

# Kingborough



## COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the  
Kingborough Council will be held on  
Monday, 21 February 2022 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. 3 to be held on Monday, 21 February 2022 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, 15 February 2022

Public Copy

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## **GUIDELINES FOR PUBLIC QUESTIONS**

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

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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  
Monday, 21 February 2022 at 5.30pm

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**1 AUDIO RECORDING**

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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.

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**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

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**3 ATTENDEES**

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**Councillors:**

Mayor Councillor P Wriedt  
Deputy Mayor Councillor J Westwood  
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

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**4 APOLOGIES**

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**5 CONFIRMATION OF MINUTES**

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**RECOMMENDATION**

That the Minutes of the open session of the Council Meeting No. 2 held on 7 February 2022 be confirmed as a true record.

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**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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Nil

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**7 DECLARATIONS OF INTEREST**

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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.

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**8 TRANSFER OF AGENDA ITEMS**

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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*.

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**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**10.1 Significant Tree Assessment**

**Ms Kate Lucas** submitted the following question on notice:

*Referring to the Significant Tree Assessment on the agenda, Item 23 has not been recommended for listing, even though it meets the criteria for assessment as a significant tree, because it is to be removed to build the notorious Huntingfield roundabout. As this tree is considered by council to be significant, has the roundabout developers been charged a penalty that is in keeping with the removal of a significant tree?*

**Officer's Response:**

The development application for the Huntingfield roundabout was approved by Council on 5 July 2021. The application included a request for the removal of 3 high conservation value trees (including the tree that is now nominated for listing). The application and supporting arborist assessment acknowledged at the time that it is not possible to design the works to avoid or minimise the impacts on the 3 trees. The removal was supported with a condition that an offset payment be applied to compensate for the loss of the trees.

*Dr Katrena Stephenson, Director Environment, Development & Community Services*

**10.2 Play Space at Spring Farm / Whitewater Park Estates**

**Mr David Bain** submitted the following question on notice:

*Can Council please provide an update and indicative timeline on the play space development planned for the ever-growing Spring Farm / Whitewater Park Estates. (funding allocated via the Notice of Motion carried on the 19 April 2021)*

*Is there likely to be consultation, stakeholder engagement and design work carried out this financial year?*

**Officer's Response:**

Council has recently appointed a new Urban Design Officer who will take carriage of this project. It is intended that stakeholder engagement and design work will take place this financial year.

*Daniel Smee, Director Governance, Recreation & Property Services*

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**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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**12.1 Covid-19 Data**

At the Council meeting on 7 February 2021, **Cr Wass** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*Is there any data available for Covid-19 for Council and do we have Kingborough numbers for infections, testing and vaccinations and vaccinations for both adults and children under 12?*

**Officer's Response:**

Council's workforce has been relatively unaffected by COVID-19, with less than 10 cases since the opening of the State borders on 15 December. Data for the Kingborough Municipal Area has been sought but had not been provided at the time of the close of the Council Agenda.

*Daniel Smee, COVID-19 Incident Management Controller*

**12.2 Water Play Equipment at Kingston Park**

At the Council meeting on 7 February 2022, **Cr Glade-Wright** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*A resident has picked up that the water play equipment isn't functioning at the moment and I said I would find out when that was scheduled to be fixed?*

**Officer's Response:**

A replacement part for the water pump has been ordered but is awaiting delivery from overseas.

*Daniel Smee, Director Governance, Recreation & Property Services*

**12.3 Barretta Re-Use Shop**

At the Council meeting on 7 February 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*If you go to buy something at the re-use shop, you cannot pay for it and then come and collect it. If it's large and will not fit in your car, you have to go away, get whatever transport you want and come back in the hope that it is still there. I was wondering when this policy had changed?*

**Officer's Response:**

It was decided to stop allowing customer to buy items and collect later approximately four years ago for a few reasons:

1. Customers would pay for an item to collect later but would then leave it in the shop for several weeks while they tried to find a better-quality item and then request a refund. This reduced the option of selling this item.
2. The shop has limited undercover space so any items being held for customers prevented the acceptance of other items that needed to be undercover.
3. Staff time in chasing up customers requesting they pick up the item.
4. Due to the lack of space there is no secure area for items on hold so damage by weathering was sometimes occurring with customers demanding a refund.
5. Customers were removing sold stickers from items they, or another customer wanted to buy which was causing friction at the counter when they were informed the item was not for sale as it was being held for a future pickup

Notwithstanding this a review of the current process will be undertaken, in particular to investigate improving the convenience for customers who intend a pickup of a large item but need alternative transport.

*David Reeve, Director Engineering Services*

**OPEN SESSION ADJOURNS**



## PLANNING AUTHORITY IN SESSION

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

#### 13.1 PSA-2021-1: PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 - REZONING FROM RURAL RESOURCE ZONE TO ENVIRONMENTAL LIVING ZONE AT 2015 AND 2187, BRUNY ISLAND MAIN ROAD, GREAT BAY.

**File Number:** PSA-2021-1  
**Author:** Adriaan Stander, Strategic Planner  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	PDA Surveyors
<b>Owners:</b>	2015 Bruny Island Main Road – Erhard Vinkman 2187 Bruny Island Main Road – Bob Elliston
<b>Zoning:</b>	Rural Resource Zone
<b>Purpose:</b>	The purpose of this report is to consider an application made for a planning scheme amendment to rezone land located at 2015 and 2187, Bruny Island Main Road, Great Bay from the Rural Rezone Zone to the Environmental Living Zone. The intention of the rezoning is to align the zoning with the current land use practises in the area and also to facilitate a three-lot subdivision (creating 2 new lots) at 2015 Bruny Island Main Road under DAS-2021-3.
<b>Representations:</b>	This report is pre-public exhibition, and therefore the proposed amendment has not been advertised yet. Draft amendments are advertised for a minimum period of 28 days for public comment following initiation by the Planning Authority. Another report will be presented to Council after the exhibition period to consider any representations received.
<b>Summary of assessment:</b>	The application meets all the considerations required under the <i>Land Use Planning and Approvals Act 1993</i> and is recommended for approval.
<b>Recommendation:</b>	That Council resolves to initiate Amendment PSA-2021-1 to the <i>Kingborough Interim Planning Scheme 2015</i> .

### 1. INTRODUCTION

- 1.1 Council is in receipt of an application by PDA Surveyors on behalf of Erhard Vinkman and Bob Elliston to amend the Kingborough Interim Planning Scheme 2015 (KIPS 2015) in accordance with section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA). The application is to rezone land located at 2015 and 2187, Bruny Island Main Road, Great Bay from the Rural Resource Zone to the Environmental Living Zone.
- 1.2 The intention of the rezoning is to align the zoning with the current land use practises in the area and also to facilitate a three-lot subdivision (creating 2 new lots) at 2015 Bruny Island Main Road under development application (DAS-2021-3).

- 1.3 The application was submitted under section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA). These provisions provide a mechanism for the planning authority to consider an application for a combined permit for a use or development that cannot be approved unless the planning scheme is amended. The application for rezoning (this application) must therefore be approved for the subdivision application under DAS-2021-2 to proceed.

## 2. SITE AND CONTEXT

- 2.1 The subject site is located on North Bruny Island, on the southern side of the Bruny Island Main Road, halfway between the Blyth Parade and Bruny Island Neck. The subject land consists of two lots with a combined area of approximately 127ha and is zoned Rural Resource. Bruny Island Honey is located to the north of the site, opposite Bruny Island Main Road. The two properties are separated by a carpark and access strip to the Cape Queen Elizabeth Walking Track, located to the south.



**Figure 1. Locality map**

- 2.2 The eastern side of 2015 Bruny Island Main Road (CT 46800/1) contains relatively steep forested land with a westerly aspect, including areas of threatened silver peppermint (*Eucalyptus tenuiramis*) forest on mudstone (DTO). The balance of the property is very flat land and contains a mix of exotic pasture, coastal scrub and *Eucalyptus amygdalina* coastal forest and woodland. This vegetation is contiguous

with, and provides a buffer to, Bruny Island Neck Game Reserve. There is an existing dwelling and large dams on the north-eastern side of the property. The current land use could be described as 'hobby-farming', with small numbers of goats, pigs and emus being farmed in fenced paddocks.

- 2.3 2187 Bruny Island Road (CT 167611/2) wraps around the Great Bay Airstrip. The north-west of the property was managed as pasture in the past and is currently occupied by a mix of exotic pasture and regenerating cleared land. The eastern edge of the property contains healthy mature forest, including areas of endangered black gum (*E. ovata*) forest. The balance of the property contains a mix of coastal woodland, scrub, heath and wetlands. The current land use is as a 'private reserve' for the purposes of nature conservation and recreation.

### 3. PROPOSAL IN DETAIL

- 3.1 The proposed rezoning from the Rural Resource Zone to the Environmental Living Zone is depicted in Figure 2. A copy of the application is provided in Annexure 1.



**Figure 2 – Proposed rezoning**

- 3.2 The proponent has put forward the following justification for the proposed zoning change:

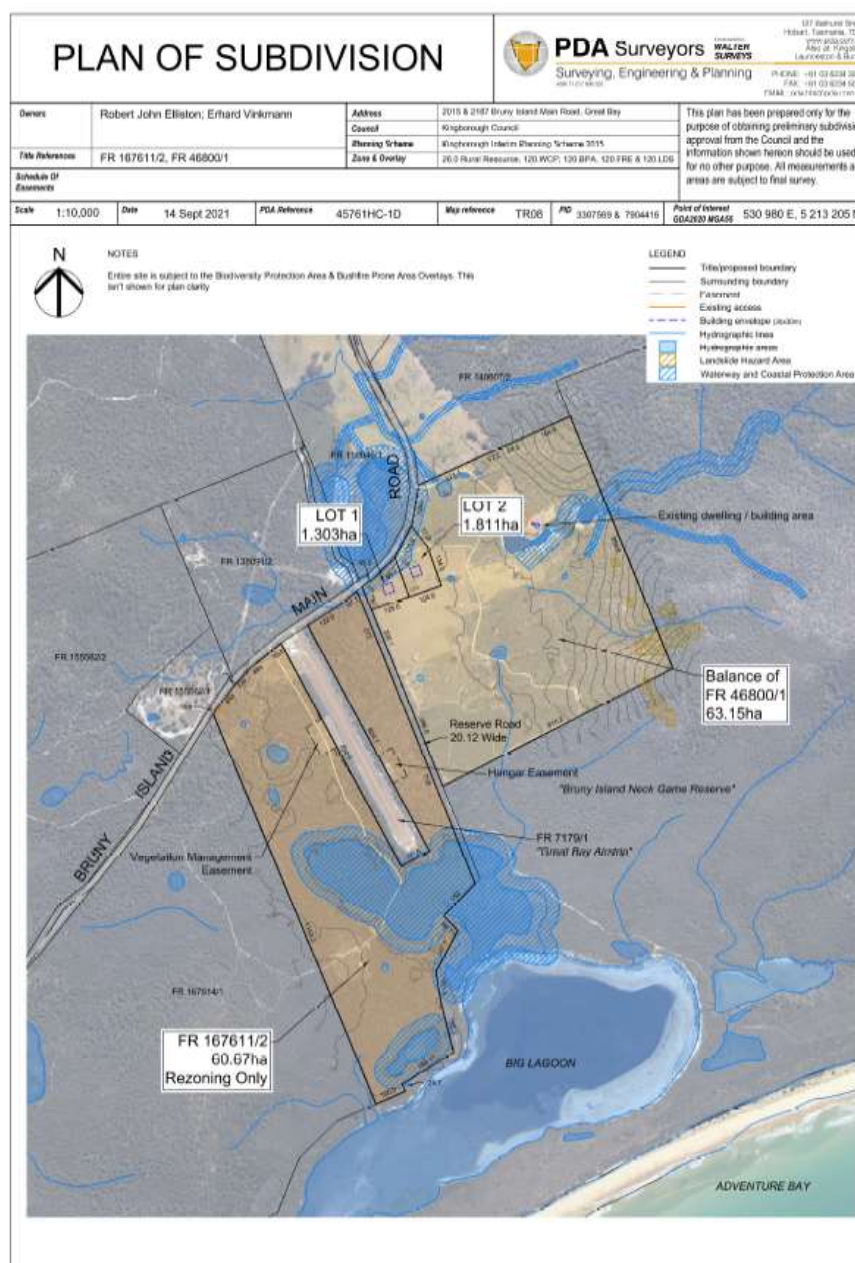
*The subject land is poorly suited to agricultural pursuits. This is well understood by the current owners, whose long association with their respective blocks has included attempts at farming which have yielded poor economic returns and resulted in degraded environmental and landscape values. As a result, one of the blocks is currently managed as an informal private reserve and the other could be characterised as a large 'hobby farm'.*

*The current Rural Resource zoning for the subject land looks somewhat incongruous in the context of surrounding land (which is mostly zoned Environmental Living). An analysis of the zone mapping guidelines applied in implementation of the current Scheme reveals that the zoning for the subject land was dictated primarily by 'like-for-*



*like' considerations and relatively arbitrary decision points around the scale of the property, relative percentages of cleared land and bushland and the perceived priority of any natural/landscape values present.*

- 3.3 The proposal also involves application for subdivision (DAS-2021-3). The subdivision application seeks a 3-lot subdivision of 2015 Bruny Island Main Road, creating 2 new lots (Lot 1 of 1.303ha and Lot 2 of 1.811ha) and a balance lot of 63.15ha. The proposed subdivision plan is provided in Figure 3. The new lots are provided with a relatively small building envelopes to accommodate future dwellings. Access to the lots will be off Bruny Island Main Road.
- 3.4 A detailed assessment of the subdivision application is provided under a separate report to Council for consideration, however it is worth noting that the proposed subdivision application is recommended for approval as is it able to meet all the relevant subdivision provisions of the Environmental Living Zone. As previously mentioned before, the subdivision can only proceed if the proposed rezoning to the Environmental Zone is approved.



**Figure 3 – Proposed subdivision under DAS-2021-3**

#### 4. ASSESSMENT

- 4.1 The planning report submitted by PDA surveyors (dated 20 Sept 2021) is supported with the following supplementary documents:
- Land Capability Assessment by Enviro-Dynamics (dated March 2020)
  - Bushfire Hazard Report by Enviro-Dynamics (Version 1.1, dated Sept 2021)
  - Traffic Impact Assessment; and
  - Natural Values Assessment, by Enviro-Dynamics (Version 1.1, dated Sept 2021)
- 4.2 The application to amend the planning scheme has been assessed by having regard to the following:
- Existing situation under the Kingborough Interim Planning Scheme 2015;
  - Proposed situation under the Kingborough Interim Planning Scheme 2015;
  - Alignment with the Kingborough Draft Local Provision Schedule;
  - Compatibility with surrounding zoning and land uses.
  - Environmental impacts;
  - Infrastructure and service provision;
  - Strategic alignment, with particular reference to the consistency of the proposal with the *Southern Tasmania Regional Land Use Strategy 2010-2035*, *Kingborough Land Use Strategy 2019* and *Council's Strategic Plan 2015-2025*; and
  - Statutory compliance with the requirements of the former provisions of LUPAA and state policies.

##### **Existing situation under the Kingborough Interim Planning Scheme 2015**

- 4.3 The subject land is currently zoned Rural Resource. This zone is generally applied to land outside the main settlements that is suitable for broad scale agricultural purposes. Some activities, other than agriculture, can occur in this zone, but these uses must be compatible with primary industry activities, environmental and landscape values.
- 4.4 The application indicates that the subject land is poorly suited to agricultural pursuits and that past attempts at farming have yielded poor economic returns and resulted in degraded environmental and landscape values. As a result, one of the blocks is currently managed as an informal private reserve and the other could be characterised as a large 'hobby farm'. The Land Capability Report submitted with the application considers the limitations to sustainable agricultural use of the land, including soil quality and depth, the risk of erosion or other hazards, water security, climate change and topography. The land is identified as Class 6 in terms of its capability for agricultural pursuits which in simple terms means that the land that is 'marginally suited to grazing due to severe limitations.'

- 4.5 Due to size of the lots, subdivision under the current zoning is not possible as a minimum lot size requirement of 40 hectares applies (to clarify, each lot must be at least 80 hectares to be subdivided).

#### **Proposed situation under the Kingborough Interim Planning Scheme 2015**

- 4.6 The proposal is to rezone the land to Environmental Living. The Environmental Living Zone mainly provides for residential options in rural areas and is generally applied to un-serviced, residential 'bush blocks' that contain native vegetation. This vegetation contributes to overall biodiversity and/or landscape values (that may not be otherwise reserved or protected). Some activities, other than residential, can occur in this zone, but these uses must be compatible with the rural residential amenity and respect the environmental values present.
- 4.7 The Natural Values Report submitted with the application indicates that the land contains environmental and landscape assets that are worthy of being protected. The proposed rezoning has the potential to deliver a significant net conservation gain through application of Clause 14.5.1 P1 (c) and (d) of the Kingborough interim Planning Scheme 2015. In short, those provisions require that when a subdivision is proposed in the Environmental Living Zone, it must provide a net conservation benefit through mechanisms on titles that manage natural values on private land outside those areas required for building areas, private open space and bushfire protection measures. The application for subdivision has demonstrated that this is possible for 2015 Bruny Island Main Road, and this is discussed in more detail in the associated subdivision report.
- 4.8 The subdivision provisions of the Environmental Living Zone allow for 1 lot per 20 hectares. The subdivision application under DAS-2021-3 will create two additional lots at 2015 Bruny Island Main Road. In this context, the creation of smaller environmental living lots is not incongruous and could support a range of uses compatible with the emerging character of the area, including residences, holiday homes, accommodation for workers in nearby businesses, home-based businesses or visitor accommodation whilst still providing a net conservation benefit as explained above. While no subdivision is proposed for 2187 Bruny Island Main Road as part of DAS-2021-3, there is also the potential for two additional lots on this title under Clause 14.5.1 P1 (a), subject to compliance with all other relevant subdivision standards.

#### **Alignment with Kingborough Draft Local Planning Provision Schedule**

- 4.9 The Rural Resource Zone will cease to exist under the Tasmanian Planning Scheme. For this reason, Council had to consider a similar zone for the land, being the Rural Zone. The Rural Zone under the Tasmanian Planning Scheme will not allow subdivision of the land. If the proposed rezoning to the Environmental Living is approved, the Landscape Conservation Zone will be applied to the land when the Tasmanian Planning Scheme comes into force for Kingborough.
- 4.10 The subdivision provisions under the Landscape Conservation Zone of the Tasmanian Planning Scheme will allow 1 lot per 40 hectares as the acceptable solution. Subdivision to 20ha is possible under the performance criteria subject to compliance with the relevant criteria. Therefore, the maximum number of lots possible under the LPS is consistent with the number of lots possible under KIPS 2015. However, KIPS 2015 provides for variation in lot sizes, clustering of lots and ensures a net conservation outcome, whereas the LPS requires 20-hectare minimum lot sizes without clustering or requiring a net conservation outcome.

#### **Compatibility with surrounding zoning and land uses**

- 4.11 In order to minimise land use conflicts, isolated amendments to the planning scheme or 'spot-rezonings' are generally not encouraged, however the proposed rezoning of



the land to the Environmental Living Zone is considered a logical extension of the adjoining Environmental Living Zone and will also facilitate development that is compatible existing land use practices in the area.

- 4.12 While the proposed rezoning may facilitate residential development outside settled areas, the additional two lots proposed at this location is not incongruous. The proposal meets environmental, conservation and resource management imperatives without significantly altering or affecting settlement patterns on the island.

#### **Consideration of environmental impacts**

- 4.13 The eastern side of 2015 Bruny Island Main Road contains relatively steep forested land with a westerly aspect, including areas of threatened silver peppermint (*Eucalyptus tenuiramis*) forest on mudstone. The balance is very flat land and contains a mix of exotic pasture and coastal scrub. The proposal will contribute to the protection of large areas of native vegetation containing both threatened vegetation communities and threatened species habitat, including the forty-spotted pardalote, swift parrot and other hollow dwelling bird species. This vegetation is also contiguous with and provides an important buffer to the Bruny Island Neck Game Reserve. Given the location and extent of existing cleared and regenerating land, combined with the existing approved dwelling and associated hobby farm infrastructure, there is ample opportunity for future use and development compatible with the Environmental Living zone negligible impacts on environmental values.
- 4.14 2187 Bruny Island Main Road is predominantly native vegetation with healthy mature forest, including areas of endangered black gum (*E. ovata*) forest and a mix of coastal woodland, scrub, heath and wetlands. Areas of regenerating cleared land provide opportunities for future development compatible with the Environmental Living zone to be located with minimal impact environmental values.
- 4.15 The proposed Environmental Living zoning will provide increased protection of biodiversity values which is likely to reduce threats to significant values on the subject land, whereas the current Rural Resource zoning may invite agricultural aspirations which may increase threats. The associated subdivision application, if approved and acted upon, will facilitate a Part 5 Agreement which will be attached to title of 2015 Bruny Island Main Road to protect the environmental values of the land into perpetuity.

#### **Infrastructure and service considerations**

- 4.16 One of the key considerations with planning scheme amendments is the impact a proposal has on existing infrastructure and the ability of existing networks to cope with increased demands. There is a steady albeit limited demand for additional residential development on Bruny Island however this is constrained because of the limited capacity of Bruny Island to accept many more tourists or residents. There are no reticulated water or sewerage services on Bruny Island. All dwellings and businesses rely on tank water for their domestic water supplies. Similarly, all dwellings and businesses rely on the on-site treatment and disposal of wastewater.
- 4.17 The proposed rezoning and associated subdivision application will facilitate two additional lots. If the subdivision application is approved, the planning permit will have a set of approval conditions to ensure that the development complies with all relevant subdivision and infrastructure requirements.

#### **Strategic alignment**

- 4.18 The [Southern Tasmania Regional Land Use Strategy 2010-2035 \(STRLUS\)](#) has been implemented to provide guidance and direction for future development and use in the southern region. The STRLUS contains a number of regional policies that are in place

to support strategic directions for the southern region. The applicant has provided a detailed response to each of the relevant policy directions. The proposal meets all the relevant policy outcomes sought and is therefore considered consistent with the overarching strategic planning directions of this strategy.

- 4.19 The [\*Kingborough Land Use Strategy, dated May 2019\*](#) provides the justification for the way that land is to be zoned in the planning scheme and provides the necessary background to assist in the assessment of future planning scheme amendment applications. The applicant has provided a detailed response to how the proposal aligns with the land use strategy, in particular how it will retain and protect the natural and landscape values of Bruny Island.
- 4.20 The [\*Kingborough Council Strategic Plan 2020-2025\*](#) provides the direction for the future delivery of services by Kingborough Council, which influence the quality of life for residents and businesses. The proposal aligns with the strategic plan, specifically those strategic outcomes that seek to improve environmental assets whilst facilitating development outcomes.

### **Statutory requirements**

- 4.21 Pursuant to section 32(1) of the former provisions of LUPAA, a draft amendment of a planning scheme must address the following:
- 4.21.1 Section 32(e) of the former provisions of LUPAA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas. The proposed rezoning will result in an extension of the Environmental Living Zone which will allow for development outcomes consistent with existing land practises in the area. Land use conflicts are therefore unlikely to occur. Even though the zoning change will result in the potential to subdivide, the associated development application for subdivision will only create 2 additional lots with building envelopes for future dwellings. The location of the building envelopes will assist in reducing the risk of potential land use conflicts.
- 4.21.2 Section 32(ea) of the former provisions of LUPAA requires that planning scheme amendments must not conflict with the requirements of section 30O of the former provisions of LUPAA. In turn, Section 30O of the former provisions of LUPAA requires that an amendment to an interim planning scheme must as far as practicable be consistent with the regional land use strategy. Strategic alignment with the *Southern Tasmania Regional Land Use Strategy* is addressed in clause 4.2.16 of this report. The proposal is aligned with the strategic outcomes sought.
- 4.21.3 Section 32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The proposed rezoning will deliver better environmental and landscape outcomes for the subject land; in doing so, the proposal is unlikely to have any negative social and economic effects and may deliver some economic benefits.
- 4.22 In addition to the above, Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered. No representations were received during the exhibition of the Scheme which are relevant to the proposed amendment, therefore sections 30I and 30J of the former provisions of LUPAA have been satisfied.

- 4.23 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA. The applicant has provided a detailed response to each of the objectives contained in Schedule 1 and an assessment of application has determined that the proposal meets all the objectives.

