel met separately with the Internal Auditors (WLF) without management present.

External Audit and Financial Statements

The Tasmanian Audit Office (TAO) is Council's External Auditor. The TAO attended two Audit Panel meetings during the year. The Audit Panel also met separately with members of the TAO audit team during the year.

FY2020 External Audit

The Audit Panel reviewed and endorsed the signing of the financial statements (and accompanying Management Representation Letters) for the financial year ending June 2020 by the General Manager and Chief Financial Officer at its meetings in August 2020 and October 2020.

FY2021 External Audit

The 2020/21 Financial Audit Services Strategy was outlined by the Assistant Auditor General Financial Services of the at the May 2021 meeting. He highlighted it will be another challenging year due to the ongoing Covid 19 situation and subsequent difficulty in finding staff. This will impact on the timing of the final external audit.

The Panel considered all reports received from the TAO on their activities undertaken in reviewing and auditing the control environment in order to assess the quality and effectiveness of the internal control systems. All matters raised are being monitored to ensure they are being addressed by management.

Other Activities in 2020/21

Audit Panel Performance

In line with the Charter the panel reviewed its performance to determine whether it is functioning effectively by reference to current best practice. This like in previous years was completed via a survey.

There were 23 questions and overall results were all positive. Most importantly the survey showed that in the opinion of the respondents they strongly agreed the Audit Panel has added value to the organisation.

Review of Audit Panel Charter

The Audit Panel Charter was reviewed at the May 2021 meeting. There were only minor changes suggested given extensive reviews in previous years.

Asset Infrastructure Reconciliation and Depreciation Protocols

As per previous years the above protocols were reviewed.

Gift Registers

Gift registers were reviewed to ensure items are being disclosed by management.

Presentations from Management

There were a number of presentations by management that included the changes to the by-laws.

Paul McTaggart

Chair Kingborough Audit Panel

B COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY QUARTERLY REPORT DATED 12 AUGUST 2021

Copping Refuse Disposal Site Joint Authority

Attachment 1

Meeting Date:	12 August 2021	Agenda Item #	6.1
Subject:	Authority Quarterly report		
Author:	Christine Bell, CEO		
Relevance:	Reporting		
Recommendation:	<i>That the Authority endorses the Quarterly Report for the quarter ending 30 June 2021 and authorises distribution of the Report to Participating Councils</i>		

INTRODUCTION

The Authority's Rules require the Authority to be provided with a quarterly report dealing with specific matters

REPORTING

The Authority's Rule 193 requires the CEO to provide the Board with a quarterly report which includes, in relation to the Authority:

- a) a report on general performance;
- b) a report on financial performance;
- c) a statement of statutory and environmental compliance;
- d) a report on performance in meeting its objectives and goals;
- e) a report on performance under its Business Plan; and
- f) a report on any matters specifically identified by the Authority or significant issues arising from delegated functions.

Rule 194 states that, once approved by the Board, the Quarterly Report shall be provided to the Authority at its next meeting.

DISCUSSION

a) General performance:

Tonnes delivered continue to exceed the COVID based budget but are 13% less than the same time last year.

There was one workplace incident on site at Lutana in May. The incident involved an employee reversing the front-end loader into a truck reversing at an angle onto the drop off pad. Both were driving at low speed. There was minor damage but no injury. Procedures have been altered to prevent recurrence.

There were no incidents at Copping during the period.

Leachate is running through the wetland and preliminary results are promising.

Following a 1 in 33-year rainfall event in March and consistent high levels of rainfall in the first half of June, leachate levels are high for both the B cells and the C cell. The B cell Secondary Stormwater Pond (SSP) is being allocated to the C cell for the short to medium term for use as a leachate pond.

This reduces the B cells' emergency storage capacity. A new SSP is required for Stage 1B of the B cell landfill and is included in the capital expenditure budget for 2021-22. Pitt & Sherry is in the process of designing the pond.

Pitt & Sherry is updating the EPA approved C cell leachate management plan. C Cell Pty Ltd as Trustee may need to construct another leachate pond to assist it to deal with its own leachate. Work on design has begun and a paper will be put to the Board requesting additional capital expenditure. It is expected that the cost will be in the vicinity of \$300,000 although this will largely depend on the geology of the area in which it is constructed. Pitt & Sherry has also been asked to consider the possibility of covering the cell with a retractable or permanent cover to reduce the catchment area.

b) Financial performance:

The net operating result for the year was a profit before income tax of \$1,344,461, \$1,380,406 above budget.

The delay in reducing Clarence City Council gate fees to equal those of other Participating Councils resulted in increases during the period in gate fees, other expenditure, debtors and accrued expenses of approximately \$642,626 for the twelve months ended 30 June 2021. A refund has been paid to Clarence City Council for deliveries made to the end of May 2021. As at 30 June 2021 the total amount payable to Clarence was \$48,362.

Positive impacts on the financial result include:

- Above budget throughput at Lutana;
- Higher than budget tonnes from Mornington Park Waste Transfer Station C&I; and
- Significantly higher than budget tonnes of low-level contaminated soil, primarily from Macquarie Point
- .

Negative effects included:

- A revision of the cost per tonne for capping and cell write off;
- Lutana transport costs above budget because of above budget throughput; and
- Increased maintenance and operating costs due to increased throughput.

No new bank or investment accounts were opened during the period.

The financial statements and ratios for the period ended 30 June 2021 are **attached**.

c) Statement of statutory, environmental and contractual compliance:

Copping monitoring results for the period have been satisfactory. Monitoring results at Lutana were also satisfactory. During the period covered by this report, the requirements of Environmental Protection Notice No 690/1 (Copping Landfill) and Permit 7554 (Lutana Clinical Waste Treatment Plant) were met other than receipt of pharmaceuticals from DHHS as approved by the EPA and in contravention of the permit issued to the Authority by the EPA.

The requirements of other relevant legislation and regulations including the Local Government Act 1993 have been met. These requirements, together with related actions and their status, are summarised in the attached Mandatory Actions Schedule.

During the period covered by this report the Joint Authority has complied with its obligations under the provisions of contracts to which it is a party. The other parties to contracts with the Authority have also met their obligations under those contracts. Major contracts are listed in the **attached** Mandatory Actions Schedule.

d) Report on performance in meeting Principal Objectives and Goals:

The report is **attached**.

e) Report on performance under Business Plan:

The report is **attached**.