### **State Policies**

- 4.24 The applicant has addressed the proposal's alignment with the State Coastal Policy 1996, State Policy on Water Quality Management 1997 and State Policy on the Protection of Agricultural Land 2009. The proposal is not inconsistent with the outcomes sought by the relevant state policies.

### **Other Matters**

#### **4.25 Aboriginal heritage**

There are four recorded Aboriginal heritage sites within 2187 Bruny Island Main Road. The four Aboriginal heritage sites were recorded in the 1980s and are part of an assessment focussed on the Bruny Island Neck Game Reserve; the freehold property does not appear to have been comprehensively assessed. The four recorded Aboriginal heritage sites therefore are highly unlikely to reflect the full extent of Aboriginal heritage across this property. Similarly, there are no recorded Aboriginal heritage sites within 2015 Bruny Island Main Road (subject land), but this property appears to never have been assessed at all and there is thus very likely to be undetected Aboriginal heritage on this property.

The applicant advised Aboriginal Heritage Tasmania that the development areas are in close proximity to Bruny Island Main Road and are contained to land that has been previously cleared and converted to farming land with various types of livestock being run over this land at various times and has been maintained in this state for many decades. The rezoning does not involve works and the works required for the associated subdivision application, will be the new access points which are contained within the already highly disturbed road corridor of Bruny Island Main Road. As the vast majority of the land would remain undisturbed by the associated subdivision application, an Unanticipated Discovery Plan process would be appropriate given the particular circumstances.

This approach was agreed by Aboriginal Heritage Tasmania, and is to be further considered during the future development of the land should the subdivision be approved. Accordingly, an advice clause to the above effect is recommended in the associated subdivision permit if the subdivision is supported.

## **5. PUBLIC CONSULTATION**

- 5.1 If Council initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA. Section 38 of the former provisions of LUPAA requires that the proposal be advertised for a period of between 3 weeks and 2 months, as determined by the planning authority.
- 5.2 It is proposed to publicly exhibit the planning scheme amendment for a minimum period of 28 days with notification:
- a) on the Kingborough Council website;
  - b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and
  - c) a site notice during the public exhibition period;

d) in writing to owners and occupiers for the property and adjoining properties.

5.3 A full package of exhibition material will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston and the Council Service Centre in Alonnah. This package will include:

- Attachment 1: Submitted application;
- Attachment 2: Instrument of Certification; and
- Attachment 3: Draft Kingborough Interim Planning Scheme 2015

All attachments have been provided to Council as additional information to this report.

5.4 Council will review all submissions to the planning scheme amendment and report them to the Tasmanian Planning Commission. The report would include the planning authority's views on the merit of each representation, whether the amendment should be modified and the impact of the representation on the amendment.

## 6. CRITICAL DATES / TIME FRAMES

- 6.1 If Council supports the amendment and initiates and certifies the amendment for public exhibition, it must advise the Commission within seven days.
- 6.2 Post-public exhibition, Council has 35 days from the close of the notification period to forward its report to the Commission. The Commission may grant an extension of time if requested.
- 6.3 The Commission must complete its consideration and decision process within three months of receiving Council's report on the representations, unless an extension of time has been agreed by the Minister.
- 6.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

## 7. CONCLUSION

- 7.1 The proposal is consistent with the long-standing land use, which is best described as 'environmental living', 'rural living' or 'hobby farming'. The proposal represents a logical extension of the existing Environmental Living Zone in the area, particularly in light of the strategic imperatives for protection of natural and landscape values.
- 7.2 The application is considered to demonstrate compliance and consistency with the requirements and the considerations of the State's Land Use Planning system. On this basis, the proposed application to rezone the land to the Environmental Living Zone is supported.

## 8. RECOMMENDATION

That Council resolves that:

- (a) Pursuant to section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* as per Attachment 2.
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies that Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of

the former provisions of the *Land Use Planning and Approvals Act 1993* and authorises the General Manager to sign the Instrument of Certification provided in Attachment 3

- (c) Pursuant to section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the Water and Sewer Industry Act 2008, Council will refer Amendment PSA-2021-1 to TasWater; and
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will place Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

#### ATTACHMENTS

1. **PSA-2021-1 - Submitted application**
2. **PSA-2021-1 - Proposed Amendment to the Kingborough Interim Planning Scheme**
3. **PSA-2021-1 - Instrument of Certification**



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### PLANNING SCHEME AMENDMENT AND 3 LOT SUBDIVISION 2015 & 2187 BRUNY ISLAND MAIN RD, GREAT BAY S43A SUBMISSION

HOBART - KINGSTON - HUONVILLE - LAUNCESTON - DELORAINÉ - BURNIE - DEVONPORT



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**Document Status**

Revision	Author	Reviewer	Date
0	Jim Mulcahy	Hugh Clement	30 October 2020
1	Jim Mulcahy	Hugh Clement	20 September 2021

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## 1. Introduction

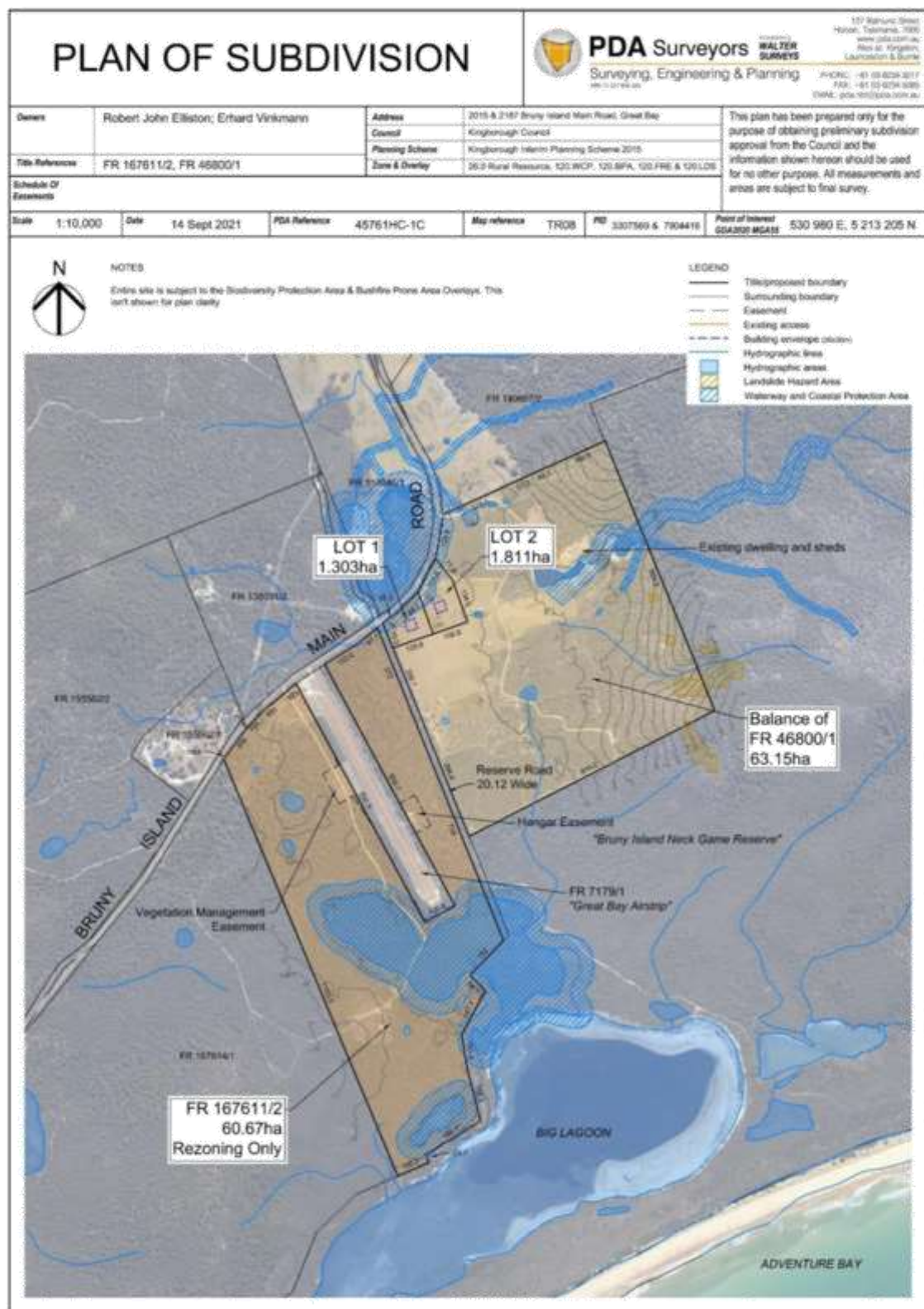
### 1.1 Summary

On behalf of the owners of the subject land, Mr Erhard Vinkman and Mr Bob Elliston, we submit this proposal for:

- the rezoning of 127ha of land in two titles from *Rural Resource* to *Environmental Living*; and
- subdivision of the one of the parent titles into three lots (two lots and balance).



Figure 1. Existing and proposed Zoning



## 1.2 Application documentation

The application comprises the following documentation:

- S43A submission by PDA Surveyors,
- Plan of Subdivision by PDA Surveyors (Annexure 1),
- Kingborough Council application form (Annexure 2),
- Landowner consent (Annexure 3),
- Title documentation (Annexure 4),
- Land Capability Assessment (Annexure 5),
- Bushfire Hazard Report (Annexure 6),
- Traffic Impact Assessment (Annexure 7), and
- Natural Values Assessment (Annexure 8).

## 2. Site description and context

### 2.1 Site description

The subject land lies to the south of the Bruny Island Main Rd at the northern end of the Bruny Island Neck. It is surrounded to the east, south and south-east by the *Bruny Island Neck Game Reserve*. The two parent titles are separated by a strip of reserved road that supports the walking track to Cape Queen Elizabeth.

The eastern third of the Vinkman property (FR46800/1) contains relatively steep forested land with a westerly aspect, including areas of threatened silver peppermint (*Eucalyptus tenuiramis*) forest on mudstone (DTO). The balance of the property is very flat land and contains a mix of exotic pasture and coastal scrub. There is an existing dwelling in the north-east of the property, along with two large dams at the terminus of Big Scrub Ck. The current land use could be described as 'hobby-farming', with small numbers of goat, pig and emu being farmed in fenced paddocks.

The Elliston property (FR 167611/2) wraps around the Great Bay Airstrip. The north-east of the property was managed as pasture in the past and is currently occupied by a mix of exotic pasture and regenerating cleared land. The eastern edge of the property contains healthy mature forest, including areas of endangered black gum (*E. ovata*) forest (DOV). The balance of the property contains a mix of coastal woodland, scrub, heath and wetlands. The only built infrastructure on the property is a 'standing camp' at an elevated site in the south-west of the block overlooking Big Lagoon. The current land use is as a 'private reserve' for the purposes of nature conservation and recreation.

### 2.2 Locality and Neighbourhood Character

The character of Bruny Island has evolved through the latter half of last century and into this century from a small island community depending largely on farming and forestry to an increasingly popular local, national and international tourist destination. Throughout, it has remained a popular place for Tasmanians to own shacks or holiday homes, albeit that demand in this sector has also increased. Increased visitation to the island has in part been fuelled by investment in services, with the sealing of the Main Rd to South Bruny playing a significant role in increased visitation to this part of the island.

The subject land lies at the junction of land traditionally used for pastoral purposes (land to the north extending around to Great Bay) and land with little productive potential around the Bruny Island Neck, most of which has been protected in a public reserve since 1979.



Until recently, public visitation to the area around the subject land was largely limited to people walking to Cape Queen Elizabeth from the car-park and walking track located between the two affected titles. Recent changes to land use on adjoining properties has led to an increase in visitation and probably heralds a change to the general character of the site:

- the private operator of the *Great Bay Airstrip* is offering scenic flights and the strip is attracting more use than it has for many years,
- a family business in the form of *Bruny Island Honey* has recently established a successful retail outlet on the northern side of Bruny Island Main Rd directly opposite the subject land (on FR 138091/2), and
- there is anecdotal evidence to suggest that these businesses are also attracting an increased use of the walking track to Cape Queen Elizabeth.

Arguably, these changes in surrounding land use are changing the character of the locality from a rural locale to a small tourist hub. In this context, the creation of smaller environmental living lots is not incongruous and could support a range of uses compatible with the emerging character of the area, including residences, holiday homes, accommodation for workers in nearby businesses, home-based businesses or visitor accommodation.

### 3. Amendment proposal

#### 3.1 Purpose

The purpose of the proposed amendment is to deliver a zoning for the subject land that better reflects:

- the land capability,
- strategic imperatives for land use that preserves environmental and landscape values, and
- the aspirations of the current owners.

#### 3.2 Zone Rationale

The subject land is poorly suited to agricultural pursuits. This is well understood by the current owners, whose long association with their respective blocks has included attempts at farming which have yielded poor economic returns and resulted in degraded environmental and landscape values. As a result, one of the blocks is currently managed as an informal private reserve and the other could be characterised as a large 'hobby farm'.

While remaining in the *Rural Resource* zone and transitioning to the *Rural* zone under the SPP will not necessitate agricultural use of the land, both owners feel that any zone which encourages agricultural aspirations is inappropriate given the biophysical constraints of the site. Further, as they value the environmental and landscape values of their properties and support strategic directions aimed at preserving these values on Bruny Island, they feel that *Environmental Living* transitioning to *Landscape Conservation* under the SPP is a more appropriate zoning for their land.

The current *Rural Resource* zoning for the subject land looks somewhat incongruous in the context of surrounding land (which is mostly zoned *Environmental Living*). An analysis of the zone mapping guidelines applied in implementation of the current Scheme reveals that the zoning for the subject land was dictated primarily by 'like-for-like' considerations and relatively arbitrary decision points around the scale of the property, relative percentages of cleared land and bushland and the perceived priority of any natural/landscape values present.

Some pecuniary interest in pursuing this application has to be acknowledged - both owners are approaching retirement age and are interested in sale of land to help fund their retirements. The advantage for Mr Vinkman in seeking a subdivision under the *Environmental Living* zone is the



flexibility to create lot sizes and configurations that suit his aspirations while permanently protecting the significant natural and landscape values of the subject land.

## 4. Land Use Planning and Approvals Act 1993

The applicable criteria for consideration under the *Land Use Planning and Approvals Act 1993* are considered and addressed below as well as the *State Policies* and the regional and local land use strategies.

### 4.1 Objectives - Schedule 1, Part 1

The relevant objectives of LUPAA specified in Schedule 1 and a response to those objectives follows.

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; ...*

#### Response

The proposed re-zoning promotes land use more suited to the physical attributes and capability of the subject land (see Land Capability Assessment at Annexure 5).

As a requirement of subdivision under the *Environmental Living Zone*, significant areas of native vegetation will be protected under covenants registered against title, thereby permanently protecting ecological processes and genetic diversity on the subject land.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

#### Response

The experience of the owners is that the current zoning encourages unsustainable land use, given the poor productive potential of the land. The proposed re-zoning will facilitate more environmentally sustainable land use and will not limit the economically sustainable use of the subject land or adjoining properties.

It could be argued that the proposed subdivision constitutes 'ribbon development', but the lot yield is modest and recent changes to surrounding land use also mean that the creation of smaller *Environmental Living* lots at this location is not incongruous.

- (c) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

**Response:** given the poor productive potential of the subject land, the proposal is unlikely to hinder economic development in the area and potential uses for lots arising from the subdivision may stimulate economic development (eg home-based businesses or visitor accommodation).

### 4.2 Objectives - Schedule 1, Part 2

The objectives of LUPAA specified in Part 2 of Schedule 1 and a response to those objectives follows.

- (a) *to require sound strategic planning and co-ordinated action by State and local government;*

**Response:** as detailed later in the report, the proposed amendment is reasonably consistent with applicable Local, Regional and State land use strategies.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;*

**Response:** one of the objectives in seeking the amendment is to deliver better environmental and landscape outcomes for the subject land; in doing so, the proposal is unlikely to have any negative social and economic effects and may deliver some economic benefits.

- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;*

**Response**

State, regional and municipal policies are discussed below. Generally speaking, these policies encourage protection of natural and landscape values and the coastal environment whilst discouraging further 'rural living' and 'ribbon' development outside of urban growth boundaries. The proposal meets environmental, conservation and resource management imperatives without significantly undermining objectives in relation to ribbon development.

- (f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;*

**Response**

It is considered that the proposed amendment would further the State and municipal objectives of sustainable economic development of land in a manner that does not compromise environmental, social, conservation or resource management values. This is consistent with providing a pleasant, efficient and safe living environment.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

**Response**

The subject land is highly likely to contain sites of Aboriginal Heritage significance, but no specific sites have been identified or recorded. If any values are identified, the provisions of the *Aboriginal Relics Act 1975* would be followed. There are no national, state or local heritage values identified on the site.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

**Response**

The only public infrastructure potentially impacted by the proposal is Bruny Island Main Rd. The *Traffic Impact Assessment* at Annexure 7 outlines in detail how access to the public road from the subject land can be managed to prevent any negative outcomes for operation of the road and public amenity.

### 4.3 Section 32 Requirements for Preparation of amendments

- (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

**Response:** the proposal is unlikely to give rise to any land use conflict with use and development on adjoining land, most of which is zoned *Environmental Living* or *Environmental Management*.

(ea) must not conflict with the requirements of section 300 ...

**Response:** the responses in 5.3 and 5.4 of this document demonstrate that the proposed amendment is consistent with all relevant State Policies and the *Southern Tasmanian Regional Land Use Strategy* (STRLUS).

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms

**Response**

The proposal meets environmental, conservation and resource management imperatives without significantly undermining objectives in relation to ribbon development. The proposal is unlikely to have any negative social and economic effects and may deliver some economic benefits.

## 5. State Policies

### 5.1 State Policy on the Protection of Agricultural Land 2009 (PAL)

The PAL applies to Agricultural land, defined as all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The subject land is not currently in agricultural use and the land capability is such that it has little potential for agricultural use (see Land Capability Assessment at Annexure 5). The land is mapped under the Land Capability layer on the LIST as Class 6 – *land marginally suited to grazing due to severe limitations* and the experience of the owners is that their properties are ill-suited to commercial agricultural enterprises.

### 5.2 State Policy on Water Quality Management 1997

The purpose of this policy (the policy) is to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System (Schedule 1 of the *State Policies and Projects Act 1993*).

Clause 31 of the policy deals with the control of erosion and stormwater runoff from land disturbance. Clause 31.5 requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Future use and development of the site through provision of buildings and property access will require varying degrees of earthworks, but potential for erosion and water quality impacts is likely to be far less under an *Environmental Living* use than an agricultural use.

There are no significant site constraints that would prevent residential use and development on the subject land proceeding using readily available techniques without causing erosion or water quality degradation. The existing system of planning, building and plumbing approvals allows the Council to impose conditions on any permit to minimise the potential for erosion or water quality degradation. This system is relied upon to ensure that earthworks and stormwater from all hard surfaces including roads, buildings and driveways is managed in a manner consistent with required standards, including the *State Policy on Water Quality Management 1997*. On this basis, it is considered that the application is suitably consistent with the provisions of the policy.

### 5.3 Tasmanian State Coastal Policy 1996

The subject land is relatively low-lying land in proximity to the coast, but it is not affected by the *Coastal Inundation Hazard Area* overlay under the *Kingborough Interim Planning Scheme 2015* (the Scheme), or by modelling for 2050 and 2100 of *Coastal Vulnerability*, *Coastal Projected Sea Level Rise*, *Coastal Inundation Hazard Bands* or *Coastal Erosion Hazard Bands* (theLIST, 2021).

Clause 1.1.10 of the *State Coastal Policy* (the policy) provides that:

*The design and siting of buildings, engineering works and other infrastructure, including access routes to the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.*

**Response:** the provisions of the *Environmental Living Zone* of the Scheme impose significant constraints on the design and siting of buildings, engineering works and other infrastructure to minimise any impacts on the natural environment.

Clause 1.4.1 of the policy provides that:

*Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land property and human life.*

**Response**

No expert investigations have been undertaken in relation to the issues of sea level rise, storm surge and coastal recession for the subject land. Affected areas of the subject land have an elevation of between 5m and 15m above sea level, making it well above a vertical sea-level rise allowance of 0.20 metres by 2050, as supported by the State government hazard modelling (theLIST, 2020). The site is not subject to natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift or dune mobility. On this basis, it is considered that the proposed amendment would not be contradictory or inconsistent with the *State Coastal Policy 1996*.

Clause 2.1.3 of the *Coastal Policy* provides that:

*Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone, will be sensitive to the natural and aesthetic qualities of the coastal environment.*

**Response**

The provisions of the *Environmental Living Zone* of the Scheme impose significant constraints on the design and siting of buildings, engineering works and other infrastructure to minimise any impacts on the natural environment. These provisions lead to the grouping of potential future residential development near the road frontage and as far as possible from any natural or aesthetic values associated with the coastal environment.

Clause 2.4.2 of the *Coastal Policy* provides that:

*Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.*

**Response**

While the proposal does invite some residential development outside settled areas and it could be argued that it constitutes 'ribbon development', the lot yield potential is modest and a small number of environmental living lots at this location is not incongruous. The proposal meets environmental, conservation and resource management imperatives without significantly undermining objectives in relation to ribbon development.

## 6. Local and Regional Strategic Considerations

### 6.1 Southern Tasmania Regional Land Use Strategy (STRLUS)

The STRLUS provides a regional vision of:

*"a vibrant, growing, liveable and attractive region, providing a sustainable lifestyle and development opportunities that build upon our unique natural and heritage assets and our advantages as Australia's southern most region."*

Principles of equity and sustainability inform 10 strategic directions as follows:

- Adopting a more integrated approach to planning and infrastructure;
- Holistically manage residential growth;
- Creating a network of vibrant and attractive activity centres;
- Improving our economic infrastructure;
- Supporting our productive resources;
- Increasing responsiveness to our natural environment;
- Providing management of our water resources;
- Supporting strong and healthy communities;
- Making the region nationally and internationally competitive; and
- Creating liveable communities.

These strategic directions inform 15 regional policies which are supported by more specific sub-policies. The 12 Regional Policies most relevant to this proposal are headed:

- Biodiversity & Geodiversity;
- Water Resources;
- The Coast;
- Cultural Values;
- Tourism;
- Productive Resources; and
- Settlement & Residential Development.

The relevant clauses of each of the relevant sub-policies of these Regional Policies are considered and addressed below.

#### *Biodiversity and Geodiversity*

**BNV 1** *Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.*

**BNV 1.1** *Manage and protect native vegetation at the earliest possible stage of the land use planning process (rezoning)*

**Response:** the proposed rezoning will result in greater protection of all the native vegetation on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP);

the proposed subdivision will result in the permanent protection of most of the native vegetation on the Vinkman property through covenants registered on title via the provisions of the *Environmental Living Zone*.

**BNV 1.2** *Implement a planning assessment approach that follows the, 'avoid, minimise, mitigate, offset', hierarchy of actions*

**Response:** the proposal avoids impacts on native vegetation where possible and where avoidance is not possible, minimises impact by locating future infrastructure in areas of previously cleared and converted land.

**BNV 1.3** *Accept offsets as a 'last resort' and only where there is a net conservation benefit, security of the offset in perpetuity and based upon 'like for like'.*

**Response:** offsets should not be required as part of this proposal.

**BNV 1.5** *Ensure vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.*

**Response:** it is anticipated that requirements for management of soil disturbance and vegetation clearing will form part of any permit conditions arising from this application.

**BNV 2** *Protect threatened vegetation communities, flora and fauna species, habitat for threatened species and places important for building resilience and adaptation to climate change for these.*

**BNV 2.1** *Avoid the clearance of threatened vegetation communities ...*

**Response:** there are three threatened vegetation communities on the subject land - coastal wetlands; black gum (*Eucalyptus ovata*) woodland; and silver peppermint (*E. tenuiramis*) forest on mudstone (DTO);

the proposed rezoning will result in greater protection of threatened communities on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP);

the proposed subdivision will result in the permanent protection of threatened DTO forest on the Vinkman property through covenants registered on title via the provisions of the *Environmental Living Zone*.

**BNV 2.2** *Minimise clearance of native vegetation communities that provide habitat for threatened species*

**Response:** no native vegetation providing habitat for threatened species will be cleared or impacted by the proposal.

**BNV 2.3** *Ensure potential applicants are advised of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999*

**Response:** the applicants are aware of their responsibilities.

**BNV 3** *Protect the biodiversity and conservation values of the Reserve Estate*

**Response:** not directly applicable to this proposal, but the improved protection for native vegetation on the subject land will deliver a significant buffer to the adjoining *Bruny Island Neck Game Reserve* and the permanent protection of most of the native vegetation on the Vinkman property (through covenants registered

on title via the provisions of the *Environmental Living Zone*) will make a significant addition to protected areas in the landscape.

- BNV 5** *Prevent the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.*

**BNV 5.1** *Ensure development that includes vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans that include weed management actions where the site is known, or suspected, to contain declared weeds*

**Response**

Both the Vinkman and the Elliston properties have significant infestations of Spanish Heath (*Erica lusitanica*) in cleared land along the frontage to Bruny Island Main Rd. It is anticipated that weed management requirements will form part of any permit conditions in relation to this application.

- BNV 6** *Protect areas of high geodiversity significance*

**Response:** not directly applicable to this proposal, but the subject land is geologically diverse and any features of geodiversity significance will achieve greater protection under this proposal along with the associated native vegetation.

## Water Resources

- WR 1** *Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries*

**Response:** the proposal is unlikely to impact any surface or groundwater, including waterways, wetlands and estuaries; it is anticipated that stormwater and wastewater management requirements will form part of any permit conditions in relation to this application.

- WR 2** *Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values*

**Response:** the proposal does not negatively impact wetlands or waterways and the proposed rezoning will result in greater protection of some significant coastal wetlands on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP);

- WR 3** *Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision*

**Response:** the subject land is an area not serviced by reticulated water, stormwater or sewerage; sustainable water usage and management will be an imperative for any future residential occupation.

## The Coast

- C 1** *Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast*

**C 1.1** *Ensure use and development avoids clearance of coastal native vegetation*



**Response:** any future development on the subject land arising from the proposal will occur in proximity to the road frontage (as far as possible from the coast) on cleared land or previously cleared and converted land,

the proposed rezoning will result in greater protection of coastal areas and associated vegetation on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP),

the proposed subdivision will result in the permanent protection of coastal areas and associated vegetation on the Vinkman property through covenants registered on title via the provisions of the *Environmental Living Zone*.

**C 1.3** *Prevent development on mobile landforms and coastal mudflats unless for the purposes of public access or facilities or for minor infrastructure that requires access to the coast*

**Response:** the proposal does not affect mobile landforms or coastal mudflats.

**C 2** *Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession*

**Response:** the subject land is relatively low-lying land in proximity to the coast, but it is not affected by the *Coastal Inundation Hazard Area* overlay under the *Kingborough Interim Planning Scheme 2015* (the Scheme), or by modelling of *Coastal Vulnerability*, *Coastal Projected Sea Level Rise*, *Coastal Inundation Hazard Bands* or *Coastal Erosion Hazard Bands* (theLIST, 2020 – modelling for 2050 & 2100).

## Cultural Values

**CV 1** *Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding of history and contribution to the region's competitive advantage*

**Response:** the subject land is highly likely to contain sites of Aboriginal Heritage significance, but no specific sites have been identified or recorded;  
in the event that any values are identified, the provisions of the *Aboriginal Relics Act 1975* will be followed.

**CV 2** *Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage*

**Response:** there are no known or recorded historic cultural heritage values associated with the subject land.

**CV 4** *Recognise and manage significant cultural landscapes throughout the region to protect their key values*

**Response:** the site is not recognised as significant cultural landscape.

**CV 5** *Recognise and manage archaeological values throughout the region to preserve their key values*

**Response:** there are no known or recorded archaeological values associated with the subject land.



## Tourism

**T 1** Provide for innovative and sustainable tourism for the region

*T 1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region ... &*

*T 1.2 Identify and protect regional landscapes, which contribute to the region's sense of place, through planning schemes*

**Response:** the proposal will increase protection for a significant part of the coastal landscape at the northern end of the Bruny Island Neck along a major tourism corridor;

the creation of smaller environmental living lots at this location could support a range of uses compatible with tourism, including holiday homes, accommodation for workers in nearby businesses, home-based businesses or visitor accommodation.

## Productive Resources

**PR 1** Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses

**Response:** the land is not identified as regionally significant for agriculture and is mapped under the Land Capability layer on the LIST as Class 6 – land marginally suited to grazing due to severe limitations,

the experience of the owners is that their properties are ill-suited to commercial agricultural enterprises and the Land Capability Assessment at Annexure 5 concludes that agricultural potential is probably limited to 'hobby-scale' activities.

**PR 2** Manage and protect the value of non-significant agricultural land in a manner that recognises sub-regional diversity in land and production characteristics.

*PR 2.3 Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particularly agricultural enterprises*

### **Response**

On the face of it, the proposal seems to run counter to this objective, as it creates two new lots of a scale that probably cannot support commercial agriculture and that are likely to be used for residential purposes (consistent with expectation under *Environmental Living zoning*). However, given that the subject land is not being farmed and has such low productive potential that it is unlikely to be farmed commercially in future, it seems unreasonable to view the proposal as *conversion of rural land to residential land*. In terms of actual land use, it is more accurate to view the proposal as converting large rural and environmental living lots to a mix of large and small environmental living lots.

In terms of preserving any agricultural potential on the subject land that may emerge from future innovation or from boutique production associated with other uses such as tourism or visitor accommodation, the maintenance of large balance lots under this proposal preserves the vast majority of any latent agricultural potential in the parent lots.

*PR 2.5 Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land*

**Response:** the creation of some smaller lots at this location whilst preserving agricultural potential on large balance lots provides opportunities for a range of uses, including commercial (home-based business) and tourism (visitor accommodation).

*PR 2.6 Ensure the introduction of sensitive uses not related to agricultural use, such as dwellings on small non-farming titles, are only allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land*

**Response:** in the context of surrounding land uses, which are predominantly 'rural living' and 'environmental living' uses, the creation of some smaller environmental living lots at this location is unlikely to fetter any agricultural uses on neighbouring land.

## **Settlement and Residential Development**

**SRD 1.3** *Support consolidation of existing settlements by restricting the total area of rural living and environment living footprints to the existing overall land area of such use*

### **Response**

It is interesting to note that the point of reference in this policy statement is not the zoning but the land use. Assuming that this is intentional, the proposal is consistent with the policy because the current and long-standing land use on the Elliston property is best described as 'environmental living' (albeit through a standing camp rather than a formal residence), while the current and long-standing land use on the Vinkman property is best described as 'rural living' or 'hobby farming'.

If the intent of the policy is to limit expansion of the land area under rural living and environmental living zoning, then the proposal is not consistent with the policy. Nevertheless, not every proposal will be consistent with all strategic directions and we contend that the strategic benefits in protecting natural and landscape values delivered under the proposal outweigh any costs associated with two new residential lots being created outside existing settlements.

## **6.2 Kingborough Land Use Strategy (KLUS)**

The previous version of the *Kingborough Land Use Strategy* (2013) informed the implementation of the *Kingborough Interim Planning Scheme 2015* and the recent update (2019) is largely to inform the implementation of the *Local Provisions Schedule* (LPS) required to transition to the *State Planning Provisions* (SPP). Given that this application is made under the current Scheme and that one of the zones under consideration (*Environmental Living*) will not exist under the SPP, the 2013 version is the relevant point of reference for this discussion.

In terms of strategic direction, the KLUS is (necessarily) consistent with the STRLUS. To avoid unnecessary repetition, this section will focus on any issues given particular emphasis in the KLUS and any issues, policies or strategic directions either specific to Bruny Island or having particular relevance to Bruny Island. The following are general observations relevant to the strategic direction under the KLUS (2013) as it relates to this application.

- A. A specific emphasis is placed on retaining and protecting the natural and landscape values of Kingborough generally and of Bruny Island in particular.

- B. Although no *Desired Future Character Statement* is proffered for Bruny Island as a whole, the spirit of the statement from the *Kingborough Planning Scheme 2000* is preserved in the KLUS and the implementation of the current Scheme. As a result, protection of natural and landscape values on Bruny Island has been given special attention under the current Scheme by:
- applying the *Biodiversity Code* to the whole of the island;
  - widespread application of the *Environmental Living Zone*;
  - application in some zones of larger minimum lot sizes for Bruny Island than mainland areas of Kingborough (eg 20ha vs 10ha for the *Environmental Living Zone*); and
  - application of *Environmental Living Zone* provisions which require the protection of natural values through mechanisms registered on title as a condition of any subdivision approval.
- C. The same tension evident in the STRLUS exists between strategic imperatives to protect natural and landscape values (well served by this proposal) and to limit residential development outside settled areas (inconsistent with the proposal).
- It is acknowledged in the KLUS, however, that the application of the *Environmental Living* and the *Rural Living* zones must inevitably result in the creation of small numbers of residential lots outside settled areas. Further, it is implicit in the application of the *Environmental Living Zone* that this outcome is considered acceptable if application of the zone is serving other strategic objectives, in particular the protection of natural and landscape values.
- D. An analysis of the zone mapping guidelines applied in implementation of the current Scheme reveals that the zoning for the subject land was dictated primarily by 'like-for-like' considerations and relatively arbitrary decision points around the scale of the property, relative percentages of cleared land and 'bushland' and the perceived priority of any natural/landscape values present. As a result, the current zoning of the subject land looks somewhat incongruous in the context of:
- the zoning of surrounding land (which is mostly *Environmental Living*);
  - the extent of native vegetation on the subject lots, particularly the Elliston property which has reverted almost entirely to native vegetation cover since farming ceased; and
  - the application of the *Environmental Living Zone* to other properties in the municipality of a similar scale and/or situation.

### Desired Future Character

The KLUS and the current Scheme outline *Desired Future Character Statements* for several settled areas on Bruny Island, but not for Great Bay, the Bruny Island Neck or Bruny Island as a whole. It is clear from the discussion in the KLUS however, that the spirit of the statement from the *Kingborough Planning Scheme 2000* for the whole island is preserved in the KLUS and the implementation of the current Scheme:

1. *The unique natural environment is Bruny Island's most important attribute and must be protected from inappropriate land use and development.*

**Response:** the proposal is modest in scale, respects the values and constraints of the subject land and does not constitute inappropriate land use and development.

2. *Low-key sensitive development is appropriate within existing developed areas and should essentially be limited to the in-fill development of vacant lots. The existing natural character of rural areas should be protected from rural residential type subdivision that is not sympathetic to the surrounding landscape.*

**Response:** while it is desirable to avoid development outside settled areas, some small-scale residential development outside settled areas is unavoidable and limited residential development at this location under the constraints of the

*Environmental Living Zone* will deliver strategic benefits that outweigh the costs of a small number of additional residential lots.

3. *The relative isolation of island life is an attraction in itself and brings with it a more relaxed and quieter lifestyle, and a more self-sufficient and supportive community. Development should be designed to discretely support this Bruny Island lifestyle.*

**Response:** the creation of some smaller environmental living lots at this location will not undermine the Bruny Island lifestyle and may contribute to a more self-sufficient community.

4. *Use or development that improves service delivery, especially health, transport, retail/restaurant and emergency services, is to be encouraged, particularly within or adjacent to existing developed areas.*

**Response:** given recent changes in land-use on surrounding properties (see page 6), the creation of some smaller environmental living lots at this location could support a range of uses which support improved service delivery (eg home-based business or accommodation for workers in nearby businesses).

5. *Larger scale developments that do not reflect the existing lifestyle and built characteristics of the Island are generally regarded as being out of character.*

**Response:** the proposal is not a large-scale development.

6. *Tourism provides opportunities for investment and employment and the marketing of Bruny Island. Relatively low-key tourism development is appropriate where it balances the needs of residents and visitors and enhances the Bruny experience.*

**Response:** given recent changes in land-use on surrounding properties and the potential emergence of a small tourist hub at this locale, the creation of some smaller environmental living lots could support a range of uses associated with low-key tourism developments (eg home-based business, accommodation for workers in nearby businesses or visitor accommodation).

7. *Opportunities for small businesses, agricultural enterprises and 'cottage industries' are to be encouraged where they support and enhance the lifestyles of local residents and the visitor experience.*

**Response:** the creation of some smaller environmental living lots at this location could support home-based businesses or visitor accommodation, while the larger balance lots preserve any latent agri-business potential in the parent lots (eg boutique production associated with other uses such as tourism or visitor accommodation).

8. *The Aboriginal, cultural and historic heritage of Bruny Island is unique. These values should be recognised and built upon with respect. Such heritage is to be protected and its historical associations should be presented in ways that enhance experiences for visitors and residents.*

**Response:** the subject land is highly likely to contain sites of Aboriginal Heritage significance, but no specific sites have been identified or recorded; in the event that any values are identified, the provisions of the *Aboriginal Relics Act 1975* will be followed.

9. *Road infrastructure, recreational facilities and other public services need to be provided and maintained to a higher standard in order to improve local amenity and enjoyment. Use or development should only occur where it will not compromise the standard of such public infrastructure assets.*

**Response:** the proposal occurs on a well-constructed, sealed section of Bruny Island Main Rd and the proposal will not compromise the condition or operation of the road or any other public infrastructure assets.

**Comparison of Zone Mapping Guidelines (p195-199)**

Environmental Living	These are essentially unserviced residential "bush" blocks. The land contains native vegetation that contributes to overall biodiversity and/or landscape values – though may not be otherwise reserved or protected. Often will be forested land that forms a scenic backdrop to settlements. It could occur in quite remote locations or close to major urban areas (eg Bonnet Hill, Boronia Hill) – the natural values of the land itself will be the main criteria.	Will generally apply to areas that are already subdivided in the 5ha to 15ha lot size range.  A minimum lot size of 10ha for all "mainland" areas and 20ha on Bruny Island.  The larger minimum on Bruny reflects the existing settlement pattern.
Rural Resource	Applies to land that has long term potential to be utilised for productive resources (agriculture, forestry, mining etc). Includes farming land, State Forests, Private Timber Reserves. It will also be used on occasion as a holding zone on the edge of existing urban areas (eg Margate), in that the land is targeted for future residential development in the foreseeable future	Minimum lot size of 40ha. Essentially precludes further subdivision apart from some particularly large parcels on Bruny Island.

A comparison of the zone mapping guidelines from the KLUS for the *Environmental Living Zone* and the *Rural Resource Zone* (see above) supports the contention that the subject land is more appropriately zoned *Environmental Living*. The parent lots both contain native vegetation that contributes to overall biodiversity and landscape values and neither lot has long-term potential to be utilised for productive resources, particularly given the fact that such uses would undermine the maintenance of biodiversity and landscape values.

The decision to zone the land *Rural Resource* under the current Scheme probably related to the scale of the lots (>15ha) and perhaps the perceived extent of cleared land or previously cleared land. There are precedents however, for application of the *Environmental Living* zone to much larger lots (eg CT 139168/1 at Tinderbox & CT 201782/1 at Lunawanna) and for the inclusion of significant areas of cleared land within that zone (eg on CT 139168/1 at Tinderbox, CT 170011/20 at Roberts Point on Bruny Island and CT 140607/2 directly to the north of the subject land).

It is clear from discussion in the KLUS that the decision to zone some larger lots as *Environmental Living* was due to the significance of the natural values associated with those lots (eg Tinderbox). Presumably the inclusion of cleared land on some lots was based on that land forming a minority proportion of the overall lot and a desire to avoid split zoning. If these same principles are applied to the subject land, there is strong case for application of the *Environmental Living* zone:

- TASVEG mapping underestimates the extent of native vegetation on the subject land, with long-established areas of coastal scrub on the Vinkman property incorrectly mapped as bracken fernland,
- there is virtually no cleared land remaining on the Elliston property and cleared and developed land is a minority proportion of the Vinkman property (~25%),
- there are areas of three threatened vegetation communities on the subject land which are not mapped under TASVEG – coastal wetlands and black gum (*Eucalyptus ovata*) forest (DOV) on the Elliston property and silver peppermint (*E. tenuiramis*) forest on mudstone on the Vinkman property, and
- the subject land represents a significant part of the coastal landscape at the northern end of the Bruny Island Neck along a major tourism corridor.



## 7. Subdivision - Kingborough Interim Planning Scheme 2015

The subject land (the Vinkman property) currently consists of a large rural title (FR 46800/1) +/- 66.28ha in size with frontage to Bruny Island Main Rd. The proposed subdivision of the Vinkman property will create:

- a lot +/-1.30ha in size located in the northwest corner of the subject land (Lot 1);
- a lot +/-1.81ha in size directly east of Lot 1 (Lot 2); and
- a balance lot +/- 63.15ha in size (Balance).

The subject land is currently affected by several overlays (see Figure 1):

- *Biodiversity Protection Area* overlay, which affects the entire area;
- *Bushfire Prone Areas* overlay, which affects the entire area;
- *Waterway and Coastal Protection Area* overlay, which affects riparian areas at the terminus of Big Scrub Ck near the eastern boundary of the Vinkman property and coastal wetlands at the southern end of the Elliston property and is not materially affected by any aspect of the proposal; and
- *Landslide Hazard Area (Low)* overlay, which covers slopes 11-200, has some overlap with the forest at the eastern end of FR 46800/1 and is not materially affected by any aspect of the proposal.

No change to applicable Codes is proposed as part of the re-zoning.

### Planning Scheme Provisions

#### 14.0 Environmental Living Zone

The proposal is consistent with the *Zone Purpose Statements*:

- 14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.
- 14.1.1.2 To ensure development is reflective and responsive to the natural or landscape values of the land.
- 14.1.1.3 To provide for the management and protection of natural and landscape values, including skylines and ridgelines.

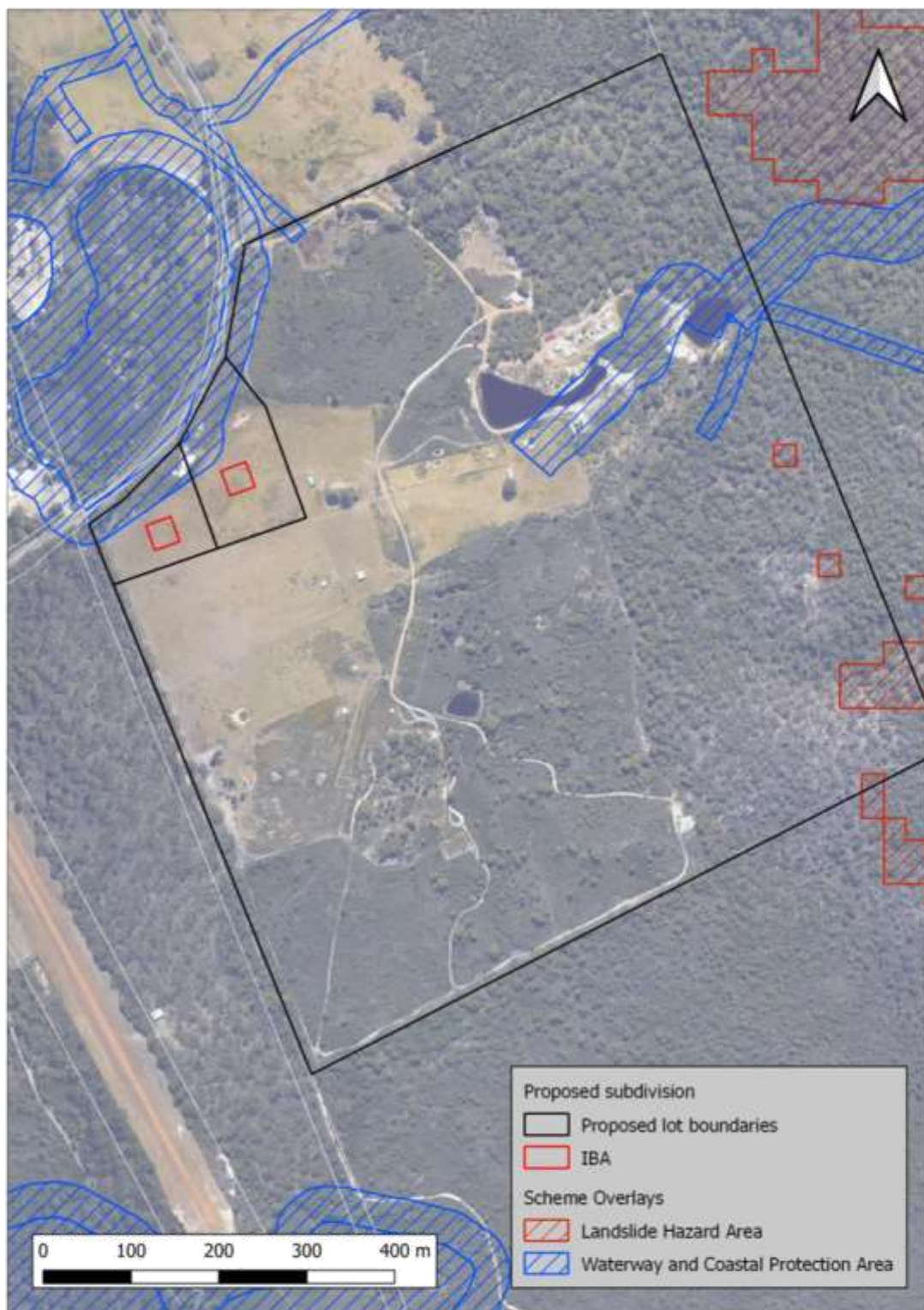


Figure 3. Intersection of proposed subdivision with Landslide Hazard Area overlay (Low) and Scenic Landscape Area overlay (Biodiversity and Bushfire Prone Areas overlays apply to the whole site)



## 14.5 Development Standards for Subdivision

### 14.5.1 Lot Design

The proposal satisfies the stated objectives of:

- (a) having appropriate area and dimensions to accommodate development consistent with the Zone Purpose ...;
- (b) containing (indicative) building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land; and
- (c) are not internal lots ...

The proposal variously complies with the *Acceptable Solutions* or the *Performance Criteria* as set out below.

#### P1

- (a) the number of lots is no more than 1 lot per 10ha;
- (b) lots and *Indicative Building Areas* are clustered near the road frontage;
- (c) the owner is amenable to the registration of covenants against title to permanently protect the majority of the native vegetation on the subject land and to deliver a significant nett conservation benefit (see section below on *Biodiversity Code*);
- (d) the owner is amenable to registration of covenants against larger titles to prevent further subdivision.

#### P2

*Indicative Building Areas* on Lot 1 and Lot 2 have setbacks of at least 30m and both lots are capable of supporting building areas with setbacks large enough to avoid conflict with adjoining uses and to maintain the landscape character of the area.

The design of Lot 1 and Lot 2 is able to satisfy all of the following:

- (a) both lots can support building areas reasonably capable of accommodating residential use and development, with both *Indicative Building Areas* meeting the acceptable solution (30m x 30m);
- (b) both *Indicative Building Areas* can meet applicable standards in codes in the Scheme (see section below on Codes);
- (c) both *Indicative Building Areas* provide the opportunity for good solar access, given the slope and aspect of the land;
- (d) both *Indicative Building Area* are located on flat land, which minimises the likelihood of any earth works, retaining walls or cut & fill associated with future development;
- (e) both *Indicative Building Areas* are located on existing exotic pasture and minimal new access works are required;
- (f) both *Indicative Building Areas* are located on existing exotic pasture and as such, the *Indicative Building Areas* do not impact on any native vegetation subject to codes in the Scheme (see section below on *Biodiversity Code*).

**P3** The frontage for both Lot 1 and Lot 2 provides opportunity for reasonable vehicular and pedestrian access and is not less than 6m.

**A4** No lot is an internal lot.

- A5** There is over 300m between the existing building on the Balance of FR 46800/1 and a new boundary, which exceeds the acceptable solutions under 14.4.2 (minimum 30m).

#### 14.5.2 Roads

No new roads are proposed as part of the subdivision.

#### 14.5.3 Ways and Public Open space

No public ways are proposed.

- P2** It is proposed that a public open space contribution will be provided as cash in lieu.

#### 14.5.4 Services

- A1** It is not necessary to connect a lot to a reticulated potable water supply.
- P2** Both Lot 1 and Lot 2 are capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land (the land areas are large enough to enable treatment to be wholly contained within the boundaries of the lots).
- P3** Both Lot 1 and Lot 2 are capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land (there is sufficient area available on all lots for stormwater associated with future residential use of the lots to be either disposed of on-site or collected for re-use on the site).