ATTACHMENT 1: Financial Statements June 2021

ATTACHMENT 2: Ratios June 2021

ATTACHMENT 3: Mandatory Actions Schedule

ATTACHMENT 4: Report on performance in meeting Principal Objectives and Goals

ATTACHMENT 5: Report on performance under Business Plan

Public Copy

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
INCOME STATEMENT
 For the Year Ended 30 June 2021

Attachment 1: 1/3

	Actual YTD 2020 - 21	Budget YTD 2020 - 21	Variance YTD 2020 - 21	Budget Full Year 2020 - 21	Actual Full Year 2019-20
Revenue					
Gate waste receipts *	8,892,979	6,271,855	2,621,124	6,271,855	8,884,568
Gate waste receipts - special projects	852,071	-	852,071	-	3,068,757
Other	946,651	908,687	37,964	908,687	1,309,343
	<u>10,691,701</u>	<u>7,180,542</u>	<u>3,511,159</u>	<u>7,180,542</u>	<u>13,262,668</u>
Expenditure					
Depreciation & amortisation	958,987	1,240,426	281,439	1,240,426	1,164,596
Capping costs	792,900	248,903	(543,997)	248,903	461,452
Borrowing costs loans	24,317	43,842	19,525	43,842	61,868
Borrowing costs leases **	286,110	197,972	(88,138)	197,972	280,270
Employee benefits expense	1,127,045	1,270,637	143,592	1,270,637	1,124,505
Lease expenses other	312,394	137,580	(174,814)	137,580	8,523
Leased property depreciation **	309,085	220,358	(88,727)	220,358	309,259
Maintenance and operating costs	4,061,161	3,098,269	(962,892)	3,098,269	3,756,684
Other expenses *	1,359,430	748,253	(611,177)	748,253	1,311,573
C cell opex	115,811	10,247	(105,564)	10,247	142,129
	<u>9,347,240</u>	<u>7,216,487</u>	<u>(2,130,753)</u>	<u>7,216,487</u>	<u>8,620,859</u>
Operating profit (loss) for the period be	1,344,461	(35,945)	1,380,406	(35,945)	4,641,809
Income tax expense (benefit)	349,560			(9,885)	1,296,091
Net result after tax	<u>994,901</u>			<u>(26,060)</u>	<u>3,345,718</u>

* Clarence \$643k

** Lease calculations were reassessed after budget was finalised

**COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
BALANCE SHEET**

As at 30 June 2021

Attachment 1: 2/3

	Balance Jun-21	SWS Balance Jun-20
Current Assets		
* Bank accounts	8,240,826	7,248,334
Accounts receivable	936,179	1,323,061
Loan C Cell Pty Ltd	103,224	-
Other	196,224	163,054
	<u>9,476,453</u>	<u>8,734,449</u>
Non Current Assets		
Plant & equipment	5,689,307	5,250,316
Right of use assets	8,451,980	8,761,239
Deposit Huon Valley Council	100,000	100,000
Investment C Cell Pty Ltd	2,636,666	2,636,666
Loan C Cell Pty Ltd	540,871	745,726
Work in progress	5,204,514	3,180,697
Deferred Income Tax	720,828	720,828
	<u>23,344,166</u>	<u>21,395,472</u>
Total Assets	<u>32,820,619</u>	<u>30,129,921</u>
Current liabilities		
Accounts payable	986,972	831,646
Accruals	1,709,307	712,255
Income tax payable	411,656	1,562,319
Provision for leave	166,031	140,706
Provision for cell capping	200,000	200,000
Borrowings	288,283	362,117
Lease liability	86,721	75,386
	<u>3,848,970</u>	<u>3,884,429</u>
Non current liabilities		
Provision for leave	32,396	26,694
Provision for cell capping	2,811,475	2,203,573
Borrowings	337,899	633,676
Lease liability	8,843,503	8,930,224
Deferred Income Tax	750	750
	<u>12,026,023</u>	<u>11,794,917</u>
Total Liabilities	<u>15,874,993</u>	<u>15,679,346</u>
Net Assets	<u>16,945,625</u>	<u>14,450,575</u>
Equity		
Funds contributed	5,319,766	4,239,470
Accumulated funds	11,625,859	10,211,105
Total Equity	<u>16,945,625</u>	<u>14,450,575</u>
* Financial Commitments		
Bank accounts	8,240,826	
Accounts receivable	936,179	
Accounts payable	(986,972)	
Capping	(3,011,475)	
Accruals	(1,709,307)	
Repayments of principal	(375,004)	
Budget capex 2021-22	(2,007,889)	
	<u>1,086,358</u>	