### Codes

#### E1.0 Bushfire-Prone Areas Code

A *Bushfire Hazard Report* and *Bushfire Hazard Management Plan* have been prepared in support of the proposal (see Annexure 6), which certify that *Indicative Building Areas* for both Lot 1 and Lot 2 are capable of accommodating residential development with sufficient separation from surrounding bushfire-prone vegetation to meet the requirements of BAL-19 in Table 2.4.4 of *Australian Standard AS 3959 – 2009*. As such, the proposal meets the Acceptable Solution under E1.6.1 A1(b)(iii).

#### E5.0 Road and Railway Assets Code

Bruny Island Main Rd is a sealed State road with a formation +/- 7m wide where it fronts the subject land and a sign-posted speed limit of 90km/h. The proposal does not include any new roads.

#### E5.6.2 Road accesses and junctions

There will be no increase in traffic at an existing access or junction. New road access and junctions have been minimised by creating a shared access point from Bruny Island Main Rd to service Lot 1 and Lot 2.

- P1** The increase in vehicle traffic will be safe and will not unreasonably impact on the efficiency of Bruny Island Main Rd, having regard to:
- (a) assuming that the proposed new environmental living lots generate an average ten (10) car movements per day (TIA Guidelines for residential properties, Dept Infrastructure and Energy, 2007), the potential increase in vehicle movements to and from the site using the proposed new access point will be 20 movements per day;
- there is high probability that future use of the lots will not support permanent occupation, so this is likely to represent a worst-case scenario;
- this increase does not represent a large volume of traffic in the context of Bruny Island Main Rd, particularly given the irregular traffic flows currently experienced due to low density permanent settlement patterns (low background flows), daily pulse flows associated

- primarily with ferry arrivals to the island and seasonal variations associated with shack owner and tourist traffic;
- (b) the nature of the traffic generated by environmental living use is relatively benign in terms of efficiency and traffic flow (being dominated by passenger vehicles with only occasional heavy vehicle and commercial traffic);
  - (c) the proposed new access/junction occurs on a flat and relatively straight section of Bruny Island Main Rd with good sight lines; when constructed to all applicable standards, the new access/junction will provide safe and efficient access (see below);
  - (d) Bruny Island Main Rd is a well-formed and well-maintained sealed road with a formation +/- 7m wide at the proposed access points;
  - (e) there is a sign-posted speed limit of 90km/h along the road frontage and traffic flow is irregular due to the low-density permanent settlement pattern (low background flows), daily pulse flows associated primarily with ferry arrivals to the island and seasonal variations associated with shack owner and tourist traffic;
  - (f) there are no alternative roads to provide access to the site;
  - (g) the access/junction is necessary to support any development at this site;
  - (h) a traffic impact assessment has been commissioned (see Annexure 7), which concludes that the proposed access provisions will be safe and will not unreasonably impact on the efficiency of Bruny Island Main Rd; and
  - (i) an application for Crown consent has been lodged and a permit for the application is attached.

#### **E5.6.4 Sight distance at accesses, junctions and level crossings**

The relevant *Safe Intersection Sight Distances* shown in Table E5.1 are 210m for a 90km/h speed limit and a vehicle speed of 90km/h. This cannot be achieved from the proposed access point, but available sight distances can meet the requirements of AS/NZS 2890.1:2004 *Figure 3.2 Sight Distance Requirements at Access Driveways*, being 130m (see Figure 4):

### **E6.0 Parking and Access Code**

#### **E6.7.2 Number of Vehicular Accesses**

- P1** The number of vehicle access points has been minimised by creating a shared access point for Lot 1 and Lot 2 and having regard to all of the following:
- (a) on-street parking is not a significant consideration in the context of a rural road with no kerb and guttering;
  - (b) the proposed new access is sited and sufficiently separated from existing accesses such that they do not compromise
    - i) pedestrian safety, amenity and convenience;
    - ii) traffic safety;
    - iii) residential amenity on adjoining land; or
    - iv) the streetscape ...
 (clauses v) & vi) are not applicable).

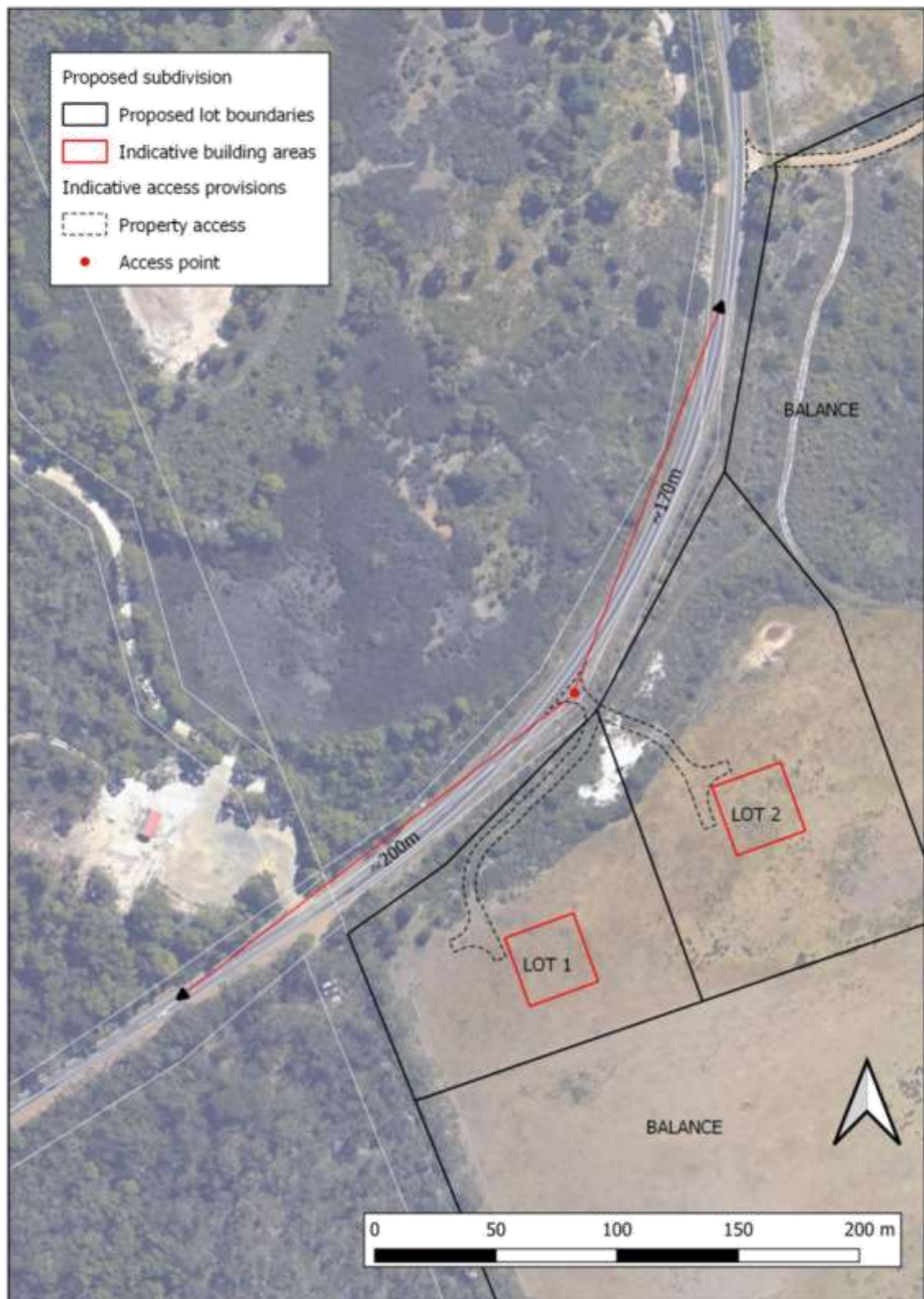


Figure 4. Indicative plan of available sight distances at access point to service Lot 1 and Lot 2





Figure 5. Indicative photo of available sight distance north of the proposed access point to service Lot 1 and Lot 2



Figure 6. Indicative photo of available sight distance south of the proposed access point to service Lot 1 and Lot 2

**E6.7.2 Design of Vehicular Accesses**

**A1** The proposed domestic property access to service Lot 1 and Lot 2 is capable of complying with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 *Parking Facilities Part 1: Off-street car parking* in respect of its location, sight distances, widths and gradients. As outlined above, all locations can achieve sight distances that exceed the requirements of AS/NZS 2890.1:2004.

**E6.7.3 Vehicular Passing Areas along an Access**

**P1** In the context of the site and the proposed lot sizes, passing bays are unlikely to be required except to facilitate access for fire-fighting appliances. Vehicular passing bays will be provided at appropriate locations in accordance with any recommendations under the attached *Bushfire Hazard Management Plan*.

**E6.7.4 On-Site Turning**

**A1** All lots are capable of supporting on-site turning arrangements that allow vehicles to exit access points in a forward direction.

**E7.0 Stormwater Management Code****E7.7.1 Stormwater Drainage and Disposal***Roads and Property Accesses*

**A1** Stormwater runoff from the proposed property access to service Lot 1 and Lot 2 will be collected in roadside drains and disposed of either by gravity to existing table drains along Bruny Island Main Rd or within the lots themselves. There is sufficient area available on all lots for stormwater associated with drainage from property accesses to be either disposed of on-site (a) or collected for re-use on the site (b).

*Future Residential use*

**P1** There is sufficient area available on both Lot 1 and Lot 2 for stormwater associated with future residential use of the lots to be either disposed of on-site (a) or collected for re-use on the site (b).

**E10.0 Biodiversity Code**

The whole property is subject to the *Biodiversity Protection Area Overlay*. A *Natural Values Assessment* has been commissioned (see Annexure 8) which addresses both the subject land (the Vinkman property) and the property to the south which is also proposed to be re-zoned to Environmental Living (the Elliston property).

To avoid or minimise impacts on natural values, indicative building areas for Lot 1 and Lot 2 have been located within exotic pasture corresponding to agricultural, urban and exotic vegetation (FAG) under TASVEG4.0. There are no trees within indicative building areas and no trees need to be removed for construction of property access or provision of hazard management areas.

***Native vegetation affected by the proposal***

The only native vegetation impacted by the proposal is a weedy area of coastal scrub (SSC) between Bruny Island Main Rd and the paddocks containing the indicative building areas. This vegetation contains a serious infestation of Spanish heath (*Erica lusitanica*) and qualifies as a Low Priority Biodiversity Value pursuant to Table E10.1. It will be unavoidably impacted by construction of property access to Lot 1 and Lot 2 but should not be directly impacted by future building or bushfire hazard management works. There are existing vehicle tracks through this vegetation and impacts could be minimised to some extent by following the alignment of existing tracks.



Figure 7. Weedy coastal scrub (SSC) at the proposed access point to service Lot 1 and Lot 2



Figure 8. Typical weedy coastal scrub (SSC) that will be impacted by construction of property access to service Lot 1 and Lot 2





Figure 9. Exotic pasture containing indicative building area on Lot 1 (looking north from southern boundary)



Figure 10. Exotic pasture containing indicative building area on Lot 2 (looking south from Balance lot)

**P1** Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

- (i) subdivision works have been designed and located to minimise impacts by creating a shared access, restricting potential works to a narrow, weedy strip of regrowth scrub and utilising existing vehicle tracks through this scrub where practicable,
- (ii) n/a – building areas and hazard management areas can be contained within areas of exotic pasture.

### **E11.0 Waterway and Coastal Protection Code**

While parts of the subject land are affected by the *Waterway and Coastal Protection Area* overlay, none of these areas are materially affected by the proposal.

### **E23.0 On-site Wastewater Management Code**

There is sufficient area available on all lots for wastewater associated with future use of the lots to be managed on-site.

#### **E23.9.1 Development Standards for New Lots**

**A1** All lots are >5000m<sup>2</sup> in area.

**A2** Subdivision is not prohibited by the relevant zone standards.

#### **E23.9.2 Development Standards for New Boundaries**

Not applicable – there are no existing land application areas in the vicinity of new boundaries.

## **8. Conclusion**

The application is considered to demonstrate compliance and consistency with the requirements and the considerations of the State's Land Use Planning system. On this basis, it is appropriate that the amendment to rezone the site to *Environmental Living* and to undertake a three-lot subdivision be approved.

# Kingborough

## Kingborough Interim Planning Scheme 2015

### PSA-2021-2

The Kingborough Interim Planning Scheme 2015 is amended as follows:

1. Rezone land at 2015 Bruny Island Main Road, Great Bay (CT 46800/1) and 2187 Bruny Island Main Road, Great Bay (CT 167611/2) from Rural Rezone Zone to Environmental Living Zone.

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 21 February 2022, in the presence of:

..... Councillor

..... General Manager

..... Date

Draft amendment  
KIN-PSA-2021-1



# Kingborough

Kingborough Interim Planning Scheme 2015

## INSTRUMENT OF CERTIFICATION PSA-2021-1

It is hereby certified that draft Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* meets the requirements in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 21 February 2022, in the presence of:

..... Councillor

..... General Manager  
..... Date



### 13.2 DAS-2021-3 DEVELOPMENT APPLICATION FOR SUBDIVISION CREATING 2 NEW LOTS AND BALANCE AT 2015 BRUNY ISLAND MAIN ROAD, GREAT BAY, BRUNY ISLAND

**File Number:** DAS-2021-3  
**Author:** Adriaan Stander, Strategic Planner  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	PDA Surveyors
<b>Owner:</b>	Erhard Vinkman
<b>Subject Site:</b>	2015 Bruny Island Main Road, Great Bay (CT 46800/1)
<b>Proposal:</b>	Subdivision of 2015 Bruny Island Main Road creating 2 new lots and a balance lot.
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015
<b>Zoning:</b>	Environmental Living (subject to the approval of the planning scheme amendment application under PSA-2021-1)
<b>Codes:</b>	E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E5.0 Road and Railway Assets Code E6.0 Parking and Access Code E7.0 Stormwater Management Code E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E23.0 On-site Wastewater Management Code E25.0 Local Development Code
<b>Use Class/Category:</b>	Subdivision
<b>Discretions:</b>	CI14.5.1 (Lot design) CI14.5.3 (Way and Public Open Space) CI14.5.4 (Services) CIE5.6.2 and CIE5.6.4 (Road and Railway Assets Code) CIE7.7.1 (Stormwater drainage and disposal) CIE10.8.1 (Biodiversity Code) CIE11.8.1 (Waterway and Coastal Protection Code)
<b>Public Notification:</b>	This report is pre-public exhibition, and therefore the proposed subdivision application has not been advertised yet. This application is part of a combined application to amend the Kingborough Interim Planning Scheme 2015. Combined applications are advertised for a minimum period of 28 days for public comment following initiation by the Planning Authority. Another report will be presented to Council after the exhibition period to consider any representations received.
<b>Recommendation:</b>	Approval with conditions

## 1. INTRODUCTION

- 1.1 Council is in receipt of an application PSA-2021-1 by PDA Surveyors on behalf of Erhard Vinkman and Bod Elliston to amend the *Kingborough Interim Planning Scheme 2015* (KIPS 2015) to rezone land located at 2015 and 2187, Bruny Island Main Road, Great Bay from the Rural Rezone Zone to the Environmental Living Zone.
- 1.2 The above-mentioned application also includes a three-lot subdivision at 2015 Bruny Island Main Road under development application (this application DAS-2021-3).
- 1.3 The application was submitted under section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA). Section 43A of the former provisions of LUPAA provides a mechanism for the planning authority to consider an application for a combined permit for a use or development that cannot be approved unless the planning scheme is amended. The application for rezoning (PSA-2021-1) must therefore be approved in order for the subdivision application (this application DAS-2021-3) to proceed.

## 2. SITE AND CONTEXT

- 2.1 The subject site is located on North Bruny Island, on the southern side of the Bruny Island Main Road, halfway between the Blyth Parade and Bruny Island Neck. The subject land is approximately 66.2ha in size and is zoned Rural Resource. Bruny Island Honey is located to the north of the site, opposite Bruny Island Main Road. The property to the east (2187, Bruny Island Main Road) is a 'private reserve' for the purposes of nature conservation and recreation and wraps around the Great Bay Airstrip. The two properties are separated by a carpark and access strip to the Cape Queen Elizabeth Walking Track, located to the south.



**Figure 1. Locality map**



- 2.2 The eastern side of the subject site contains relatively steep forested land with a westerly aspect, including areas of threatened silver peppermint (*Eucalyptus tenuiramis*) forest on mudstone (DTO). The balance of the property is very flat land and contains a mix of exotic pasture and coastal scrub and *Eucalyptus amygdalina* coastal forest and woodland. This vegetation is contiguous with and provides a buffer to Bruny Island Neck Game Reserve. There is an existing dwelling and large dams in the north-eastern side of the property. The current land use could be described as 'hobby-farming', with small numbers of goat, pig and emu being farmed in fenced paddocks.

### 3. PROPOSAL IN DETAIL

- 3.1 The subdivision application seeks a 3-lot subdivision of 2015 Bruny Island Main Road, creating 2 new lots (Lot 1 of 1.303ha and Lot 2 of 1.811ha) and a balance lot of 63.15ha. The proposed subdivision plan is provided in Figure 3. Each lot is provided with relatively small building envelopes to accommodate future residential uses. Access to the lots will be off Bruny Island Main Road.

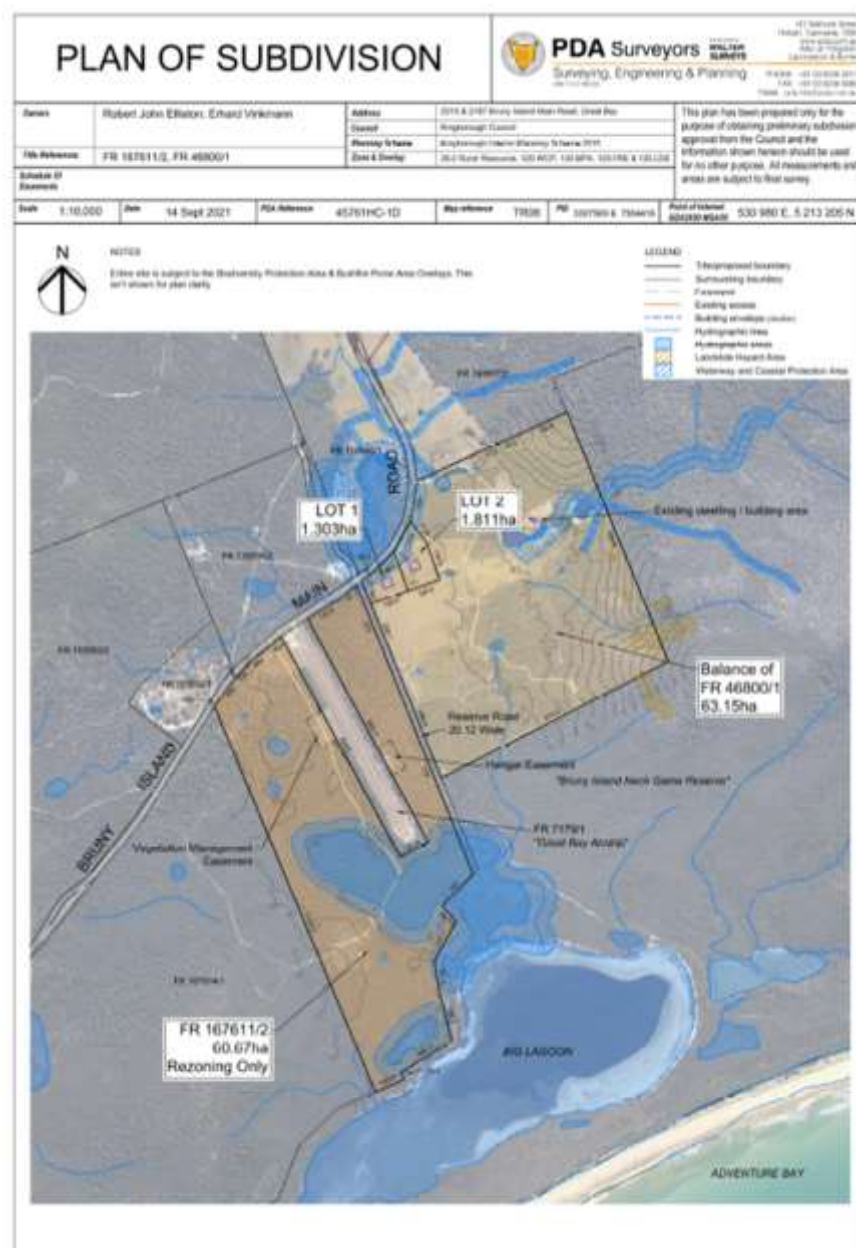


Figure 1 – Proposed subdivision under DAS-2021-3

#### 4. ASSESSMENT

4.1 The planning report submitted by PDA surveyors (dated 20 Sept 2021) is supported with the following supplementary documents:

- Land Capability Assessment by Enviro-Dynamics (dated March 2020)
- Bushfire Hazard Report by Enviro-Dynamics (Version 1.1, dated Sept 2021)
- Traffic Impact Assessment by Midson Traffic (dated, February 2021)
- Natural Values Assessment, by Enviro-Dynamics (Version 1.1, dated Sept 2021)

4.2 The application to subdivide the land has been assessed by having regard to the following:

- Strategic considerations,
- Kingborough Interim Planning Scheme 2015, and
- Other matters that relate to the application.

##### **Strategic considerations**

4.3 An assessment of the rezoning application (PSA-2021-1) has concluded that the proposal is aligned with the [Southern Tasmania Regional Land Use Strategy 2010-2035, Kingborough Land Use Strategy, May 2019, Council's Strategic Plan 2020-2025](#) as well as all relevant state planning policies. The rezoning proposal is also consistent with the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993. On that basis a separate assessment of the subdivision application against the above-mentioned strategic and policy documents is not required. The proposal is also consistent with the long-standing land use which is best described as 'environmental living', 'rural living' or 'hobby farming'. In addition, the proposal provides a strategic imperative for the protection of natural and landscape values on the land consistent with the Environmental Living Zone objectives, which is discussed in more detail below.

##### **Kingborough Interim Planning Scheme 2015**

###### Zoning and land uses

4.4 The application for subdivision is combined with an application for rezoning that seeks to rezone the land from Rural Resource to Environmental Living. The application is therefore assessed against the provisions of the Environmental Living Zone.

4.5 The proposed subdivision is consistent with the Environmental Living Zone objectives, particularly in achieving the following outcomes:

- *Provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.*
- *Ensure development is reflective and responsive to the natural or landscape values of the land.*

- *Provide for the management and protection of natural and landscape values, including skylines and ridgelines.*

4.6 There are no Local Area Objectives or Desired Future Character Statements for the zone.

#### Development standards for subdivision

4.7 The use is categorised as Subdivision under the planning scheme and is classified as permitted development, however the proposal does not meet some of the acceptable solutions in the development standards for subdivision and is therefore a discretionary development in the zone. The application requires assessment for compliance against the performance criteria, that is provided in the table below.

#### **Clause 14.5.1 Lot Design**

##### **Acceptable Solution**

**A1**

*Each lot, or a proposed lot in a plan of subdivision, must be for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.*

##### **Performance Criteria**

**P1**

*Each lot, or a proposed lot in a plan of subdivision, excluding for public open space, riparian or littoral reserve or utilities, must satisfy the following:*

- the number of lots is no more than 1 lot per 10ha, or 1 lot per 20ha on Bruny Island, except for.... [list of properties not applicable to this application].*
- lots are clustered so that their building areas are in proximity to each other thereby reducing overall impact on natural values;*
- a net conservation benefit is provided through mechanisms on titles for collective responsibility and management of natural values on private land outside those areas required for building areas, private open space and bushfire protection measures;*
- mechanisms on large titles, with nominal future subdivision potential under A1, prevent further subdivision.*

##### **Officer's comments**

The proposal is not for a purpose described in A1, but is justified as per the discretionary provisions available under 14.5.1 P1 as follows:

- The land is approximately 66.2ha in size. The proposed subdivision will result in a total of 3 lots that satisfies the density requirement for Bruny Island (1 lot per 20ha);
- The proposed new lots are small in comparison to other Environmental Living zoned lots in the area. However, the proposed lots are clustered which satisfies the objective to reduce the overall impact on natural values;
- A net conservation benefit is proposed through the protection of remaining values outside the building area and bushfire hazard management area under a Part 5 Agreement; and
- There is no nominal future subdivision potential as the lot is of insufficient size area to enable further subdivision.

A condition is recommended for inclusion in any permit issued requiring a Part 5 Agreement which:

- (a) protects the environmental values outside the designated development areas and bushfire hazard management areas and outside the cleared land utilised for the existing hobby farm; and
- (b) prevents further subdivision.

### **Acceptable Solution**

A2

*The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;*

- (a) clear of the frontage, side and rear boundary setbacks;*
- (b) not subject to any codes in this planning scheme;*
- (c) clear of title restrictions such as easements and restrictive covenants;*
- (d) has an average slope of no more than 1 in 5;*
- (e) is a minimum of 30 m x 30 m in size.*

### **Performance Criteria**

P2

*The design of each lot must contain a building area able to satisfy all of the following:*

- (a) is reasonably capable of accommodating residential use and development;*
- (b) meets any applicable standards in codes in this planning scheme;*
- (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;*
- (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;*
- (e) does not impact on native vegetation subject to any codes in this planning scheme.*

### **Officer's comments**

The proposal is subject to various code overlays and restrictive covenants, but is justified as per the discretionary provisions available under 14.5.1 P2 as follows:

- (a) The proposal is subject to the Bushfire, Landslide, Biodiversity Code, Waterway and Coastal Protection and Local Development Codes, but is justified as per the discretionary provisions available under 14.5.1 P2 as follows:
- (b) the information submitted with the application demonstrates there is sufficient cleared area within both lots to accommodate a building area, bushfire hazard management, wastewater and associated residential uses without impacting on environmental values;
- (c) as demonstrated in this report, the proposal satisfies the applicable standards in codes in this scheme, including the Bushfire Prone Areas Code (E1.0), the Parking and Access Code (E6.0), the Stormwater Management Code (E7.0), the Biodiversity Code (E10.0) and the Waterway and Coastal Protection Code (E11.0);
- (d) the slope and aspect of the land enable future development to achieve reasonable solar access;
- (e) future development of the lots is capable of being achieved with minimal requirements for earth works, retaining walls and cut and fill;
- (f) building areas have been shown on the subdivision plans to demonstrate the lots are capable of containing building areas that avoid impacts on environmental values, including native vegetation communities;
- (g) future development of the lots can minimise impacts on threatened fauna through appropriate design to minimise collision risk to birds, particularly the swift parrot and forty-spotted pardalote; and

- (h) the only impact on native vegetation is the creation of the shared access to proposed Lots 1 and 2. The proposed building areas and associated bushfire hazard management areas do not impact on native vegetation subject to any codes in this planning scheme providing future development is located within these areas.

Conditions are recommended for inclusion in any permit issued, requiring covenants on the title of proposed Lots 1 and 2 specifying that:

- (a) future development, including buildings, bushfire and on-site wastewater but excluding access to be contained within the cleared land as shown in Figure 3 of the Natural Values Report (Enviro-dynamics, Version 1.1, September 2021);
- (b) buildings must mitigate swift parrot collision through incorporation of appropriate design measures.

### Clause 14.5.3 Ways and Public Open Space

#### **Acceptable Solution**

A1/A2

*No Acceptable Solution (Assessment against performance criteria is required).*

#### **Performance Criteria**

P1

*The arrangement of ways and public open space within a subdivision must satisfy all of the following:*

- (a) *connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;*
- (b) *connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;*
- (c) *connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;*
- (d) *convenient access to local shops, community facilities, public open space and public transport routes is provided;*
- (e) *new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;*
- (f) *provides for a legible movement network;*
- (g) *the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*
- (h) *Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.*
- (i) *new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:*
  - (i) *the width of the way;*
  - (ii) *the length of the way;*
  - (iii) *landscaping within the way;*
  - (iv) *lighting;*
  - (v) *provision of opportunities for 'loitering';*
  - (vi) *the shape of the way (avoiding bends, corners or other opportunities for concealment).*

P2

*Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.*

**Officer's comments**

No public open space land dedication is provided; however, conditions of consent require a cash in lieu contribution as per the *Kingborough Public Open Space Contribution Policy*. Even though the policy requires that the contribution be applied to all the land that forms part of the subdivision, it is considered reasonable to only apply a public open space contribution to the new proposed lots as the balance lot will not create additional demand for open space.

**Clause 14.5.4 Services****Acceptable Solution**

A3

*Each lot is connected to a stormwater system able to service building area by gravity.*

**Performance Criteria**

P3

*Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.*

**Officer's comments**

There is no reticulated stormwater network to connect to, however the performance criteria available under 14.5.4 P3 allow for on-site stormwater management systems. All lots can accommodate an on-site stormwater management system adequate for the likely future use and development of the land (there is sufficient area available on all lots for stormwater associated with future residential use of the lots to be either disposed of on-site or collected for re-use on the site). The proposed deviation from the acceptable solution is therefore supported as it can satisfy the relevant discretionary provisions.

Code provisions

- 4.8 The proposal does not meet some of the acceptable solutions in all of the codes that apply to the property. The application therefore requires assessment for compliance against the performance criteria, that is provided in the table below.

**Clause E5.6.2 Road and Railway Assets Code (access or junctions)****Acceptable Solution**

A1

*No new access or junction to roads in an area subject to a speed limit of more than 60km/h.*

**Performance Criteria**

P1

*The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:*

- (a) the nature and frequency of the traffic generated by the use;*
- (b) the frequency of use of the road or rail network;*
- (c) any alternative access;*
- (d) the need for the access, junction or level crossing;*
- (e) any traffic impact assessment;*
- (f) any measures to improve or maintain sight distance; and*
- (g) any written advice received from the road or rail authority.*



**Officer's comments**

Bruny Island Main Road is a sealed State road with a formation +/- 7m wide where it fronts the subject land and a sign-posted speed limit of 90km/h. The proposal however satisfies the available performance criteria under CI 5.6.2 P1 as follows:

- (a) The estimated increase in vehicle movements to and from the site using the proposed new access point will be 20 movements per day;
- (b) There is high probability that future use of the lots will not support permanent occupation, so this is likely to represent a worst-case scenario;
- (c) The increase in vehicle movements does not represent a large volume of traffic in the context of Bruny Island Main Road, particularly given the irregular traffic flows currently experienced due to low density permanent settlement patterns (low background flows), daily pulse flows associated primarily with ferry arrivals to the island and seasonal variations associated with shack owner and tourist traffic;
- (d) The nature of the traffic generated by environmental living use is relatively benign in terms of efficiency and traffic flow (being dominated by passenger vehicles with only occasional heavy vehicle and commercial traffic);
- (e) The proposed new access/junction occurs on a flat and relatively straight section of Bruny Island Main Road with good sight lines; when constructed to all applicable standards, the new access/junction will provide safe and efficient access;
- (f) Bruny Island Main Road is a well-formed and well-maintained sealed road with a formation +/- 7m wide at the proposed access point;
- (g) There is a sign-posted speed limit of 90km/h along the road frontage and traffic flow is irregular due to the low-density permanent settlement pattern (low background flows), daily pulse flows associated primarily with ferry arrivals to the island and seasonal variations associated with shack owner and tourist traffic;
- (h) There are no alternative roads to provide access to the site;
- (i) The access/junction is necessary to support any development at this site;
- (j) A traffic impact assessment was commissioned and concludes that the proposed access provisions will be safe and will not unreasonably impact on the efficiency of Bruny Island Main Road; and
- (k) The Department of State Growth has granted permission for the new access point.

**Clause E5.6.4 Road and Railway Assets Code (sight distances)****Acceptable Solution**

A1

*Sight distances at:*

- (a) *an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1*

**Performance Criteria**

P1

*The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:*

- (a) *the nature and frequency of the traffic generated by the use;*
- (b) *the frequency of use of the road or rail network;*
- (c) *any alternative access;*
- (d) *the need for the access, junction or level crossing;*

- (e) any traffic impact assessment;
- (f) any measures to improve or maintain sight distance; and
- (g) any written advice received from the road or rail authority.

**Officer's comments**

The relevant Safe Intersection Sight Distances shown in Table E5.1 are 210m for a 90km/h speed limit and a vehicle speed of 90km/h. This cannot be achieved from the proposed access point, but available sight distances can meet the requirements of AS/NZS 2890.1:2004 Sight Distance Requirements at Access Driveways, being 130m which meets the available performance criteria available under E.5.6.4 P1 and similarly addressed under E5.6.2 above.

**Clause E7.7.1 Stormwater Management Code**

**Acceptable Solution**

A1

*Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.*

**Performance Criteria**

P1

*Stormwater from new impervious surfaces must be managed by any of the following:*

- (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles
- (b) collected for re-use on the site;
- (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

**Officer's comments**

Stormwater runoff from the proposed property access to service Lot 1 and Lot 2 will be collected in roadside drains and disposed of either by gravity to existing table drains along Bruny Island Main Rd or within the lots themselves. In terms of the future use of the site, there is sufficient area available on both Lot 1 and Lot 2 for stormwater to be either disposed of on-site or collected for re-use on the site which satisfy the performance criteria provided under E7.7.1 P1.

**Clause E11.8.1 Biodiversity Code**

**Acceptable Solution**

A1

Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:

- (a) be for the purposes of separating existing dwellings;
- (b) be for the creation of a lot for public open space, public reserve or utility;
- (c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;
- (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.

**Performance Criteria**

P1

*(b)if moderate priority biodiversity values:*

- (i) *subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;*
- (ii) *impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;*
- (iii) *moderate priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;*
- (iv) *residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2016.*

#### **Officer's comments**

The proposal cannot comply with A1 as vehicular access to proposed Lots 1 and 2 encroaches into low priority native vegetation (coastal scrub) within a Biodiversity Protection Area and the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility. The proposal is however justified as per the available performance criteria under 10.8.1 P1(c) as follows:

- the subdivision works have been designed and located to minimise impacts on priority biodiversity value, with impacts limited to a shared access through a narrow strip of weedy coastal scrub; and
- impacts from future bushfire hazard management measures will not rely upon ongoing management or removal of priority biodiversity values.

Conditions should be included in any permit issued limiting clearing, requiring implementation of vegetation protection measures during construction and requiring weed management within the footprint of subdivision works.

### **Clause E11.8.1 Waterway and Coastal Protection**

#### **Acceptable Solution**

**A1**

*Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following:*

- (a) *be for the purpose of separation of existing dwellings;*
  - (b) *be for the creation of a lot for public open space, public reserve or utility;*
  - (c) *no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area;*
  - (d) *building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.*
- A1 - Buildings and works within a building area on subdivision plan approved under this Scheme.**

#### **Performance Criteria**

**P1**

*Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:*

- (a) *minimise impact on natural values;*

- (b) provide for any building area and any associated bushfire hazard management area to be either:
- i. outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or
  - ii. able to accommodate development capable of satisfying this code.
- (c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.

#### **Officer's comments**

The planning scheme maps show Waterway and Coastal Protection Areas on the subject land, including in the vicinity of the access. The WCPA in this area is a buffer for the wetland on the north west side of Bruny Island Main Road. The access works are required within a WCPA and the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility and therefore unable to meet A1, however there is sufficient justification to support the proposal under the available performance criteria.

The proposal complies with Clause E11.8.1 P1 as follows:

- impacts on natural values associated with the wetland are minimised as the works are limited to that required for shared access, Bruny Island Main Road is located between the works and the wetlands and impacts from sedimentation can be managed through implementation of soil and water management measures during and after construction;
- building areas and associated bushfire hazard management areas are located outside the WCPA; and
- the works are not within a Potable Water Supply.

A condition is recommended for inclusion on any permit issued requiring of soil and water management measures during and after construction.

#### **Other matters**

##### Aboriginal heritage

- 4.9 The application was referred to Aboriginal Heritage Tasmania, who have advised the applicant the following:

*'There are four recorded Aboriginal heritage sites within 2187 Bruny Island Main Road (adjoining lad). The four Aboriginal heritage sites were recorded in the 1980s and are part of an assessment focussed on the Bruny Island Neck Game Reserve; the freehold property does not appear to have been comprehensively assessed. The four recorded Aboriginal heritage sites therefore are highly unlikely to reflect the full extent of Aboriginal heritage across this property. Similarly, there are no recorded Aboriginal heritage sites within 2015 Bruny Island Main Road (subject land), but this property appears to never have been assessed at all and there is thus very likely to be undetected Aboriginal heritage on this property also. Overall, there are dozens of Aboriginal heritage sites recorded within the Bruny Island Neck Game Reserve and surrounding areas, which indicate that this landscape is highly conducive to Aboriginal heritage.'*

The applicant advised Aboriginal Heritage Tasmania that the development areas are in close proximity to Bruny Island Main Road and are contained to land that has been previously cleared and converted to farming land with various types of livestock being run over this land at various times and has been maintained in this state for many decades.

The only disturbance that will be directly caused by this application will be the new access points which are contained within the already highly disturbed road corridor of

Bruny Island Main Road. Any future development of these lots could occur anywhere on these lots, and it would be more appropriate to focus any such study on the exact locations of potential disturbance at that time. As the vast majority of the land would remain undisturbed by the subdivision application, the Unanticipated Discovery Plan process would be appropriate given the particular circumstances.

This approach was agreed by Aboriginal Heritage Tasmania, and to be further considered during the future development of the land should the subdivision be approved. If at any time during works Aboriginal heritage is suspected, the process outlined in the Unanticipated Discovery Plan should be immediately implemented. Under the Act there is a requirement to report Aboriginal heritage, and not to impact Aboriginal heritage without a permit granted by the Minister. Any further development of the lots not part of the subdivision application (i.e. applications for future dwellings) will require a detailed Aboriginal Heritage Assessment to be conducted and relevant advice/ endorsements sought from Aboriginal Heritage Tasmania.

## 5. PUBLIC CONSULTATION AND REPRESENTATIONS

- 5.1 If Council initiates the proposed planning scheme amendment under PSA-2021-1 and support this subdivision application, both applications will be advertised for a minimum period of 28 days with notification:
  - a) on the Kingborough Council website;
  - b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and
  - c) a site notice during the public exhibition period;
  - d) in writing to owners and occupiers for the property and adjoining properties.
- 5.2 A full package of exhibition material (application, Council report and draft permit) will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston and the Council Service Centre in Alonnah.
- 5.3 Council will review all submissions to the planning scheme amendment and proposed subdivision and report them to the Tasmanian Planning Commission. The report would include the planning authority's views on the merit of each representation, whether the amendment should be modified and the impact of the representation on the amendment.

## 6. CONCLUSION

- 6.1 The application is aligned with the [Southern Tasmania Regional Land Use Strategy 2010-2035, Kingborough Land Use Strategy, May 2019, Council's Strategic Plan 2020-2025](#) as well as all relevant state planning policies. The proposal is also consistent with the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993. In addition to the above, subdivision will provide a strategic imperative for the protection of natural and landscape values on the land consistent with the Environmental Living Zone objectives.
- 6.2 An assessment of the application against the provisions of the Development Standards for the Environmental Living Zone and relevant Codes in the Planning Scheme. Where the application is unable to meet the Acceptable Solutions, it has been demonstrated that the application can be supported through the available discretionary provisions.
- 6.3 In consideration of the above, the application for subdivision is recommended for approval with conditions.

## 7. RECOMMENDATION

That the Planning Authority resolves that the development application for subdivision creating 2 new lots and balance at 2015 Bruny Island Main Road, Great Bay for PDA Surveyors be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2021-3 and Council Plan Reference No. P3 submitted on 11 November 2021.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the permit coming into the effect, the owner must enter into a Part 5 Agreement with and to the satisfaction of Council to the effect that the measures contained within the certified subdivision Bushfire Hazard Report and associated Bushfire Hazard Management Plan (BHMP) v1.1 (Jim Mulcahy, 21 September 2021) must be implemented in relation to any future development on Lots 1 and 2, unless superseded by an alternative BHMP certified by an accredited person or the Tasmania Fire Service (TFS), and only if this alternative BHMP demonstrates that the hazard management areas:

- (a) are contained within the lot boundaries; and
- (b) do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), *'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation'*, Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments.

All costs associated with drafting and registering the Part 5 Agreement on the title must be borne by the developer. All terms of this Agreement must be complied with once executed.

This Part 5 Agreement must use Council's template Part 5 Agreement and be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to Lots 1 and 2.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be signed and sealed, prior to the Permit coming into effect and commencement of works. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

3. Prior to the permit coming into effect, the landowner must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council to retain and protect the native vegetation communities and habitat values on the balance lot. This Part 5 Agreement must:
  - (a) verify the extent of the conservation zone, which must encompass all native vegetation outside the bushfire hazard management area as shown in the certified Bushfire Hazard Management Plan (Jim Mulcahy, Enviro-dynamics, 21 September 2021) and outside the cleared land utilised for the existing hobby farm;



- (b) provide for the protection for all native vegetation and habitat values within the conservation zone;
- (c) identify management prescriptions including but not limited to fencing of the conservation zone where necessary, stock exclusion, firewood harvesting for domestic use, a weed management plan for the whole site and monitoring and reporting, to ensure that environmental values are managed for their long-term survival. These management prescriptions are to be drafted by a suitably qualified environmental consultant and include a schedule of works with timeframes, details and costings for each action;
- (d) prevent further subdivision;
- (e) be drafted using Council's template Part 5 Agreement for subdivision in the Environmental Living zone;
- (f) be signed and sealed prior to commencement of works; and,
- (g) be submitted to the Land Titles Office with the final plan of survey and registered on the title.

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with and ongoing management of the site must be in accordance with this Agreement once executed.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be executed prior to commencement of works and sealing of the final plan of survey. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

4. Vegetation removal is limited to that required to construct a compliant cross-over and access to Lots 1 and 2 subject to the following restrictions:
  - (a) This vegetation must not be removed prior to issue of a 'Start of Works Notice'.
  - (b) No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council.
5. Prior to the commencement of access works, all adjacent native vegetation must be retained and appropriately protected during construction through the installation of temporary fencing between any on-site works and adjacent native vegetation in accordance with AS 4970-2009 to exclude:
  - (a) machine excavation including trenching;
  - (b) excavation for silt fencing;
  - (c) cultivation;
  - (d) storage;
  - (e) preparation of chemicals, including preparation of cement products;
  - (f) parking of vehicles and plant;

- (g) refuelling;
- (h) dumping of waste;
- (i) wash down and cleaning of equipment;
- (j) placement of fill;
- (k) lighting of fires;
- (l) soil level changes;
- (m) temporary or permanent installation of utilities and signs; and
- (n) physical damage to the tree(s).

Evidence of satisfactory installation of this fencing must be obtained prior to the commencement of on-site works and made available to Council upon request.

6. A declared weed under the *Weed Management Act 1999* (Spanish heath) is present within the footprint of the access works.

Prior to commencement of access works, primary treatment of all weeds within the area to be traversed and disturbed during construction must be undertaken. This treatment must be undertaken in a targeted way to avoid residual impact on native species and current guidelines as to the appropriate methodology (see Department of Natural Resources and Environment website).

During construction, to ensure these weeds are not spread from the site:

- (a) declared weed plant material or soil containing their seed must not be removed from the site, unless undertaken in accordance with that weed's Statutory Weed Management Plan where such a plan exists;
  - (b) weed plant material and topsoil containing their seed must not be stored or moved into areas containing weed-free native vegetation;
  - (c) appropriate hygiene measures must be undertaken prior to any machinery entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment; and
  - (d) any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.
7. Prior to the commencement of on-site works, including vegetation removal or modification, construction, excavations, placement of fill and/or delivery of building/construction materials, a "start works" notice must be lodged with Council.

This notice must be lodged a minimum of 14 days prior to commencement of on-site works and works must not commence until this notice has been approved by the Manager Development Services.

8. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.

9. Prior to sealing of the Final Plan of Survey, a bond must be paid to Council for the cost of five years of monitoring and implementation of the conservation Part 5 Agreement required under condition 3, excluding any initial actions already undertaken. Reporting to Council on compliance with and implementation of the Agreement must be undertaken by a suitably qualified consultant and not less than once annually for a minimum period of 5 years. The bond will be repaid to the payer in stages on an annual basis once each annual report is received and satisfactory implementation of works demonstrated, in accordance with the cost schedule identified in the Agreement.
10. Prior to sealing of the Final Plan of Survey, the vehicular access to all lots as indicated on the submitted plans must be constructed in accordance with the requirements of the Department of State Growth and be sealed to match the existing road surface from the edge of the carriageway to the lot boundary. A permit to carry out works within the Department of State Growth road reservation must be obtained prior to any works commencing and a copy provided to Council.
11. The Final Plan of Survey and Schedule of Easements must include a Covenant on the title of Lots 1 and 2 to the effect that:
  - (a) future development, including buildings, bushfire and on-site wastewater, but excluding access, must not encroach into or impact on vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), *'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation'*, Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments.
  - (b) buildings and structures must not pose an unacceptable risk of bird collision by incorporating design elements and strategies in accordance with the document "Minimising the swift parrot collision threat – Guidelines and recommendations for parrot-safe building design".

Glazing on buildings and structures will be deemed to pose such a risk unless the glazed surfaces do not result in corner windows or sightlines through buildings from window to window and comply with any of the following:

- (i) the glazed surface does not have a total surface area of greater than 2m<sup>2</sup>; or
- (ii) the glazed surface is treated to include visual markers or muted reflections, the purpose of which must give them the appearance of an impenetrable surface. Such surfaces may include any one of the following types of treatments: the use of low-reflectivity glass (0-10%); films; coatings; fritted glass; or screens; or
- (iii) the glazed surface is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground; and
- (iv) there are no sight lines through the glazing surfaces, such as corner windows.

Fencing will be deemed to pose such a risk where it includes chain-link fencing.

12. As no provision has been made for recreation space or improvements thereto, and having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and requires security equivalent of 5% of the unimproved value of Lots 1 and 2. This should be in the form of a direct payment made before the sealing of the Final Plan, or alternatively, in the form of security provided under Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The subdivider is to obtain a valuation from a registered Valuer for the purposes of determining the unimproved value of Lots 1 and 2.

### ADVICE

- A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- B. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- C. The Developer should not allocate any property address numbers for the proposed lots.

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	2151 Bruny Island Main Road
2	2149 Bruny Island Main Road

- D. Aboriginal Heritage Tasmania (AHT) have advised that there may be Aboriginal heritage sites at the site. All works personnel should be made aware that all Aboriginal heritage in Tasmania is protected under the *Aboriginal Heritage Act 1975* (the Act), regardless of whether it is in situ or previously disturbed and they should be suitably briefed about and understand the process outlined in the Unanticipated Discovery Plan. It is recommended that a copy of the Unanticipated Discovery Plan is kept on hand during any ground disturbing works relating to the subdivision. If at any time during works Aboriginal heritage is suspected, the process outlined in the Unanticipated Discovery Plan should be immediately implemented. Under the Act there is a requirement to report Aboriginal heritage, and not to impact Aboriginal heritage without a permit granted by the Minister. Any further development of the lots will require a detailed Aboriginal Heritage Assessment to be conducted and relevant advice/endorsements sought from Aboriginal Heritage Tasmania.