Note: 2022-23 Clinical waste 1,220,000

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
TONNES DELIVERED

Attachment 1: 3/3

Date	CCC	MPWTS C&I	Sorell	Tasman	GSBC	HVC	SMC	BODC	K/Borough	Other	Lutana	Total
Jul-19	1,172.72	2,413.60	270.10	72.13	161.00	478.14	57.04	180.56	781.18	539.27	4,769.32	10,895.06
Aug-19	1,255.70	2,323.46	252.54	67.90	174.88	470.58	57.22	187.96	804.62	1,037.02	4,569.70	11,201.58
Sep-19	1,387.61	2,125.97	330.24	94.00	191.28	441.64	55.70	178.38	787.54	945.38	4,584.20	11,121.94
Oct-19	1,822.10	2,618.82	265.40	88.40	222.72	522.52	71.28	255.02	916.86	507.14	4,930.64	12,220.90
Nov-19	1,068.32	2,677.92	349.84	83.62	233.30	483.60	54.62	196.34	858.84	588.04	4,819.86	11,414.30
Dec-19	1,746.01	2,293.16	250.46	90.56	244.24	552.44	57.20	229.10	937.08	2,979.92	4,819.48	14,199.65
Jan-20	1,604.56	2,190.02	294.10	107.60	342.56	581.66	64.92	356.48	1,056.28	3,540.66	4,763.96	14,902.80
Feb-20	1,505.36	2,159.58	368.10	86.20	215.06	477.96	57.02	173.46	792.56	4,650.15	4,254.12	14,739.57
Mar-20	1,644.73	2,161.53	274.52	95.85	221.58	517.74	56.36	254.70	880.94	1,571.15	4,610.44	12,289.54
Apr-20	1,898.46	1,721.52	272.10	59.30	169.84	474.98	78.76	270.72	959.42	2,652.94	3,861.28	12,419.32
May-20	1,699.33	1,731.43	382.78	93.14	173.94	504.46	58.22	220.44	914.02	13,838.28	3,930.70	23,546.74
Jun-20	1,635.73	1,893.19	263.24	67.35	199.12	643.52	56.40	201.24	860.10	3,409.99	4,208.40	13,438.28
Jul-20	1,656.23	2,029.93	314.43	67.70	180.54	608.66	68.92	229.74	899.16	6,573.10	3,988.88	16,617.29
Aug-20	1,564.84	1,973.36	406.46	81.70	200.24	627.32	57.30	177.32	790.62	2,346.50	3,692.90	11,918.56
Sep-20	1,693.62	1,899.98	349.70	116.15	199.02	524.28	70.98	213.76	879.04	386.15	3,988.58	10,321.26
Oct-20	2,195.32	1,778.96	360.42	114.17	258.72	571.08	69.56	276.28	1,218.18	554.23	4,285.04	11,681.96
Nov-20	1,685.20	1,789.26	360.85	83.03	251.78	531.12	62.22	229.02	933.06	743.94	4,032.12	10,701.60
Dec-20	1,852.61	2,069.25	184.64	96.81	280.70	694.16	73.16	294.72	1,316.88	1,319.65	4,421.78	12,604.36
Jan-21	1,752.94	1,541.05	310.10	117.70	357.64	591.98	64.24	325.04	914.34	760.29	4,060.70	10,796.02
Feb-21	1,561.27	1,864.11	449.40	92.54	234.14	539.42	63.74	229.02	854.68	1,859.46	4,010.24	11,758.02
Mar-21	1,663.24	2,056.26	366.56	103.22	270.54	568.00	74.10	272.50	1,204.24	1,163.52	4,666.49	12,408.67
Apr-21	1,569.97	1,879.51	352.88	79.27	262.10	674.70	67.20	276.02	910.22	323.83	4,298.78	10,894.48
May-21	1,462.94	1,855.26	418.34	84.60	183.98	486.40	60.04	227.50	808.82	704.90	4,154.56	10,447.34
Jun-21	1,518.44	1,891.56	328.56	94.52	203.88	619.42	66.46	232.02	1,036.62	1,319.50	4,288.80	11,599.78
Fin YTD	20,176.62	22,628.49	4,202.34	1,131.41	2,883.28	7,036.54	797.92	2,982.94	11,765.86	18,055.07	49,888.87	141,549.34
Last yr FYTD	18,440.63	26,310.20	3,573.42	1,006.05	2,549.52	6,149.24	724.74	2,704.40	10,549.44	36,259.94	54,122.10	162,389.68
% change	9.41	(13.99)	17.60	12.46	13.09	14.43	10.10	10.30	11.53	(50.21)	(7.82)	(12.83)
Last yr MTH	1,635.73	1,893.19	263.24	67.35	199.12	643.52	56.40	201.24	860.10	3,409.99	4,208.40	13,438.28
% change	(7.17)	(0.09)	24.81	40.34	2.39	(3.75)	17.84	15.30	20.52	(61.30)	1.91	(13.68)
	CCC	MPWTS C&I	Sorell	Tasman	GSBC	HVC	SMC	BODC	K/Borough	Other	Lutana	Total

SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS

Attachment 2: 1/5

ANNUAL	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Sales	2,962	3,235	4,093	6,946	4,943	5,415	6,395	8,386	7,739	9,208	13,263	10,692
EBIT*	232	226	683	1,231	493	354	705	2,935	1,535	2,683	4,984	1,587
Interest paid	356	360	353	324	276	239	205	157	121	83	342	242
Income tax	0	0	99	272	65	36	161	841	427	780	1,296	350
Net result	(124)	(134)	231	635	152	79	339	1,937	987	1,820	3,346	995
Total assets	6,872	7,342	7,436	10,356	10,226	9,836	10,087	12,538	13,215	15,960	30,130	31,876
Current assets	820	588	1,107	3,231	3,198	2,116	2,335	3,664	4,858	7,581	8,734	9,787
Debtors	311	446	525	597	782	572	703	872	809	977	1,323	1,112
Total liabilities	6,246	6,850	6,414	7,399	6,596	6,057	5,970	6,229	5,260	4,846	15,679	15,101
Current liabilities	866	1,059	1,034	3,256	2,918	1,506	2,012	2,820	2,098	1,896	3,884	3,319
Borrowings	5,735	6,176	5,785	4,569	4,125	3,651	3,145	2,604	2,031	1,485	10,001	9,715
Equity	626	492	1,022	2,957	3,630	3,779	4,118	6,309	7,955	11,114	14,451	16,775
Profitability	8%	7%	17%	18%	10%	7%	11%	35%	20%	29%	38%	15%
Asset performance	43%	44%	55%	67%	48%	55%	63%	67%	59%	58%	44%	34%
ROA	3%	3%	9%	12%	5%	4%	7%	23%	12%	17%	17%	5%
Interest cover	65%	63%	193%	380%	179%	148%	344%	1869%	1269%	3233%	1457%	656%
Debt performance	83%	84%	78%	44%	40%	37%	31%	21%	15%	9%	33%	30%
Debt to equity	916%	1255%	566%	155%	114%	97%	76%	41%	26%	13%	69%	58%
Current ratio	95%	56%	107%	99%	110%	141%	116%	130%	232%	400%	225%	295%

* Adjusted in 2001 to 2008 inclusive for lease fees paid in 2008 covering 2001 to 2007 financial years