### ATTACHMENTS

- 1. Subdivision Plan DAS-2021-3
- 2. Checklist DAS-2021-3



# PLAN OF SUBDIVISION



**PDA Surveyors**  
Surveying, Engineering & Planning  
ABN 71 217 806 325

127 Bathurst Street  
Hobart, Tasmania, 7000  
www.pda.com.au  
Also at: Kingston,  
Launceston & Burnie  
PHONE: +61 03 6234 3217  
FAX: +61 03 6234 5085  
EMAIL: pda.hbt@pda.com.au

Owners	Robert John Elliston; Erhard Vinkmann		Address	2015 & 2187 Bruny Island Main Road, Great Bay		This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.					
			Council	Kingborough Council							
			Planning Scheme	Kingborough Interim Planning Scheme 2015							
Title References	FR 167611/2, FR 46800/1	Zone & Overlay	26.0 Rural Resource, 120.WCP, 120.BPA, 120.FRE & 120.LDS								
Schedule Of Easements											
Scale	1:10,000	Date	14 Sept 2021	PDA Reference	45761HC-1D	Map reference	TR08	PID	3307569 & 7904416	Point of Interest GDA2020 MGA55	530 980 E, 5 213 205 N

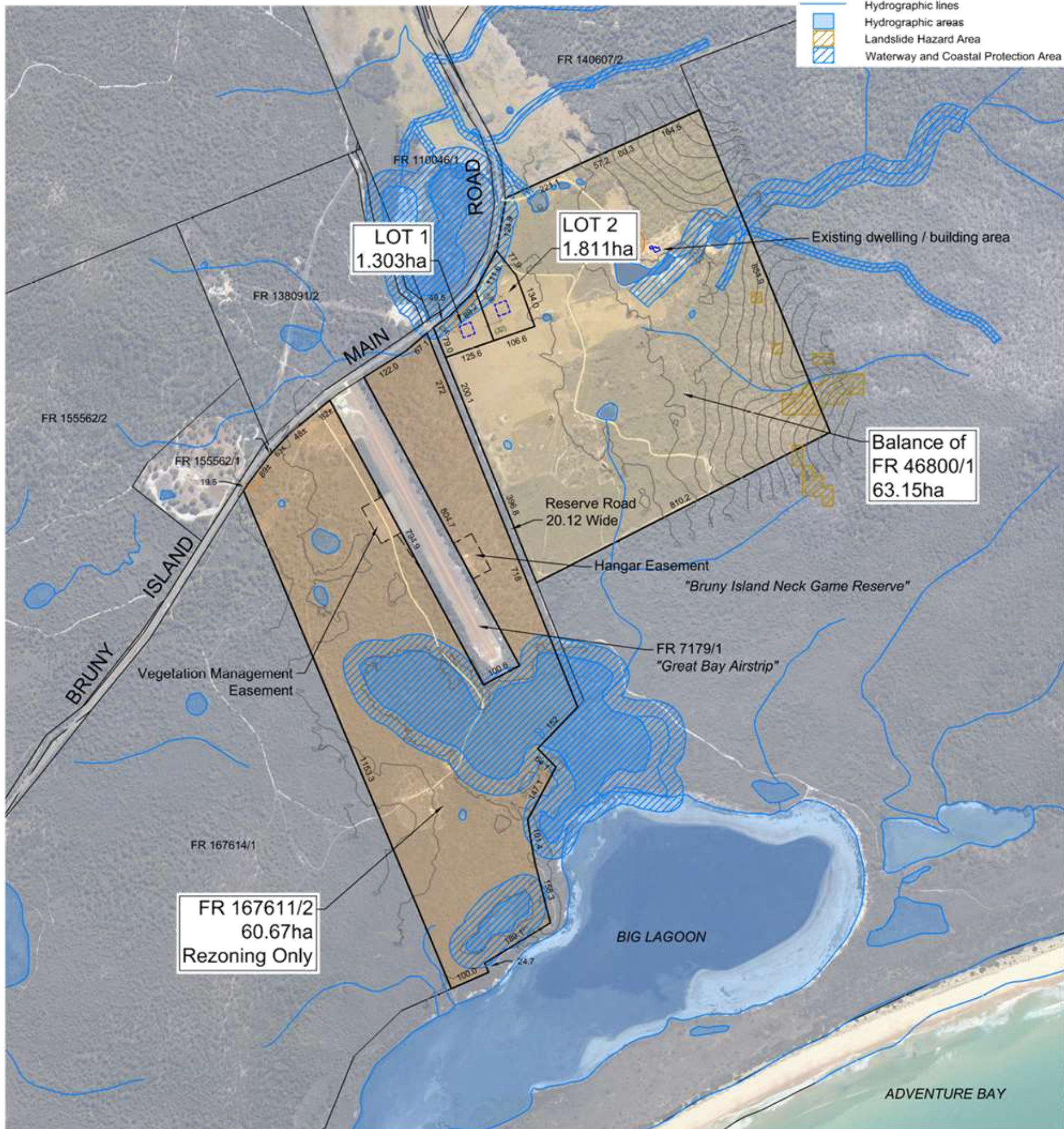


## NOTES

Entire site is subject to the Biodiversity Protection Area & Bushfire Prone Area Overlays. This isn't shown for plan clarity

## LEGEND

- Title/proposed boundary
- Surrounding boundary
- - - Easement
- Existing access
- - - Building envelope (30x30m)
- Hydrographic lines
- Hydrographic areas
- Landslide Hazard Area
- Waterway and Coastal Protection Area





## SUBDIVISION IN THE ENVIRONMENTAL LIVING ZONE CHECKLIST

### ZONE PROVISIONS

CLAUSE	COMPLIANCE/COMMENTS
<b>Lot Design (Cl. 14.5.1)</b> A1 - Each lot, or a proposed lot in a plan of subdivision, must be for public open space. A2 - The design of each lot must provide a minimum building area. A3 - Frontage for lot must be no less than 40m. A4 - No lot is an internal lot. A5 - Setback requirements for existing buildings.	<b>A1 - Does not comply</b> , must be assessed against the performance criteria. <b>A2 - Does not comply</b> must be assessed against the performance criteria. <b>A3 - Complies</b> . The proposed new lots and balance lots would have frontage greater than 40m in length. <b>A4 - Complies</b> . No internal lots are proposed. <b>A5 - Complies</b> . There is a dwelling and shed on the balance lot. Existing setbacks would be maintained and meet all relevant requirements.
<b>Road (Cl. 14.5.2)</b> A1 - The subdivision includes no new road.	<b>A1 - Not applicable</b> . The subdivision does not include a new road.
<b>Ways and public open space (Cl. 14.5.3)</b> A1 - No Acceptable Solution (Assessment against performance criteria that outlines how public open spaces should be provided in new subdivisions). A2 - No acceptable Solution (Assessment against performance criteria requires a cash in lieu contribution).	<b>P1 - Not applicable</b> . No open space is provided. <b>P2 - Conditioned</b> . Conditions of consent require a cash in lieu contribution as per the <i>Kingborough Public Open Space Contribution Policy</i> . Even though the policy requires that the contribution be applied to all the land that forms part of the subdivision, it is considered reasonable to only apply a public open space contribution to the new proposed lots as the balance lot will not create additional demand for open space.
<b>Services (Cl. 14.5.4)</b> A1 - It is not necessary to be connected to reticulated potable water supply. A2 - No Acceptable Solution (Assessment against the Performance Criteria that requires each lot must be capable of accommodating an on-site wastewater treatment system for future development). A3 - Each lot is connected to a stormwater system able to service	<b>A1 - Complies</b> . It is not necessary to connect a lot to a reticulated potable water supply. <b>P2 - Complies</b> . All lots are capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land (the land areas are large enough to enable treatment to be wholly contained within the boundaries of the lots). <b>A3 - Does not comply</b> must be assessed against the performance criteria.



building area by gravity.	
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## CODE PROVISIONS

CLAUSE	COMPLIANCE/COMMENTS
<b>E1.0 Bushfire-Prone Areas Code</b>	
Subdivision: Provision of hazard management areas (Cl.E1.6.1.1) <ul style="list-style-type: none"> <li>A1 – Subdivision capable of containing fire hazard management areas.</li> </ul>	<p><b>A1 – Complies.</b> The application is accompanied by a Certificate under s51(2)(d) of the <i>Land Use Planning and Approvals Act 1993</i> certified by an accredited bushfire practitioner which demonstrates that the proposed subdivision meets Clause E1.6.1(A1)(b) in that it provides hazard management areas equal to or greater than that the separation distances required for BAL 19 for all lots.</p> <p>A bushfire hazard management plan was also submitted with the application demonstrating that the proposal complies with A1(b) as follows:</p> <ul style="list-style-type: none"> <li>the plan shows all lots that are located within a bushfire prone area;</li> <li>the plan identifies a compliant building area for each lot;</li> <li>the bushfire hazard management area for each lot is equal to or greater than the separation distances required for BAL-19;</li> <li>the application is accompanied by a bushfire hazard management plan certified by an accredited person and showing hazard management areas equal to or greater than the separation distances required for BAL 19.</li> </ul> <p>To ensure the bushfire hazard management requirements are satisfied, a condition should be included in the permit requiring the measures contained within the plan to be implemented in relation to any future development on Lots 1 and 2, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas are contained within the designated development areas shown on the title.</p> <p>To ensure future lot owners are aware of these requirements, a Part 5 Agreement should also be included on the title of Lots 1 and 2 to this effect.</p>
Subdivision: Public Access (Cl.E1.6.1.2)	<b>A1 – Complies.</b> The subdivision complies with A1

<ul style="list-style-type: none"> <li>A1 – Certified signoff provided or subdivision plan demonstrating required layout meet relevant requirements for public access and firefighting purposes.</li> <li>A2 – Construction of roads meets the requirements of the Table E2 of the Code.</li> </ul>	<p>(b) as the proposed plan of subdivision shows the layout of property access to the building areas and demonstrates they comply with Table E2 and the plan has been certified by an accredited person</p> <p>A2 – <b>Not applicable.</b> Future dwellings on Lot 1 and Lot 2 must ensure that new property accesses comply in all respects with the provisions of Table E2 of the code.</p>
<p>Subdivision: Provision of water supply for firefighting purposes (Cl.E1.6.3)</p> <ul style="list-style-type: none"> <li>A1 – Serviced areas – certified signoff and compliance with Table E4 of the code</li> <li>A2 – Unserviced areas – certified signoff and compliance with Table E5 of the code.</li> </ul>	<p>A1 - <b>Not applicable.</b> Not in a serviced area.</p> <p>A2 – <b>Complies.</b> The subdivision complies with A2 (b) as proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5 and this plan has been approved by an accredited person as being compliant with Table E5.</p>
<b>E3.0 Landslide Code</b>	
<p>While part of the balance of CT 46800/1 is within a Low Landslide Hazard Area, a subdivision creating no more than two lots within a Low Landslide Hazard Area, including any associated works, are exempt. Therefore, the subdivision is exempt from the Landslide Hazard Code.</p>	
<b>E5.0 Road and Railway Assets Code</b>	
<p>Existing road access and junctions (ClE5.5.1)</p> <p>A1</p> <p>To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions</p>	<p>A1- <b>Complies.</b> The safety and efficiency of the existing access for the balance lot will not be compromised as a result of the proposal.</p>
<p>Access or junctions (ClE5.6.2)</p> <p>A1</p> <p>No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p> <p>A2</p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>A1- <b>Does not comply</b> must be assessed against the performance criteria.</p> <p>A2 - <b>Complies</b></p>
<p>Sight distances at accesses, junctions and level crossings (E5.6.4)</p> <p>A1</p>	<p>A1 – <b>Does not comply</b> must be assessed against the performance criteria.</p>

<p>Sight distances at:</p> <p>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</p> <p>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>	
<b>E6.0 Parking and Access Code</b>	
<p>Number of vehicular accesses (Cl.E6.7.1)</p> <ul style="list-style-type: none"> <li>A1 - The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</li> </ul>	<p>A1 – <b>Complies</b>. No more than 1 access point per road frontage is provided. The number of vehicle access points has been minimised by creating a shared access point for Lot 1 and Lot 2 and by having regard to the performance criteria provided under E6.7.1.</p>
<p>Design of vehicular accesses (Cl.E6.7.2)</p> <ul style="list-style-type: none"> <li>A1 – Design of vehicle access points complies.</li> </ul>	<p>A1 – <b>Complies</b>. The proposed domestic property access to service Lot 1 and Lot 2 is capable of complying with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street carparking in respect of its location, sight distances, widths and gradients. All locations can achieve sight distances that exceed the requirements of AS/NZS 2890.1:2004.</p>
<p>Vehicular passing areas along an access (Cl.E6.7.3)</p> <p>A1 – Vehicular passing areas comply</p>	<p>A1 – <b>Complies</b>. Passing bays are unlikely to be required except to facilitate access for fire-fighting appliances. Vehicular passing bays will be provided at appropriate locations in accordance with any recommendations of the Bushfire Hazard Management Plan.</p>
<p>Layout of parking areas (Cl.E6.7.5)</p> <ul style="list-style-type: none"> <li>A1 – Layout and compliance with Australian Standard</li> </ul>	<p>A1 – <b>Complies</b>. All lots are capable of supporting on-site turning arrangements that allow vehicles to exit access points in a forward direction.</p>
<b>E7.0 Stormwater Management Code</b>	
<p>Stormwater drainage and disposal (Cl.E7.7.1)</p> <ul style="list-style-type: none"> <li>A1 – Disposal of stormwater to public infrastructure</li> <li>A2 – Sensitive design of stormwater system incorporates water sensitive</li> </ul>	<p>A1 – <b>Does not comply</b>, must be assessed against the performance criteria.</p> <p>A2 – A4 <b>Not applicable</b>, but will be considered as part of future development applications on the newly created lots.</p>

<p>urban design principles</p> <ul style="list-style-type: none"> <li>• A3 – Design of minor stormwater drainage system</li> <li>• A4 – Design of major stormwater drainage system</li> </ul>	
<b>E10.0 Biodiversity Code</b>	
<p>Subdivision (CI.E10.8.1)</p> <p>A1 – Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) be for the purposes of separating existing dwellings;</li> <li>(b) be for the creation of a lot for public open space, public reserve or utility;</li> <li>(c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;</li> <li>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.</li> </ul>	<p><b>A1 – Does not comply</b>, must be assessed against the performance criteria.</p>
<p>A2 - Subdivision is not prohibited by the relevant zone standards.</p>	<p><b>A2 – Complies.</b> The subdivision is permitted by the relevant zone standards. It will in fact result in a net conservation benefit through the zone standards.</p>
<b>E11.0 Waterway and Coastal Protection Code</b>	
<p>Subdivision (CI.E11.8.1)</p> <p>A1- Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) be for the purpose of separation of existing dwellings;</li> <li>(b) be for the creation of a lot for public open space, public reserve or utility;</li> <li>(c) no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal</li> </ul>	<p><b>A1 – Does not comply</b>, must be assessed against the performance criteria.</p>

<p>Refugia Area or Potable Water Supply Area;</p> <p>(d) building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area. A1 - Buildings and works within a building area on subdivision plan approved under this Scheme.</p>	
A2 - Subdivision is not prohibited by the relevant zone standards.	A2 – <b>Complies.</b> The subdivision is permitted by the relevant zone standards.
<b>E23.0 On-Site Wastewater Management Code</b>	
<p>Development standards for new lots (Cl.E23.9.1)</p> <ul style="list-style-type: none"> <li>A1 – A new lot must have an area no less than 5,000 m<sup>2</sup>.</li> <li>A2 - Subdivision is not prohibited by the relevant zone standards.</li> </ul>	<p>A1 – <b>Complies.</b> All lots exceed the minimum lot size requirement.</p> <p>A2 – <b>Complies.</b> The subdivision is permitted by the relevant zone standards.</p>

Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.

### 13.3 DA-2021-578 - APPLICATION FOR TWO MULTIPLE DWELLINGS AT 16 TINGIRA ROAD, BLACKMANS BAY

**File Number:** DA 2021-578  
**Author:** Timothy Donovan, Senior Planning Officer  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	Oramatis Studio
<b>Owner:</b>	Shi Lin Ruan
<b>Subject Site:</b>	16 Tingira Road, Blackmans Bay
<b>Proposal:</b>	2 Multiple Dwellings
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015
<b>Zoning:</b>	General Residential
<b>Codes:</b>	E6.0 Parking and Access E7.0 Stormwater Management
<b>Use Class/Category:</b>	Multiple Residential
<b>Discretions:</b>	CI.10.4.2 A1 Setbacks and building envelopes for all dwellings CI.10.4. 2 A3 Setbacks and building envelopes for all dwellings CI.E7.7.1A1 Stormwater drainage and disposal
<b>Public Notification:</b>	Public advertising was undertaken between 1 December 2021 and 14 December 2021 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
<b>Representations:</b>	4 representations were received against the proposal. The submissions raised the following grounds: <ul style="list-style-type: none"> <li>• Front Setback</li> <li>• Building Envelope</li> <li>• Privacy</li> <li>• Impact on adjacent lots</li> <li>• Traffic and Car Parking</li> <li>• Driveway Design</li> <li>• Loss of Views</li> <li>• Change in Zoning</li> </ul>
<b>Recommendation:</b>	Approval with Conditions

## 1. PROPOSAL

### 1.1 Description of Proposal

The proposal is for the construction of two double-storey, four-bedroom dwellings on the vacant lot. Each dwelling has a single garage provided within the ground level. Both dwellings also have an east facing upper-level deck that cantilevers over the driveway. Private open space is provided adjacent to and directly accessible to the dwellings. The private open space for unit one is located in the frontage of the lot and dwelling 2 is located behind the unit in the rear yard area.



The shared driveway is located along the east boundary and extends to the rear of the site; the second space for each dwelling is provided at the end of the driveway and a visitor space is provided between the two dwellings.

The applicant lodged amended plans (Council reference P3) after the public advertising period. The plans were amended in response to issues raised by Council and representors in relation to the east side boundary setbacks and the upper-level decks that were within 1.5m of the side boundary and did not have screening. The upper-level decks are now a minimum of 3m from the side boundary. The amended plans also addressed the driveway design to ensure it complied to the design standard for width and vehicular turning and passing.

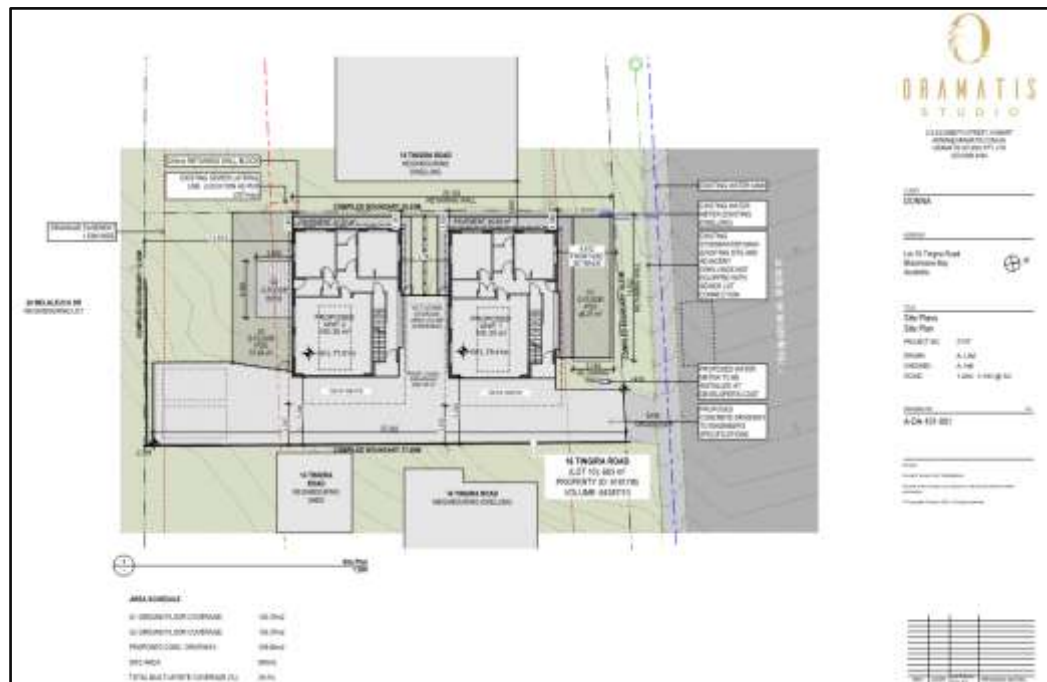


Figure 1 - Site Plan

## 1.2 Description of Site

The site is described as No 16 Tingira Road being Lot 10 on CT 64387/10 with an area of 693m<sup>2</sup>. The site is vacant and contains a greenhouse, garden areas and a driveway that traverses the lot and goes to the rear of No 18 Tingira Road. A 1.53m wide drainage easement runs along the rear boundary and there is a sewer main through the rear yard which is approximately 10m from the rear boundary. The land falls to the rear of the site and there is a gentle cross fall from west to east across the site.

Lot 10 has historically been associated with the adjacent Lot 9 being No 18 Tingira Road. The properties were bought by the current owner in December 2020.

The area is predominantly zoned General Residential with a mix of single dwellings and a small number of newer infill unit developments (No's 21 and 25 Tingira Road).



*Figure 2 - Aerial Photo of No 16 Tingira Rd Blackmans Bay.*

### 1.3 External Referrals

#### TasWater

The application was referred to TasWater who have lodged their Submission to Planning Authority Notice, TWDA 2021 01818-KIN with Council. The Conditions of TasWater in the Submission have been included in the Permit.

## 2. ASSESSMENT

### 2.1 State Policies and Act Objectives

The provisions of the Planning Scheme, including the zones and codes overlays, are derived from State Policies and the approval of the Scheme by the Planning Minister on the basis it is compliant with those policies. On that basis a separate assessment against those policies is not required.

The proposal is consistent with the outcomes of the State Policies including those of the Coastal Policy.

### 2.2 Strategic Planning

Relevant Zone Purpose Statements of the General Residential Zone.

- 10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.
- 10.1.1.4 To implement the Regional Settlement Strategy and the Greater Hobart Residential Strategy.
- 10.1.1.5 To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.
- 10.1.1.6 To encourage urban consolidation and greater housing choice through a range of housing types and residential densities.

## Clause 12.1.2 – Local Area Objectives

Local Area Objectives	Implementation Strategy
(a) Blackmans Bay should be maintained as an established residential area with a high level of amenity associated with its coastal location, pleasant views and lifestyle.	(a) The natural landscape and setting is an important issue when considering new development proposals.

## 10.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
(a) Blackmans Bay should continue as a predominantly low-density residential area with larger lot sizes that enable reasonable setbacks, the retention of native vegetation and gardens	(a) New development should respect the amenity of surrounding residences and the natural landscape. Multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct.

The proposal complies with the Purpose Statements, Local Area Objectives, and Desired Future Character Statement for Blackmans Bay in that the proposed development:

- Provides for residential use that accommodates dwelling types at suburban densities, and full infrastructure services are available.
- Is consistent with and will assist in the implementation of the Regional Settlement Strategy and the Greater Hobart Residential Strategy.
- Provide residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.
- Encourages urban consolidation and greater housing choice through a range of housing types and residential densities.
- Maintains Blackmans Bay as an established residential area with a high level of amenity associated with its coastal location, pleasant views and lifestyle.

**2.3 Use Class**

The use is categorised as Residential (Multiple Dwelling) under the Scheme, which is a use that requires Permitted assessment in the General Residential Zone. Whilst the application is classified as a Permitted use, it relies on Performance Criteria to comply with the Scheme provisions and is therefore discretionary.

**2.4 Use and Development Standards****General Residential Zone****Clause 10.4.2 Setbacks and Building Envelopes for all dwellings**

Acceptable Solution A1
Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:

<p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road</p>
<p><b>Performance Criteria P1</b></p> <p>A dwelling must:</p> <p>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</p> <p>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</p>
<p><b>Proposal</b></p> <p>The proposal does not comply with A1(c) that requires a frontage setback not more than the greater, or less than the lesser, setback for the equivalent frontage of the adjacent dwellings. The front setback is 4.612m. The site is vacant and the two adjoining lots have existing dwellings that are setback 7.5m and 7.7m respectively from the frontage.</p> <p>The proposal complies with A1(a) that requires a frontage of 4.5m or more.</p> <p>A1(b), (d) and (e) are Not Applicable to the proposal.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The site is constrained by the services infrastructure that crosses the rear yard. The sewer infrastructure is setback approx. 10m from the rear boundary. This restricts the extent of the useable land for building on the site. Apart from the services infrastructure the site does not have any other particular topographical constraints.
- The setbacks in the area range from over 7 m to 3.5m. The older housing stock in the street is setback up to 6-7m while newer dwellings and units are usually setback 4.5m. Examples of setbacks less than 7m are No 's 6, 7, 10, 13, 19, 21, and 23 Tingira Road. Several of these are 4.5m and less.
- The front setback is considered to be compatible with the streetscape and the siting and scale of the proposed Units is considered to meet the objectives in the Planning Scheme in:
  - (a) Providing reasonably consistent separation between dwellings and their frontage within a street. The front setback of 4.612m is in excess of the Acceptable Solution A1(a) of 4.5m.

- (b) Providing consistency in the apparent scale, bulk, massing and proportion of dwellings. The development will present as a single dwelling from the street.
- (c) Provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
- (d) Provides reasonable access to sunlight for existing solar energy installations. The solar installations on the roof of No 18 Tingira Road will not be impacted.

### General Residential Zone

#### Clause 10.4.2 Setbacks and Building Envelopes for all dwellings

##### Acceptable Solution A3

A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
  - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and
  - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and
- (b) only have a setback within 1.5 m of a side boundary if the dwelling:
  - (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or
  - (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).