Note 2009 WTS investment - significant increase in both assets and liabilities

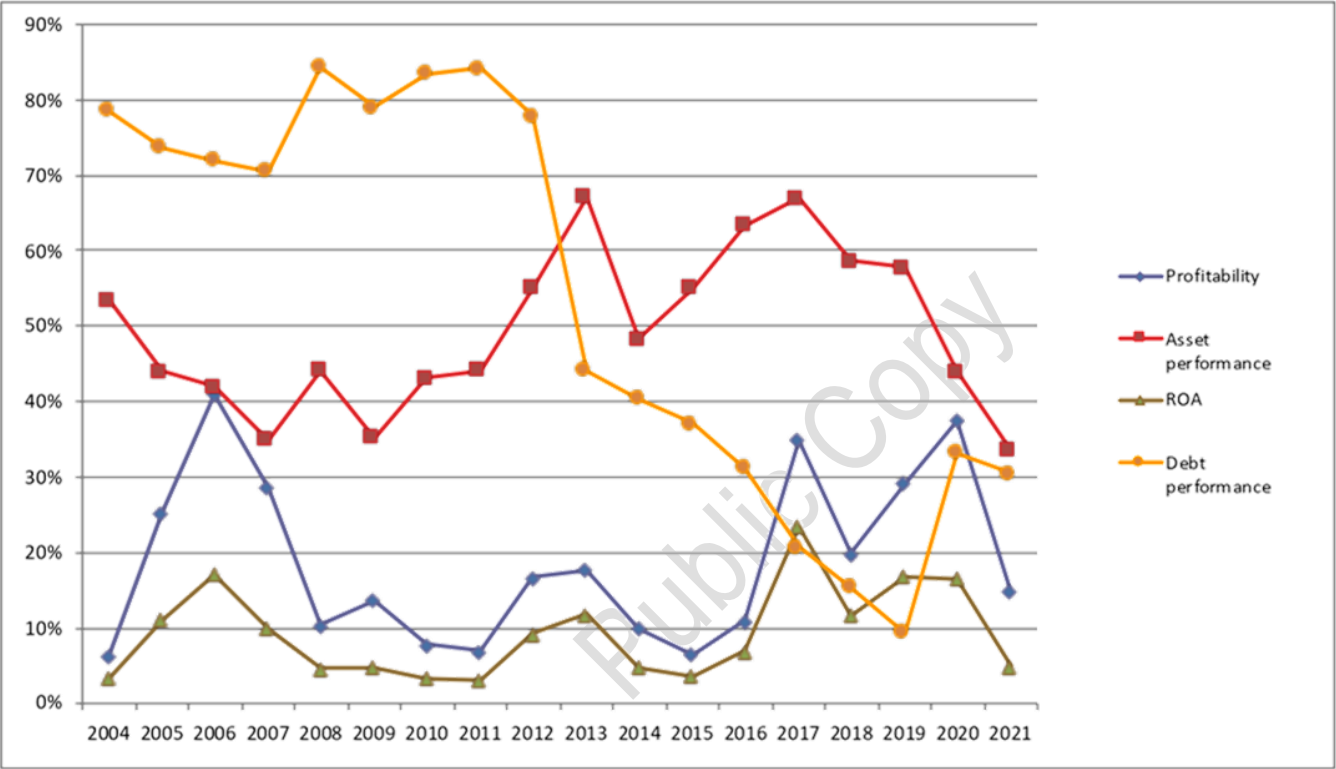
Note 2017 includes \$1.7m grant income, 2018 \$303k

Note 2020 and onwards includes lease assets and lease liabilities

MONTHLY CUM	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Sales	1,433	2,385	3,146	4,000	4,753	5,654	6,421	7,380	8,295	9,121	9,856	10,692
EBIT*	718	1,078	1,203	1,399	1,029	1,214	1,328	1,473	1,656	1,707	1,601	1,587
Interest paid	26	54	81	106	130	155	181	205	229	254	278	242
Income tax	190	266	292	336	234	275	298	330	371	378	344	350
Net result	502	758	830	957	665	784	849	938	1,056	1,075	979	995
Total assets	30,398	30,805	30,888	31,252	31,375	31,031	31,246	31,532	31,876	31,971	32,747	32,821
Current assets	9,057	9,200	9,002	9,096	9,206	8,877	9,137	9,595	9,787	9,929	9,585	9,476
Debtors	1,609	1,103	857	935	968	1,177	936	1,125	1,112	1,069	835	936
Total liabilities	14,864	14,940	14,926	15,118	15,635	15,131	14,751	14,917	15,101	14,916	15,824	15,875
Current liabilities	3,040	3,079	3,003	3,199	3,905	3,456	3,039	3,168	3,319	3,098	4,014	3,849
Borrowings	10,001	9,989	9,982	9,933	9,887	9,782	9,776	9,769	9,715	9,709	9,662	9,557
Equity	15,533	15,865	15,963	16,134	15,740	15,900	16,494	16,615	16,775	17,054	16,923	16,946
Profitability (exc inter)	50%	45%	38%	35%	22%	21%	21%	20%	20%	19%	16%	15%
Debt performance	33%	32%	32%	32%	32%	32%	31%	31%	30%	30%	30%	29%
Debt to equity	64%	63%	63%	62%	63%	62%	59%	59%	58%	57%	57%	56%
Current ratio	298%	299%	300%	284%	236%	257%	301%	303%	295%	320%	239%	246%
Interest cover	2762%	1996%	1485%	1320%	792%	783%	734%	719%	723%	672%	576%	656%

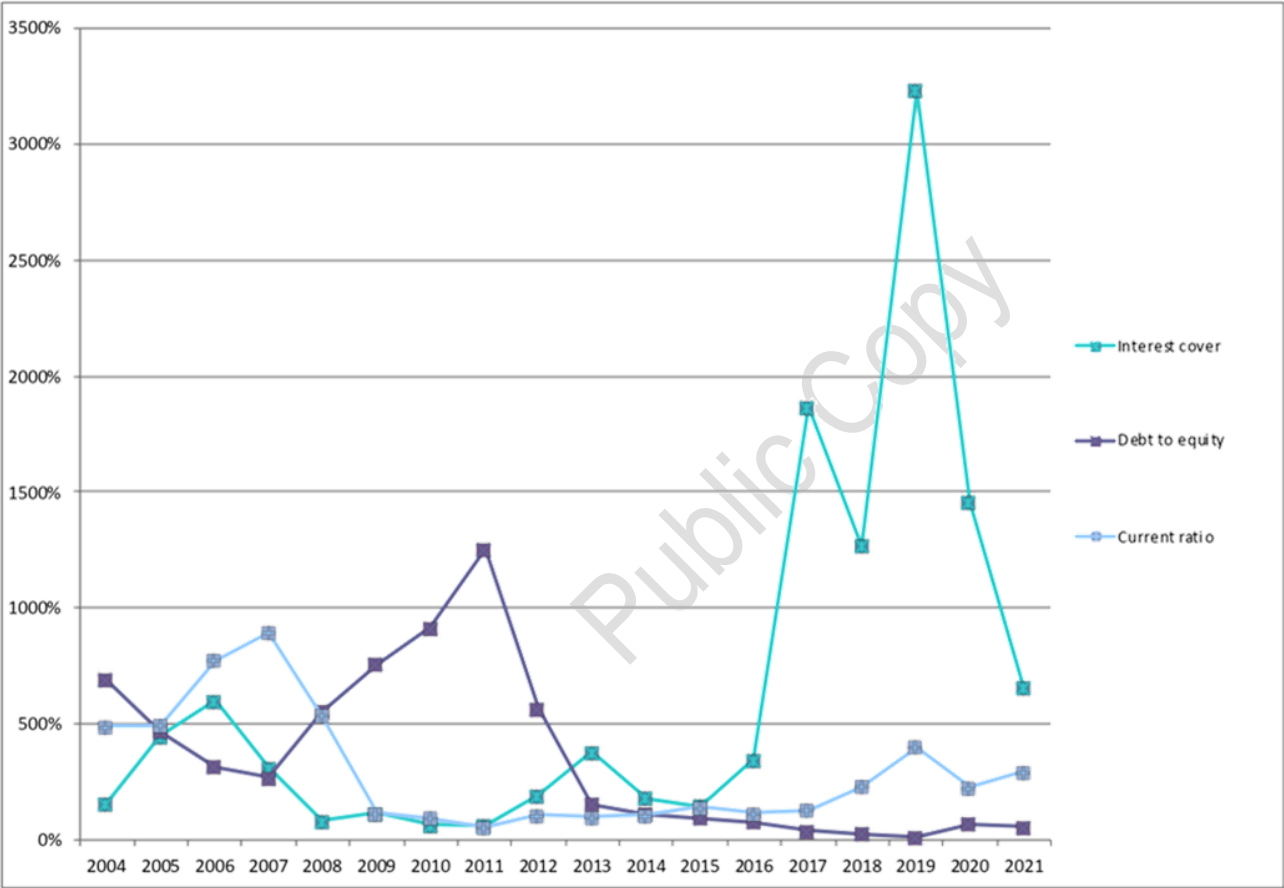
SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS - ANNUAL

Attachment 2: 2/5



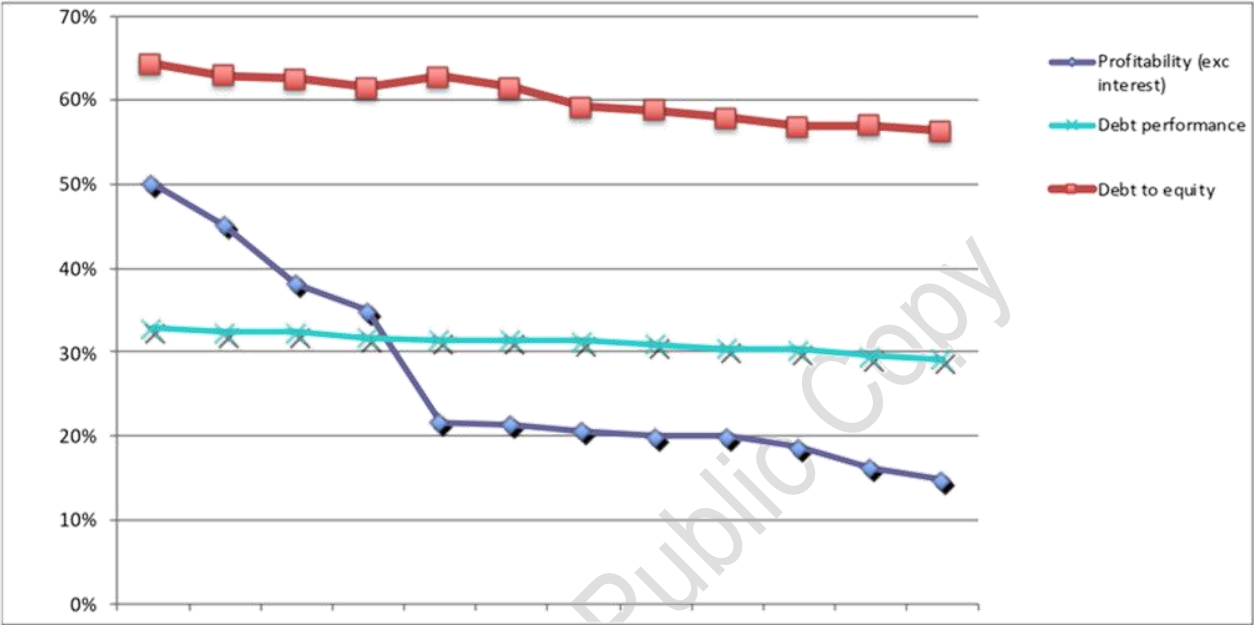
SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS - ANNUAL CONTINUED