##### Performance Criteria P3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
  - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
  - (iii) overshadowing of an adjoining vacant lot; or
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

##### Proposal

The proposal does not comply in relation:

- **A3(a)(ii)** - Units 1 and 2 are setback a minimum of 1.35m and a maximum of 1.556m from the west side boundary and have a maximum wall height of

6.321m. The site is being cut and the wall/roof height above natural ground level ranges from 5.476m to 6.095m.

The wall/roof of both Units extends past the west side boundary Building Envelope. The roof extends above the Building Envelope 1.6m to 1.8m and horizontally beyond the Building Envelope 12.0m to 2.2m.

The units comply with the front and rear Building Envelopes.

- **A3(b)(ii)** - There is also a retaining wall along the west side boundary that runs for a total length of 25.1m and the maximum length for a wall along the boundary in the Acceptable Solution is 9m. It is a maximum of 1.2m high above natural ground level.

Unit 1 complies as it is setback more than 1.5m from the side boundary.

Unit 2 complies as its wall length is under 9m being 8.6m even though it is setback 1.356m – 1.405m from the side boundary.



**Figure 3 - Unit 2 East Elevation with Building Envelope shown**



**Figure 4 - Street view of No 16 Tingira Rd Blackmans Bay (Ref:Google Maps)**



The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The orientation of the lot, the differences in levels, and the location of the proposed units are not considered to create an unreasonable loss of amenity on the adjoining No 18 Tingira Road through reduction in sunlight to a habitable room other than a bedroom. The adjoining No 18 Tingira Road is a two-level dwelling with a number of habitable and non-habitable rooms along its west elevation.
- Note is made that a complying dwelling build to the maximum height (8.5m) would have a similar or greater impact on No 18 Tingira Road than the proposal.
- There is no overshadowing of the private open space of No 18 Tingira Road. Its private open space is located in its front yard and also in the rear yard area off Kiama Place.
- There are no vacant adjacent lots.
- Due to the constraint of the services infrastructure the overall location and size of the two proposed units are similar to a single dwelling that could be built on the lot. A complying dwelling build to the Acceptable Solutions in the Planning Scheme would have a similar or greater building form than the proposed units. The visual impact from the street is that of a single dwelling. The apparent scale, bulk or proportions of the units is similar to other sites in the area that contain both single dwellings and multiple dwellings.
- The proposed units are set back a minimum of 1.35m and a maximum of 1.556m from the west side boundary. The dwelling on No 18 Tingira Road is setback approx. 3m from the side boundary. The surrounding area contains a number of dwellings and outbuildings with setbacks close to side boundaries including on or within 1.5m of the side boundaries including No's 4, 8, 12, and 14 Tingira Road. The proposed is considered to provide separation from the adjoining dwelling on No 18 Tingira Road that is compatible with that prevailing in the surrounding area.
- The retaining wall is a maximum of 1.2m high and will have no impacts on adjacent lots or the street. It will assist in improving the usability of the site and the open space areas.

### **Stormwater Management Code**

#### **Clause E7.7.1 Stormwater Drainage and Disposal**

<b>Acceptable Solution A1</b>
Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.
<b>Performance Criteria P1</b>
Stormwater from new impervious surfaces must be managed by any of the following:
(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles
(b) collected for re-use on the site;
(c) disposed to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council

<b>Proposal</b>
There is no stormwater main servicing the lot due to the historic development in the area and the subject lot being adhered to No 18 Tingira Road.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The stormwater will be disposed to the public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.
- A suitable condition has been included in the Permit for a stormwater pump station to be designed and installed including a Part 5 agreement.

## 2.5 Public Consultation and Representations.

The proposal was advertised in accordance with statutory requirements and four representations were received. The following issues were raised by the representors:

**The proposal does not comply with cl.10.42 A1(c) of the Planning Scheme for frontage setback.**

The issue of frontage requirements under cl 10.4.2 A1 is addressed in the report.

**The proposal does not comply with cl.10.42 A3 of the Planning Scheme for building envelope. No shadow diagrams have been provided. Unit 1 will overshadow the Unit 2 deck and provide bad amenity for the occupant. The Unit 1 deck is close to the side boundary with No 14 Tingira Road (less than 1.5m setback)**

The issue of Building Envelope requirements under cl 10.4.2 A1 is addressed in the report. In relation to the separation of the two units the proposal complies to cl.10.4.4 – ‘Sunlight to private open space of multiple dwellings’ and cl. 10.4.6 – ‘Privacy for all dwellings’ in relation to the separation of the units.

In relation to the side setback for the decks the applicant, in response to submissions and issues raised by Council has submitted amended plans that increased the setbacks from the side boundary with No 14 Tingira Road to a minimum of 3m. This setback now complies with cl.10.4.6 - Privacy for all dwellings.

**The proposal will impact on the privacy of No 14 Tingira Road and overlook windows and a balcony. At present the trees on No. 16 provide screening. The Units should be located to the rear of the lot.**

The applicant has lodged amended plans that demonstrate compliance with the setbacks from the east side boundary with No 14 Tingira Road. The rear of the site is not able to be utilised due to the drainage easement and the sewer main crossing the yard.

**There is overlooking between the Unit 1 kitchen window and the Unit 2 bedroom window.**

The applicant has submitted amended plans that now comply in relation to the separation of the units.

**Traffic and Parking Issues including insufficient parking on-site.**

The proposal complies with the Parking and Access Code and provides 5 car parking spaces on site including 1 visitor space.

The application complies to the Parking and Access Code and the street has adequate capacity for the increase in traffic from the development.

The applicant has submitted amended plans that now comply to the Parking and Access Code standards.

**The proposal will obstruct water views form several properties.**

The Planning Scheme has no requirements for views to be protected.

**The proposal will result in a change in the zoning criteria for the lot from single dwelling to two dwelling lot.**

The lot and the area are zoned General Residential which allows multiple dwellings as Permitted uses subject to compliance with the Development Standards.

**The sewer line is not properly located on the site and may impact on Unit 2 siting.**

The application was referred to TasWater and they have not raised any issues and provided Council with their Submission to Planning Authority and conditions. Note is made that if the approved plans for a development are not able to be implemented due to unforeseen issues an amendment may be required to the Permit.

**3. CONCLUSION**

The application has been assessed against the Development Standards in the Planning Scheme. The application compiles to the Acceptable Solutions and Performance Criteria for the General Residential Zone and relevant Codes and is recommended for approval with conditions.

**4. RECOMMENDATION**

That the Planning Authority resolves that the development application for two multiple dwellings at 16 Tingira Road, Blackmans Bay for Ms A Lim be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No DA 2021-578 and Council Plan Reference No. P3 submitted on 18 January 2022.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval by Council's Manager Development Services prior to the issue of a Building Permit.

The landscape plan must be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;

- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish); and
- (f) the relationship of the plantings to the proposed height of the buildings.

It is recommended that the consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

3. At least one (1) visitor parking space must be provided for the proposed development. The visitor parking space must be appropriately signposted and kept available for visitor parking at all times.
4. If a strata plan is lodged for the development the plan must include some common property and the visitor parking space must be contained within the common property and be accessible through the common property from all units.
5. The vehicular access must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO9, TSD-E01 and TSD-RF01) in standard grey concrete with a broomed non-slip finish from the kerb crossing layback to the lot boundary. A Permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.
6. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:
  - Tasmanian Standard Drawings
  - Austroads Standards and Australian Standards
  - Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
  - (i) Longitudinal and cross sections of the driveway/access road
  - (ii) Contours, finish levels and gradients of the driveway/access road
  - (iii) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
  - (iv) Provision of a visitor parking space between Units 1 & 2
  - (v) Signage for visitor spaces and residential spaces
  - (vi) Wheel stops for open parking bays (as appropriate)

- (vii) Surface treatment and stormwater drainage
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) Layout details
  - (ii) Engineering certification from a consultant engineer that the proposed stormwater pump station for the proposed development is designed in accordance with Australian Standard AS3500 National Plumbing and Drainage Code. Supporting documentation with associated hydraulic calculations must be submitted.
  - (iii) Pump station rising main stormwater connection to the existing 300mm main in Tingira Road

Once endorsed the plans will form part of the permit.

7. Prior to the permit coming into effect and the commencement of any works on site, the landowner must enter into Part 5 Agreements under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to maintain the stormwater pump station. The Part 5 Agreements must include:
- (a) that the costs associated with the installation, maintenance and monitoring/reporting of the pump station and absorption trenches are to be borne by the owners utilising the system (no costs are borne by Council);
  - (b) that the stormwater pump station including overflow absorption trenches are maintained in good working order (and serviced in accordance with suppliers specifications) by the owner/s;
  - (c) that an ongoing maintenance document be prepared by a suitably qualified person for the infrastructure;
  - (d) that any future strata subdivision requires the pump station to be located within common property of the strata subdivision;
  - (e) that any overflow absorption trenches are located within a private services easement in favour of all strata title owner/s;
  - (f) that a servicing/maintenance report be provided within a reasonable timeframe to Council upon request;
  - (g) be signed and sealed prior to commencement of works; and
  - (h) be submitted to the Land Titles Office with the plan of survey and registered on the title.

All costs associated with drafting and registering the Part 5 Agreements on the titles are to be borne by the developer. All terms of these Agreements must be complied with once executed.

Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be executed prior to commencement of works and registered on the title. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

8. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Executive Manager Engineering Services and include the following:
  - (a) Signage residential carparking spaces as allocated;
  - (b) Visitor carparking signs must be installed for visitor carparking spaces;
  - (c) Pump station rising main stormwater connection to the existing 300mm main in Tingira Road as approved.
9. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.
 

Any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.
10. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
11. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager – Engineering Services.
12. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
  - (a) The parking areas (including signage and access);
  - (b) The garden and landscape areas;
  - (c) Drainage works undertaken and completed; and
  - (d) Letterboxes installed.
13. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

#### ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The Developer should not allocate any property address numbers for the proposed units.

New property addresses have been allocated as follows:

Unit No.	Allocated Property Address
1	1/16 Tingira Road, Blackmans Bay
2	2/16 Tingira Road, Blackmans Bay



These numbers must then be referenced on design and As-Constructed drawings as well as any Strata Plans lodged for sealing.

- C. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- D. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- E. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

#### ATTACHMENTS

- 1. **Application Plans**
- 2. **Assessment Checklist**
- 3. **TasWater Submission to Planning Authority**

PROJECT : PROPOSED UNIT DEVELOPMENT  
LOT 10 TINGIRA ROAD  
BLACKMANS BAY



General Notes

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THE CONTRACTOR SHALL CONFIRM ON SITE EXISTING CONDITIONS, LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS

ALL DISCREPANCIES TO BE REPORTED TO THE ARCHITECT FOR INSTRUCTION

ALL LEVELS INDICATED PERTAIN TO FINISHED LEVELS AND NOT STRUCTURAL LEVELS UNLESS OTHERWISE INDICATED

MATERIALS AND WORK PRACTICES SHALL COMPLY WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND OTHER RELEVANT CODES REFERRED TO IN THE NCC

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS, SPECIFICATIONS AND DRAWINGS

PROPRIETARY ITEMS, SYSTEMS AND ASSEMBLIES ARE TO BE ASSEMBLED, INSTALLED OR FIXED IN CONFORMANCE WITH THE CURRENT WRITTEN RECOMMENDATIONS AND INSTRUCTIONS OF THE MANUFACTURER OR SUPPLIER

WORKPLACE HEALTH AND SAFETY  
ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT SAFE DESIGN REPORT

ALL CONTRACTORS MUST CARRY OUT WORKS IN ACCORDANCE WITH CURRENT HEALTH AND SAFETY LEGISLATION AND BEST PRACTICE INCLUDING PREPARATION OF A CONSTRUCTION SAFETY MANAGEMENT PLAN

LAND TITLE REFERENCE  
VOLUME(PLAN): - FOLIO (LOT): 64387/10

DESIGN WIND SPEED  
WIND LOADING TO AS 4055: -

SOIL CLASSIFICATION  
SOIL CLASSIFICATION TO AS 2870: -

CLIMATE ZONE FOR THERMAL DESIGN  
CLIMATE ZONE TO BCA FIGURE 1.1.4: 7: ZONE 7

BUSHFIRE PRONE AREA BAL RATING  
BUSHFIRE ATTACK LEVEL (BAL) TO AS 3959: BAL 0

Subset ID and Name	Layout ID	Layout Name	Scale
GENERAL	A-DA-001-001	Title Sheet	1:2000
Demolition Plans	A-DA-100-001	Existing Site + Demolition Plan	1:200
Site Plans	A-DA-101-001	Site Plan	1:200, 1:100
	A-DA-101-002	Site Drainage Plan	1:200
GA Plans	A-DA-110-000	Unit 1 Ground + First Floor Plans	1:100
	A-DA-110-002	Unit 2 Ground + First Floor Plans	1:100
	A-DA-110-003	U1 + U2 Roof Plans	1:100
Elevations	A-DA-210-001	Unit 1 Elevations	1:100
	A-DA-210-002	Unit 2 Elevations	1:100



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DONNA

ADDRESS  
Lot 10 Tingira Road  
Blackmans Bay  
Australia

TITLE  
GENERAL  
Title Sheet  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. HILL  
SCALE: 1:2000 @ A3

DRAWING NO  
A-DA-001-001

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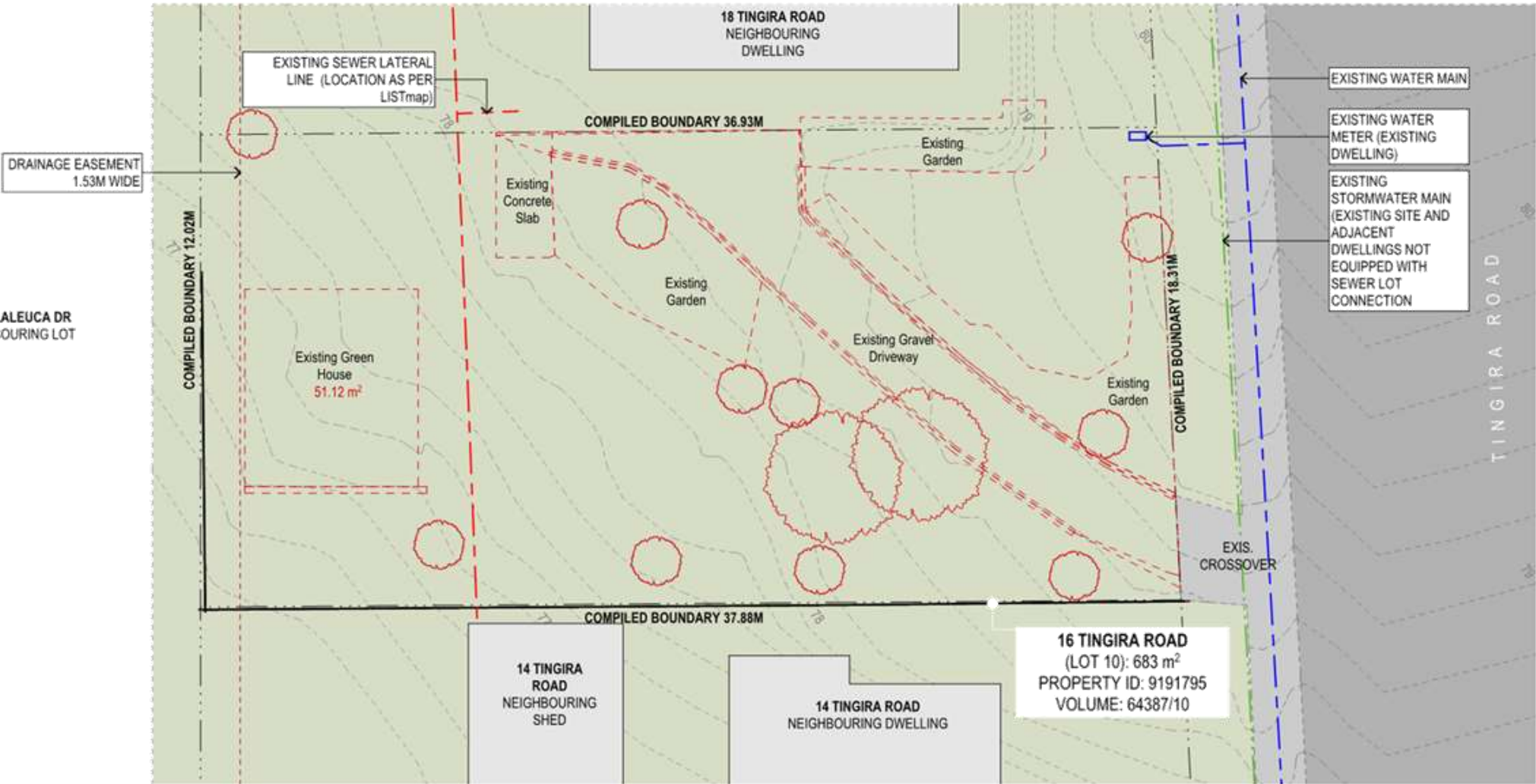
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Blackmans Bay  
Australia

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Existing Site + Demolition Plan  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. Hill  
SCALE: 1:200 @ A3

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1 Existing Site + Demolition Plan 1:200





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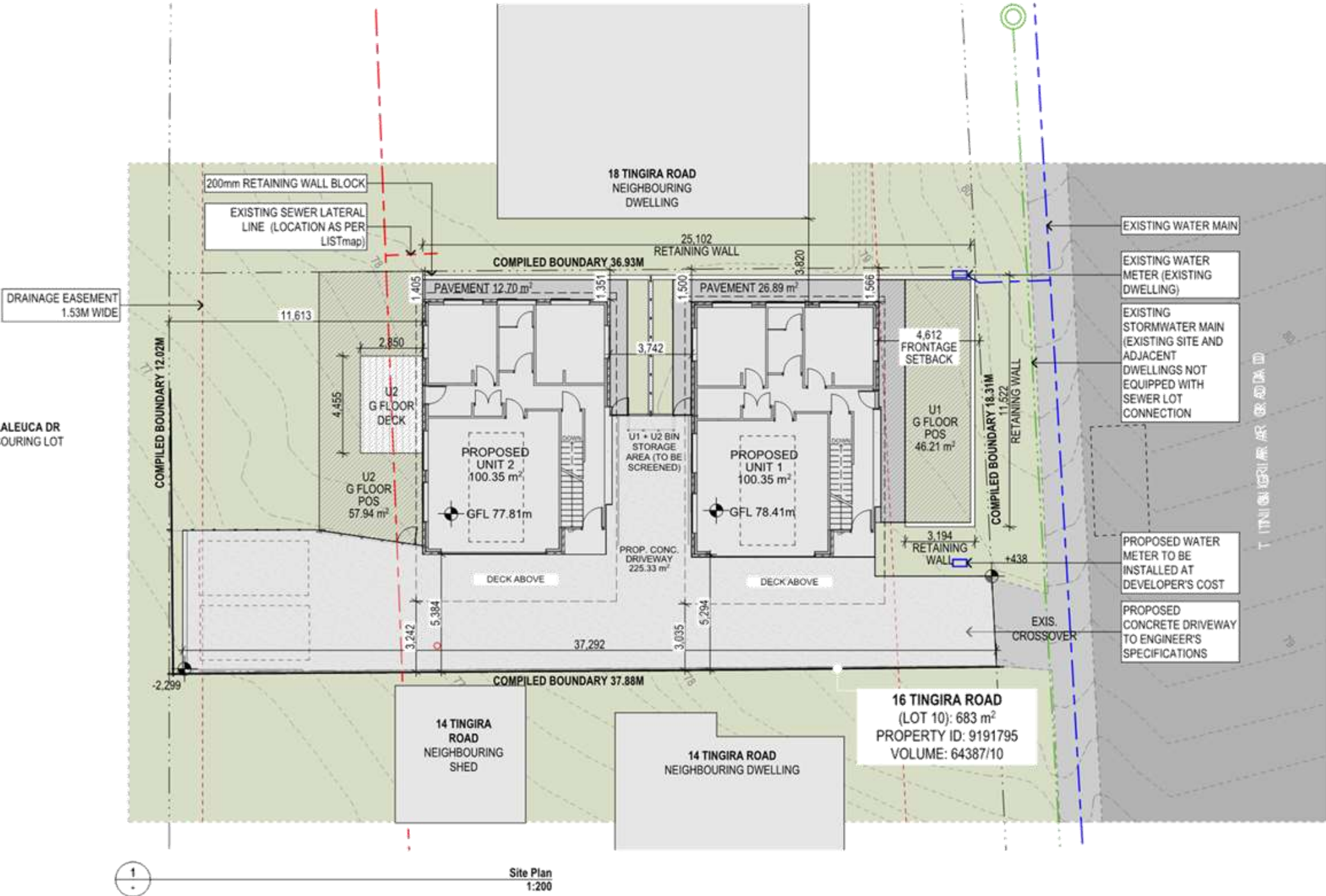
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Australia

TITLE  
Site Plans  
Site Plan  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. Hill  
SCALE: 1:200, 1:100 @ A3

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AREA SCHEDULE	
U1 GROUND FLOOR COVERAGE:	100.37m2
U2 GROUND FLOOR COVERAGE:	100.37m2
PROPOSED CONC. DRIVEWAY:	209.80m2
SITE AREA:	683m2
TOTAL BUILT-UP/SITE COVERAGE (%):	29.4%



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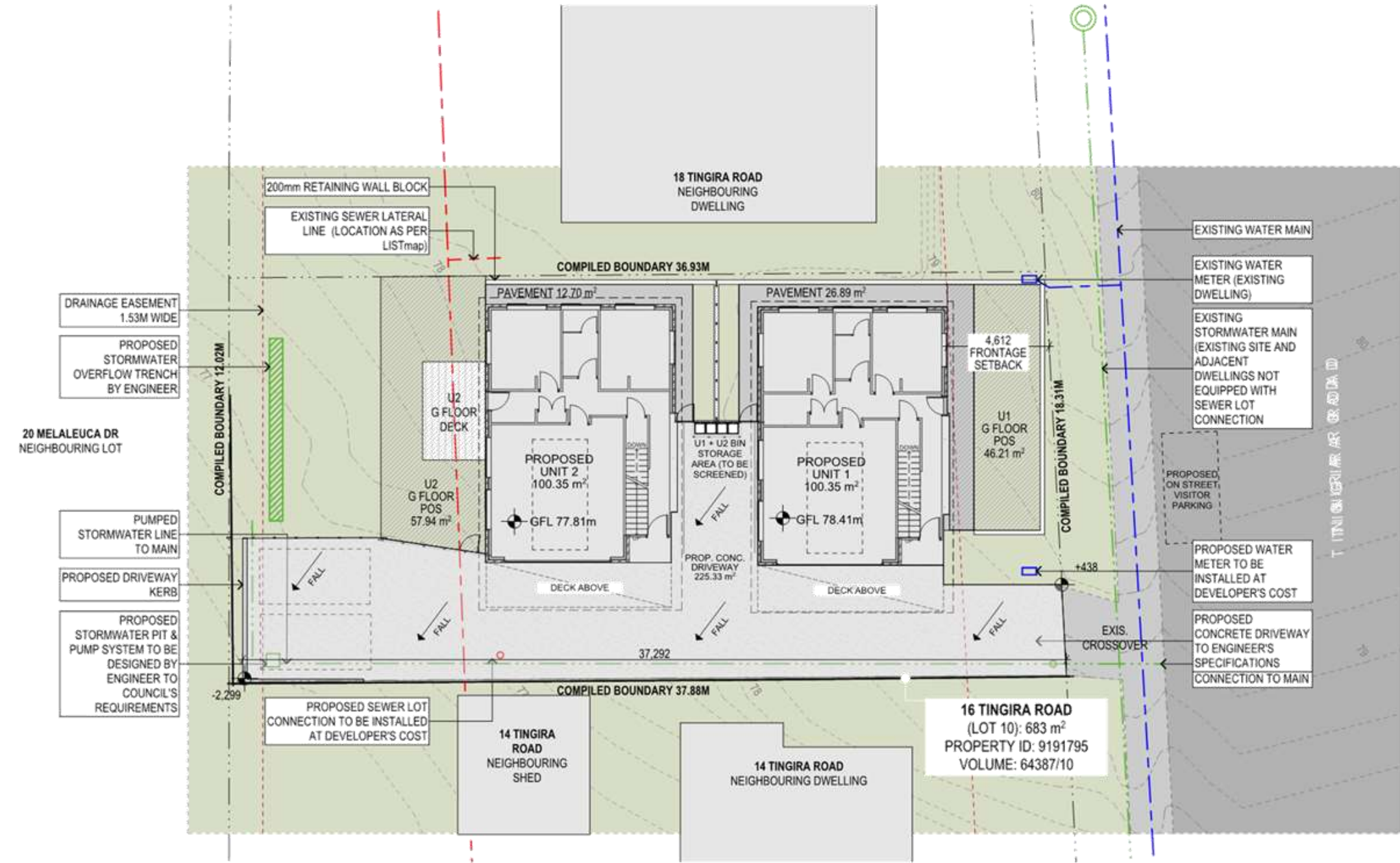
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Blackmans Bay  
Australia