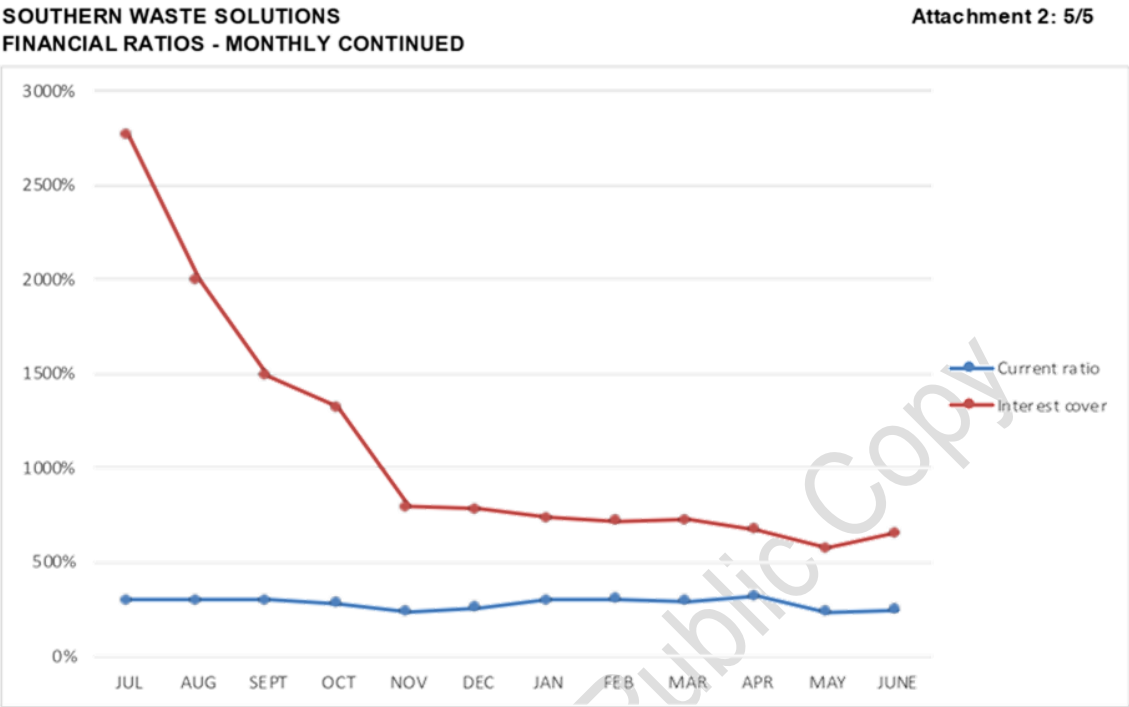
Attachment 2: 3/5



SOUTHERN WASTE SOLUTIONS
FINANCIAL RATIOS - MONTHLY

Attachment 2: 4/5





**COPPING REFUSE DISPOSAL SITE
MANDATORY ACTIONS SCHEDULE**

Attachment 3: 1/3

Action		Who
Ground Water Monitoring Copping - including C Cell	J A S O N D J F M A M J A S O N D F M A M J	CEO
Issue: Regular monitoring (quarterly, 6 monthly and annual) required by EPNs		
Action/Status: Sampling completed per schedule with satisfactory results. EPA is notified immediately.		
Annual Review of Downer Operations	J S O N D J F M A M J	CEO
Issue: Downer to report re contract compliance.		
Action/Status: 2020 report received in September with satisfactory results.		
Annual Review of Operations per EPN G6 (a)	J A S O N J F M A M J	CEO
Issue: Annual review of operations to EPA each December		
Action/Status: CEO provided the 2020 report in September 2020.		
Annual Volumetric Survey (including copy to landowners)	J S O N D J F M A M J	CEO
Issue: EPN requires survey to be forwarded to EPA and adjoining land owners within 14 days of receipt.		
Action/Status: Mailed to owners and EPA in September 2020.		
Quarterly Operations Report to Site Cttee	J S O D J M A J	CEO
Issue: Performance review per Downer contract, between Downer and Site Ops Committee		
Action/Status: Performance to date has been satisfactory.		
Review DPEMP by 30/09/06, rpt within 3 mths, then 5 yrlly	J A O N D J F M A M J	CEO
Issue: EPN requirement G6 b)		
Action/Status: Pitt & Sherry's 2021 review is in progress.		
Report sources of waste to Director of Environment	J A O N D J F M A M J	CEO
Issue: Annually by 30/9 each year for preceding financial year.		
Action/Status: Provided monthly .		
Annual General Meeting	J A S N D J F M A M J	Sec
Issue: Rule 97 requires AGM by the end of November each year		
Action/Status: Meeting was held on 26 November 2021. The 2021 AGM is scheduled for 25 November.		
Estimate of Financial Commitments	J A S O N D J M A M J	CEO
Issue: Rule 182 (e) requires councils to be advised of estimated financial commitments by 28 February.		
Action/Status: Letters sent in February 2021 as required.		
Budget	J A S O N D J F A M J	CEO
Issue: Draft to Participating Councils by end of March - Rule 185.		
Action/Status: Provided in March 2021 as required.		
Business Plan	J A S O N D J F M A J	CEO
Issue: Rule 181 requires CEO to prepare by 31 May and Authority to consider by 30 June.		
Action/Status: The 2020-2023 plan was approved by the Authority on 13 May 2021.		
Strategic Plan	J A S O N D J F M A J	CEO
Issue: Rule 181 requires CEO to annually update the 5 year plan for Authority endorsement.		
Action/Status: As above re the Business Plan.		
Quarterly Report (general and fin'l performance) to Authority	J A O N J F A M	CEO
Issue: Required by Local Government Act and reflected in Rules 193-197		
Action/Status: Tabled and presented as required		
Prepare Financial Statements for Audit	J S O N D J F M A M J	CEO
Issue: Required by Local Government Act within 45 days of end of year		
Action/Status: An unmodified audit opinion was received in September 2020.		
Provide the Authority with an Annual Report	J A S N D J F M A M J	CEO
Issue: Required by Rule 10(h)		
Action/Status: The 2020 Annual Report was provided to the Authority at its AGM on 26 November 2020.		

Attachment 3: 2/3

Annual financial information to Tascorp Issue: <i>Required by loan agreement</i> Action/Status: <i>The annual report was provided in October 2020.</i>	J A S ND J F M A M J	CEO
Statement by Board of Directors to Tascorp Issue: <i>Required by loan agreement - at same time as annual financial statements</i> Action/Status: <i>The statement was provided in October 2020.</i>	J A S ND J F M A M J	CEO/Sec
Half yearly management report to Tascorp Issue: <i>Required by loan agreement</i> Status: <i>Provided as required.</i>	J A S O N D J M A M J	CEO
Copping lease amount to be reviewed, including annual CPI inc Issue: <i>Triennial / annual CPI required by Lease and Rules.</i> Action/Status: <i>The Valuer General reviewed the lease amount on behalf of the land owners in March 2019.</i>	J A S O N D J F M M J	Authority
Monitoring Results (executive summary) to Landowners; and Records and Results to EPA Issue: <i>EPN requires agendas to be fwded to adjoining landowners and DPIPWE within 14 days.</i> Action/Status: <i>Sent as required. They are also published on our web site.</i>	J S O D J M A M J	CEO
Notice of Authority meetings to Landowners 14 days prior Issue: <i>EPN requires agendas to be fwded to adjoining landowners prior to meetings.</i> Action/Status: <i>Requirement being met</i>	J A S O N D J F M A M J	Sec
Notice of Authority Meetings to Members, Directors, GMs, Audit Issue: <i>Rules require 14 days notice</i> Action/Status: <i>Requirement being met</i>	J A S O N D J F M A M J	Sec
Code of tendering to be reviewed every 4 years, or earlier Issue: <i>Local Government Act requires a code and a review at least every 4 years</i> Action/Status: <i>Code in place, last reviewed May 2019.</i>	J A S O N D J F M A M J	CEO
Annual review of statutory requirements Issue: <i>Rule 198 requires the CEO to provide a report on statutory compliance in April each year.</i> Action/Status: <i>Monitoring of compliance is ongoing. Each quarterly report includes a statement that all statutory obligations are being met. A specific report was included in the Board's April 2021 agenda and was provided to the Authority in May 2021.</i>	J A S O N D J F M M J	CEO
Annual review of contractual obligations Issue: <i>Rule 200 requires a review by the Board each April.</i> Action/Status: <i>Included in the Board's April 2021 papers.</i>	J A S O N D J F M M J	CEO
Annual Review of Compliance Derwent Park medical waste Issue: <i>EPN G12 requires an annual review to the Director within 3 months of the end of each financial year.</i> Action/Status: <i>Satisfactory report was sent to the Director in September 2020.</i>	J A O N D J F M A M J	CEO
EMP Operations (Lutana) Issue: <i>Permit condition G10 requires a report to the EPA each 5 years as at April.</i> Action/Status: <i>5 yearly report provided to the EPA in April 2018.</i>	J A S O N D J F M M J	CEO
Annual Report of waste received Issue: <i>The Federal Government requires annual reporting of waste types received by September each year</i> Action/Status: <i>The 2020 report was submitted.</i>	J A O N D J F M A M J	CEO
C Cell sub lease rent review Issue: <i>Review due each 3rd anniversary of 1 September 2016 - notice 3 months in advance.</i> Action/Status: <i>No increase warranted. Letter dated 31 May 2019 provided. Due Sept 2022.</i>	J A S O N D J F M A M J	CEO
Review Participating Council gate fees Issue: <i>Contracts require a review due in May each year.</i> Action/Status: <i>Clarence contract stil not amended - a workaround is in place.</i>	J A S O N D J F M A J	CEO

Attachment 3: 3/3

Annual C cell environmental review to EPA

J A S O N D J M A M J

CEO

Issue: Review for period ended 30 November to be submitted to EPA within 3 months.

Action/Status: Report was submitted in January 2021. Acknowledgement of compliance has been received.

Major contracts, leases etc:	
Land owner councils	landfill site lease
Participating Councils	waste agreements
Downer	landfill site operations, excavator hire
BE & CF Morey	waste transport
Aquasci	landfill monitoring
Huon Valley Council	receipt, compaction, transport & disposal of waste
Glamorgan Spring Bay Council	disposal of waste
Tascorp	loan agreement
Break O Day Council	receipt, compaction, transport & disposal of waste
Department of Health & Human Services	medical waste treatment and disposal
SSAA Blue Hills Sporting Shooters Club Inc	sub lease Copping
LMS Energy	landfill gas management
Stroud Pty Ltd	sub lease Copping
Hobart & Glenorchy City Councils	Lutana lease
Board members	Deeds of appointment
C Cell	Unit Holders Agreement
C Cell	management agreement
C Cell	loan agreement

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY

Attachment 4: 1/2

PERFORMANCE IN MEETING PRINCIPAL OBJECTIVES AND GOALS

For the Quarter Ended 30 June 2021

The Authority's principal goals and objectives, and its performance against them during the preceding quarter, are as follows:

1. To manage and operate the (Copping landfill) Site for the purposes of waste treatment, landfill disposal, resource recovery, and/or energy generation and for related purposes and in a manner which conforms to the Environmental Approvals

During the period covered by this report the Authority

- (i) did not undertake any waste treatment activities on the Site*
- (ii) managed and operated the Site for the purpose of landfill disposal*
- (iii) did not undertake any resource recovery activities on the Site*
- (iv) generated energy on the Site*
- (v) managed and operated the Site in a manner that conformed to the Environmental Approvals*

2. To manage the Balance Area

During the period covered by this report the Authority managed the Balance Area

3. To manage successfully the operation of the (Copping landfill) Site and Balance Area, which may be by or involve third parties by operating efficiently in accordance with sound commercial practice

During the period covered by this report the Authority successfully managed

- (i) the operation of the Site by operating efficiently in accordance with sound commercial practice*
- (ii) the Balance Area by operating efficiently in accordance with sound commercial practice*

4. To manage successfully the operation of the (Copping landfill) Site and Balance Area, which may be by or involve third parties by maximising the net worth of the Authority's assets

During the period covered by this report the Authority successfully managed

- (i) the Site by maximising the net worth of the Authority's assets subject to pricing decisions made by the Authority*
- (ii) the Balance Area by maximising the net worth of the Authority's assets subject to pricing decisions made by the Authority*

Attachment 4: 2/2

5. To manage successfully the operation of the (Copping landfill) Site and Balance Area, which may be by or involve third parties by operating and managing both to maximise benefits to Members

During the period covered by this report the Authority successfully managed both the Site and the Balance Area to maximise benefits to Members

6. To perform such other functions and provide such other services and facilities either on or off the (Copping landfill) Site as are necessary for achieving the Principal Objectives and Goals, which may be by or involve third parties, including but not limited to waste transfer stations and waste transport services

During the period covered by this report the Authority performed such functions, including but not limited to waste transfer stations and waste transport services

- (i) *on the Site as were necessary for achieving the Principal Objectives*
- (ii) *off the Site as were necessary for achieving the Principal Objectives*
- (iii) *on the Site as were necessary for achieving the Goals*
- (iv) *off the Site as were necessary for achieving the Goals*

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
PERFORMANCE UNDER BUSINESS PLAN
 For the Period Ended 30 June 2021

Attachment 5: 1/7

The Authority's performance during the preceding quarter against the activities and performance measures included in its Strategic Plan is as follows:

1. Sustainably manage the solid waste stream in southern Tasmania.

1.1 Maintenance of a financially viable business through:

<i>Activity:</i>	<i>Performance Measure:</i>
<ul style="list-style-type: none"> Generating sufficient profit to fund future obligations and capital expenditure 	Return an acceptable operating profit to fund future needs.
	<i>Net result YTD is positive.</i>
<ul style="list-style-type: none"> Reinvesting in the business 	Achieve an appropriate level of reinvestment in the business to ensure sufficient capital for future development.
	<i>The current year capital works program is self-funded. There are sufficient funds available to fund the forward capital works program, noting that this does not include the in-vessel composting project.</i>
<ul style="list-style-type: none"> Preparing for the possibility of distributing dividends in future years 	Make appropriate changes to the Rules if necessary.
	<i>Appropriate Rule changes are in progress.</i>
	Develop a policy including criteria to guide the determination of any dividend.
	<i>A policy to guide the determination of any dividend has been approved and will be implemented when Participating Councils begin to pay commercial gate fees.</i>

ATTACHMENT 5

<ul style="list-style-type: none"> • Taking a leadership role in discussions about the management of solid waste in in Southern Tasmania 	<p>Demonstrated contribution to the improved management of solid waste in Southern Tasmania.</p>
	<p><i>The Authority provided comments to the State Government on its Draft Waste Management Plan and the Board Chair and CEO have met with the Minister.</i></p>
<ul style="list-style-type: none"> • Managing leachate on site 	<p>No leachate transported off site for treatment and / or disposal.</p>
	<p><i>Due to unusually high rainfall Leachate levels remain are high but being maintained.</i></p> <p><i>No leachate has been carted off site.</i></p> <p><i>The wetland trial is in progress.</i></p>
<ul style="list-style-type: none"> • Building and maintaining effective relationships with the Tasmanian Government and regulatory organisations 	<p>Initiatives and opportunities undertaken to build effective relationships with the Tasmanian Government and regulatory organisations.</p>
	<p><i>The Board Chair and CEO meet with the EPA Director quarterly and have met with the Minister on three occasions.</i></p>
<ul style="list-style-type: none"> • Maintaining access to human resources 	<p>Monitor and maintain HR requirements to ensure they keep pace with the changing environment.</p>
	<p><i>Changes to the organisation structure were approved in the 2021-22 Budget and associated Business Plan.</i></p> <p><i>SWS has a reputation as a good employer and is often approached by potential employees.</i></p>

ATTACHMENT 5

<ul style="list-style-type: none"> • Maintaining access to capital funding 	<p>Monitor and maintain capital requirements to ensure this keeps pace with the changing environment.</p>
	<p><i>The Authority's balance sheet is in a sound position and can support capital investment going forward. The in-vessel composting project business case requires more work.</i></p>
<ul style="list-style-type: none"> • Securing tenure of the Lutana site or a viable alternative location 	<p>Finalise a suitable waste transfer site for the long term.</p>
	<p><i>The owner councils have agreed in-principle to an extension of 5+5 years. Negotiations are ongoing.</i></p> <p><i>Discussions about purchase of the site were commenced but have not progressed.</i></p> <p><i>A new site has been identified, subject to negotiations with the owner, if required in future.</i></p>
<ul style="list-style-type: none"> • Influencing the implementation of the Tasmanian Government's Waste Management Plan 	<p>Minimise any adverse financial impact from the introduction of a waste levy.</p>
	<p><i>The SWS Board Chair and CEO discussed this matter with the Minister. The CEO has met to discuss this issue with the policy section of the EPA.</i></p>
	<p>Participate in discussions with Government about the implementation of actions that may impact the business, including the collection and distribution of any levy.</p>
	<p><i>The SWS Board Chair and CEO discussed this matter with the Minister on two occasions. The CEO has since met with the EPA to discuss implementation issues.</i></p>

ATTACHMENT 5

1.2 Be open and receptive to new and emerging markets.

Activity:	Performance Measure:
	Identify, investigate, assess and report on potential business development and / or improvement opportunities for consideration by the Authority.
	<i>An Early Contractor Involvement contract for development of an in-vessel composting facility at Copping is in progress.</i>
	Implement identified and approved viable business development and / or improvement opportunities.
	<i>The Authority has not yet reached this stage of the business development project.</i>

1.3 Contribute to solutions to waste management issues.

	Participate in discussions with government about the implementation of actions included in its Waste Management Plan.
	<i>Refer above.</i>
	Participate in discussions with other entities to assist with resolving their waste management issues.
	<i>Such discussions with other entities are ongoing.</i>

1.4 Achieve sustainable environmental and social outcomes for our communities.

	Increase waste diversion from inefficient / older facilities leading to increased use of the Copping site.
	<i>Discussions with other local governments are ongoing.</i>

ATTACHMENT 5

	Progress the wetland treatment project.
	<i>The pilot is now operating.</i>
	Increase tonnage of materials diverted from waste transfer stations operated by the business over the previous year.
	<i>Increased tonnes are being diverted from Lutana.</i>
	Improve carbon footprint over the previous year.
	<i>The volume of gas collected and used is increasing. Payloads remain steady.</i>
	Progress recycling and education initiatives in conjunction with Morningside Park Waste Transfer Station.
	<i>An agreement with Morningside Park Waste Transfer Station for extraction and transport of saleable items is in operation. A schools' program is expected to begin in 2021.</i>
	Undertake community and stakeholder engagement activities.
	<i>Newsletters continue to be mailed quarterly and the area covered by the mailout has been expanded. We receive positive feedback about these newsletters. A stakeholder management plan prepared by the Authority's public relations consultants is in place.</i>

ATTACHMENT 5

	No environmental incidents.
	<i>There were no environmental incidents during the period covered by this report.</i>

2. Ensure robust compliance, management and oversight of the business.

2.1 Maintain compliance across all aspects of the business.

Activity:	Performance Measure:
	Meet all material compliance obligations.
	<i>All such obligations are being met.</i>

2.2 Ensure that the business is well managed and sufficiently flexible to meet future challenges with a focus on an effective and responsive operating model.

Activity:	Performance Measure:
	Update the review of likely capital and human resource requirements during the plan period.
	<i>The plans are updated at least annually.</i>
	Review outsource vs insource models of operation as contracts come up for renewal.
	<i>No contracts have come up for renewal during the plan period.</i>
	Update the succession plan.
	<i>Renewal of the Board is complete. Planning to replace the CEO has commenced.</i>
	Formalise a business continuity plan.
	<i>A continuity plan, including a summary document and communications plan, has been approved.</i>
	Review and update the Risk Management Plan.

ATTACHMENT 5

	<i>The Plan is formally reviewed at least annually, or as circumstances and / or operations change.</i>
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- 2.3 Ensure that stakeholders including customers, shareholders and the broader community are kept appropriately informed, with an emphasis on education and marketing.

<i>Activity:</i>	<i>Performance Measure:</i>
	Participate in workshops and / or meetings with Participating Councils.
	<i>The Board Chair and CEO participated in workshops with Tasman Council and Clarence City Council. Additional workshops have been arranged with Clarence and Sorell.</i>
	Continue to regularly distribute newsletters to the community.
	<i>Refer above. Newsletters are distributed quarterly and are well received.</i>
	Increase site visits including via implementation of a schools' program.
	<i>Refer above. The program was on hold due to COVID-19.</i>
	Progress the relationship with Landcare Tasmania.
	<i>The Authority is Landcare Tasmania's first corporate member. Activities were paused due to COVID-19 but are now recommencing.</i>
	Develop new stakeholder engagement plan with the PR consultant.
	<i>Timmins Ray has developed a plan which has been adopted by the Board.</i>