TITLE  
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Site Drainage Plan  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. Hill  
SCALE: 1:200 @ A3

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1  
Site Drainage Plan  
1:200





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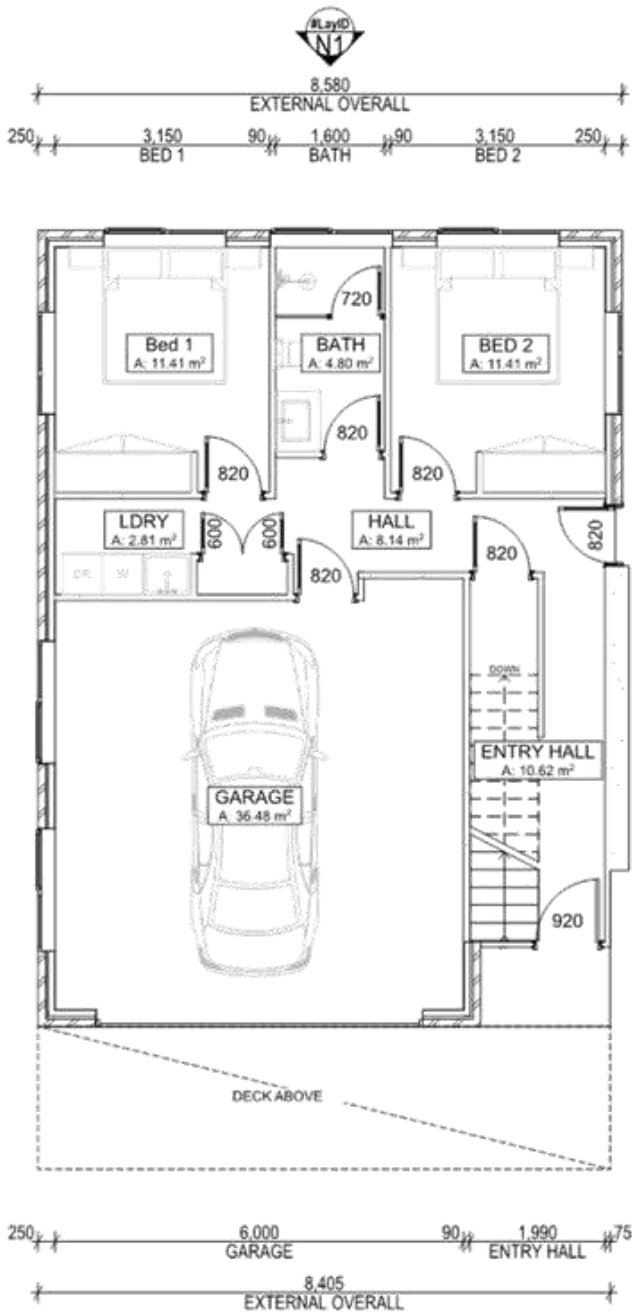
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Blackmans Bay  
Australia

TITLE  
GA Plans  
Unit 1 Ground + First Floor Plans  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. HILL  
SCALE: 1:100 @ A3

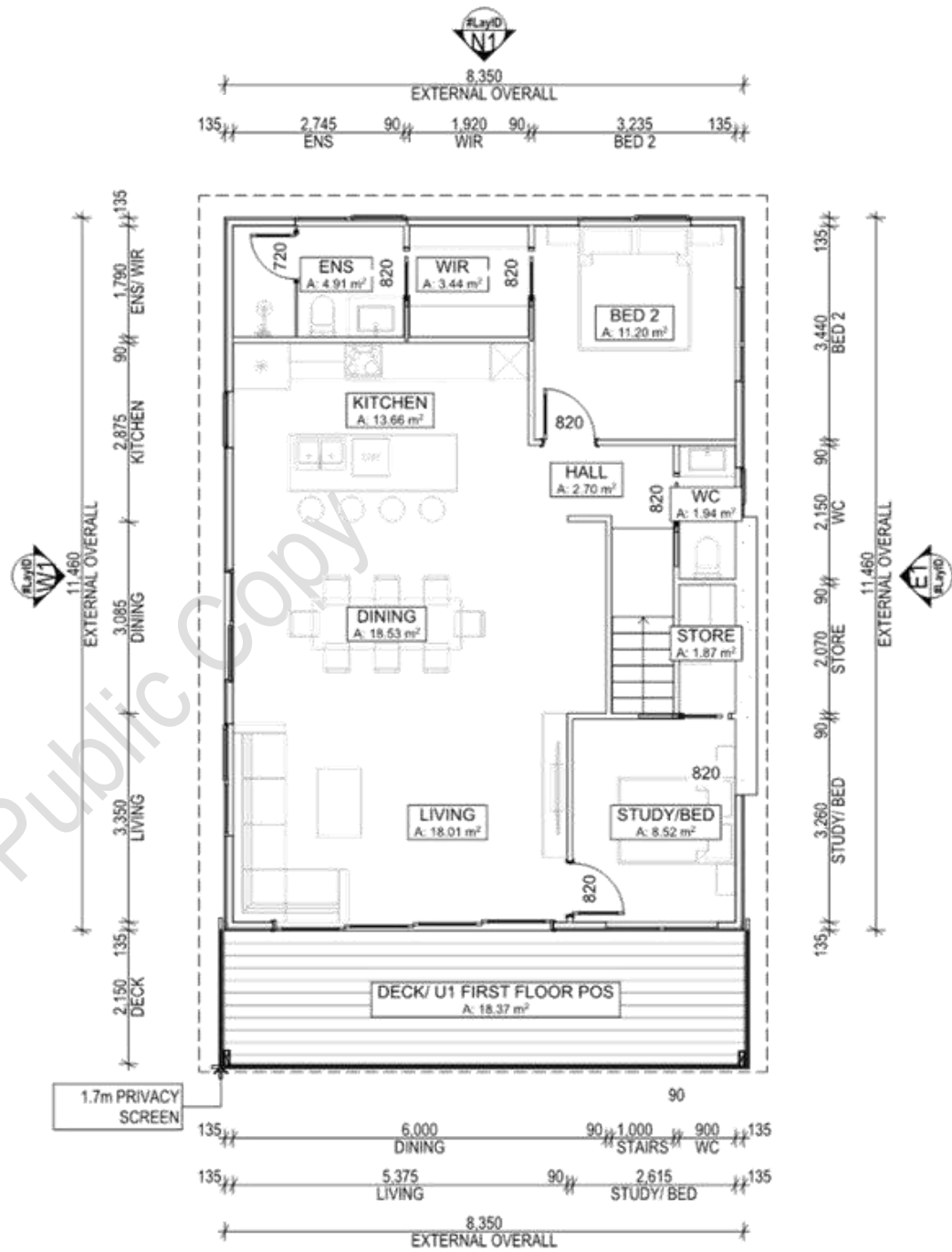
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1 U1 GFL  
1:100



2 U1 FFL  
1:100





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CLIENT  
DONNA

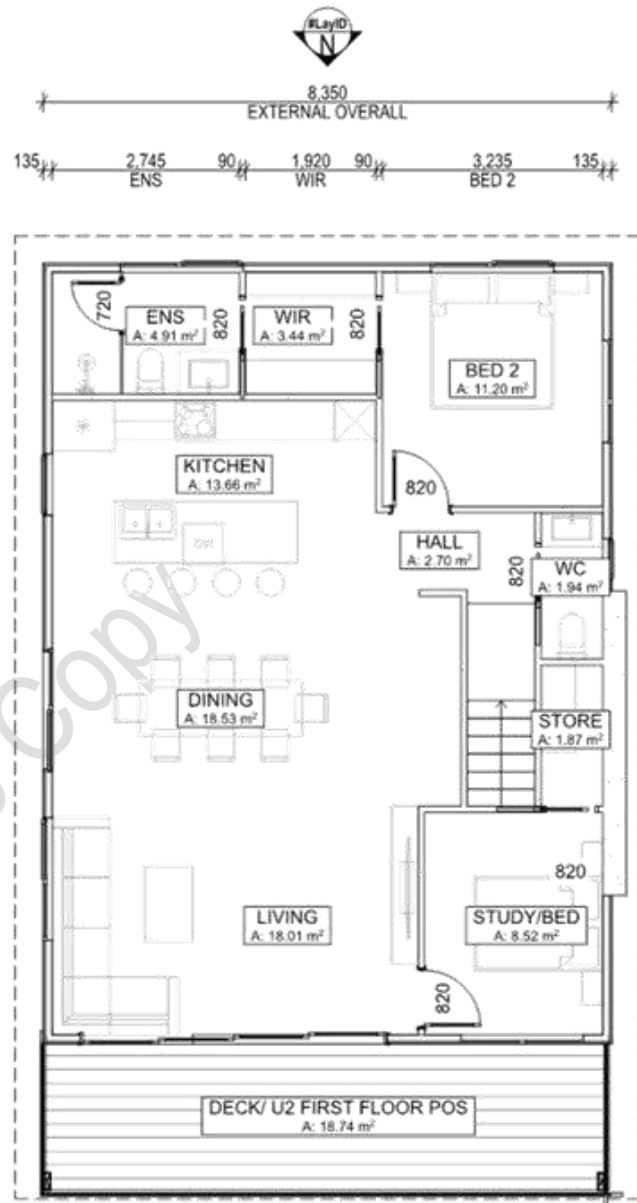
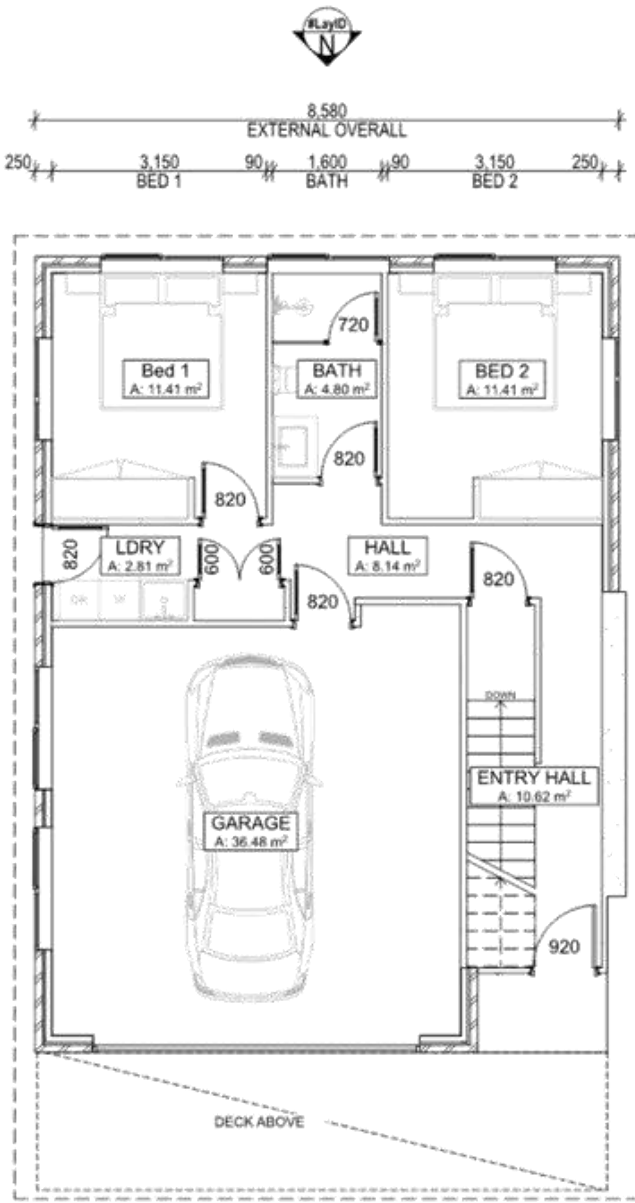
ADDRESS  
Lot 10 Tingira Road  
Blackmans Bay  
Australia

TITLE  
GA Plans  
Unit 2 Ground + First Floor Plans  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. Hill  
SCALE: 1:100 @ A3

DRAWING NO  
A-DA-110-002

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REV	DATE	APPROVED BY	REVISION NOTES



3 U2 GFL 1:100

4 U2 FFL 1:100



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STUDIO

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(03) 6286 8440

CLIENT  
DONNA

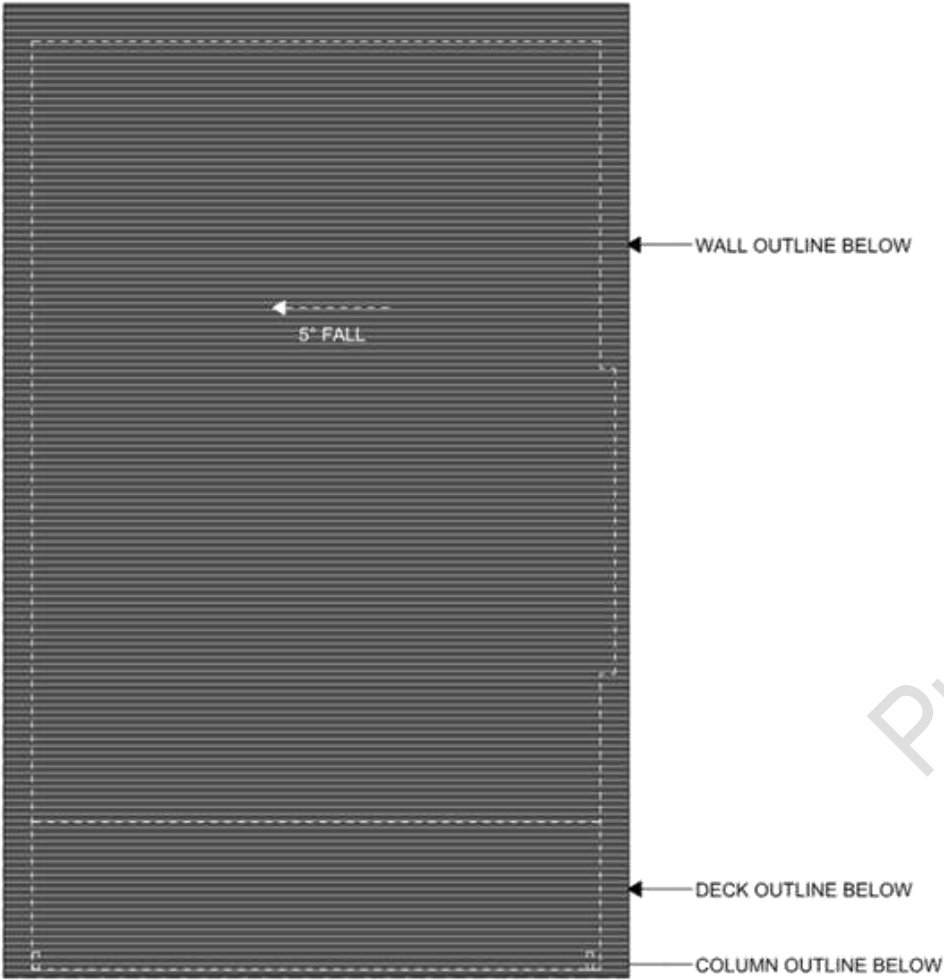
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Blackmans Bay  
Australia



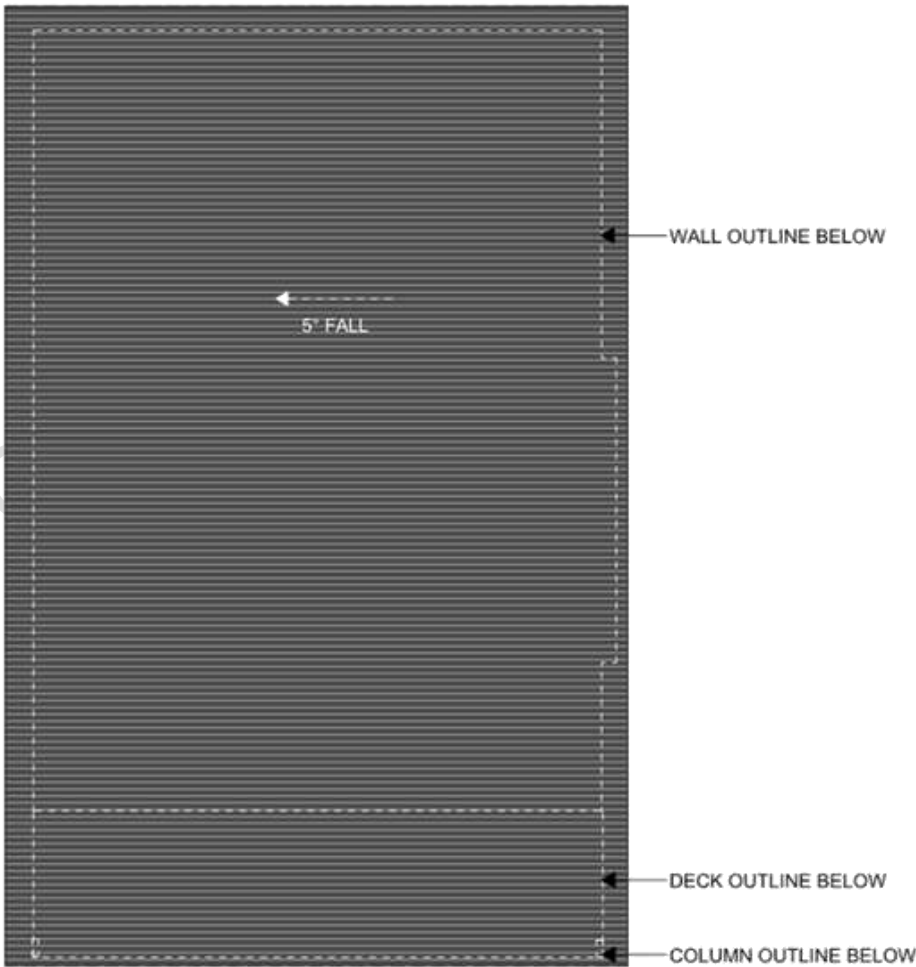
TITLE  
GA Plans  
U1 + U2 Roof Plans  
PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. HILL  
SCALE: 1:100 @ A3

DRAWING NO  
A-DA-110-003

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5  
U2 Roof Plan  
1:100



2  
U1 Roof Plan  
1:100

REV	DATE	APPROVED BY	REVISION NOTES



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ADDRESS  
Lot 10 Tingira Road  
Blackmans Bay  
Australia

TITLE  
Elevations  
Unit 1 Elevations

PROJECT NO: 2147  
DRAWN: A. LIM  
CHECKED: A. Hill  
SCALE: 1:100 @ A3

DRAWING NO  
A-DA-210-001

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EXTERNAL FINISHES	
CL-1	James Hardie 133mm Axon Cladding Colour: Monument
BR-1	Brickwork Colour: Graphite Smooth with White Mortar
TB-1	Selected Timber Colour: tbc
TG-1	Toughened Glass

REV	DATE	APPROVED BY	REVISION NOTES





DEVELOPMENT APPLICATION NUMBER: DA-2021-578

### **Assessment Checklist for Development Applications for Multiple Dwellings within the General Residential Zone**

<b>Application No:</b> DA-2021-578	<b>Description:</b> Two multiple dwellings
<b>Applicant:</b> Ms A Lim	<b>Owner:</b> Mr S Ruan
<b>Location:</b> 16 Tingira Road, Blackmans Bay	

### **General Residential Zone Provisions (multiple dwellings)**

*Checklist is based on KIPS2015 and provisions of IPD4 (which commenced 22 Feb 2021)*

<b>Clause</b>	<b>Compliance/Comments</b>
<b>10.4.1 - Residential Density for multiple dwellings</b>  <b>A1</b> - Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<b>A1</b> – Complies – Proposal has a density of 341m <sup>2</sup> /dwelling.
<b>10.4.2 - Setbacks and building envelopes for all dwellings</b>  <b>A1</b> - Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:	<b>A1(a)</b> – Complies - The front setback for Unit 1 is 4.612m. <b>A1(b)</b> – NA <b>A1(c)</b> - <b>Not Complying</b> – The site is vacant and the two adjoining lots have existing dwellings that are setback approximately 7.0m from the frontage.
(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;	<b>A1(d)</b> NA
(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;	<b>A1(e)</b> NA
(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;	
(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or	
(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	



## DEVELOPMENT APPLICATION NUMBER: DA-2021-578

<p><b>A2</b> - A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<p><b>A2(a-c)</b> – Complies – the garage for Unit 1 is located behind the building line and is also designed as a part of the dwelling with gross floor area above the garage.</p>
<p><b>A3</b> - A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> </li> <li>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>	<p><b>A3(a)(i)</b> – Complies</p> <p><b>A3(a)(ii)</b> – <b>Not Complying</b>. Units 1 and 2 are setback a minimum of 1.35m and a maximum of 1.556m from the west side boundary and have a maximum wall height of 6.321m. The site is being cut and the height above natural ground level ranges from 5.476m to 6.095m.</p> <p>The roof of both Units extends past the west side boundary Building Envelope. The roof extends above the Building Envelope 1.6m to 1.8m and horizontally beyond the Building Envelope 12.0m to 2.2m.</p> <p>The units comply with the front and rear Building Envelopes.</p> <p><b>A3(b)(ii)</b> – <b>Not Complying</b> –</p> <p>There is a retaining wall along the side boundary that runs for a total length of 25.1m. It is under 1m high above natural ground level.</p> <p>Unit 1 complies as it is setback more than 1.5m from the side boundary.</p> <p>Unit 2 complies as it is setback 1.356m – 1.405m from the side boundary however its wall length is under 9m being 8.6m.</p>
<p><b>A4</b> - No trees of high conservation value will be impacted.</p>	<p><b>A4</b> – Complies – No high conservation trees.</p>

## DEVELOPMENT APPLICATION NUMBER: DA-2021-578

<p><b>10.4.3 - Site coverage and private open space for all dwellings</b></p> <p><b>A1</b> - Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul> <p><b>A2</b> - A dwelling must have private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is not less than: <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> </li> <li>(b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> </li> <li>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</li> <li>(d) has a gradient not steeper than 1 in 10.</li> </ul>	<p><b>A1(a)</b> – Complies – Site coverage is 29%.</p> <p><b>A1(b)</b> – Complies – Each unit has more than 60m<sup>2</sup> of private open space area that provide opportunities for outdoor recreation; planting of gardens and landscaping, and that is conveniently located and has access to sunlight.</p> <p><b>A2(a)</b> – Complies – both units provide an area that complies to the size standard. The designated Private Open Space areas for Unit 1 and Unit 2 are 46m<sup>2</sup> and 57m<sup>2</sup> respectively.</p> <p><b>A2(b)</b> – Complies – both units provide an area that complies to the dimension standards.</p> <p><b>A2(c)</b> – Complies – Unit 1 has the designated POS between the dwelling and the frontage. The front yard is oriented between 30 degrees west of true north and 30 degrees east of true north.</p> <p><b>A2(d)</b> – Complies - both units provide an area that complies to the gradient standard.</p>
<p><b>10.4.4 - Sunlight to private open space of multiple dwellings</b></p> <p><b>A1</b> - A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> <li>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4): <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</li> </ul> </li> <li>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours</li> </ul>	<p><b>A1(a)</b> – Complies – Dwellings are a minimum of 3.742m separated. Unit 1 is outside the projected line required in (a)(ii) from Unit 2.</p> <p><b>A1(b)</b> – Complies – The private Open Space for Unit 2 is located behind Unit 2 to the south of the lot Unit 1 will not overshadow Unit 2 POS area.</p> <p><b>A1(c)</b> – NA.</p>

DEVELOPMENT APPLICATION NUMBER: DA-2021-578

<p>of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul>	
<p><b>10.4.5 - Width of openings for garages and carports for all dwellings</b></p> <p><b>A1</b> - A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p><b>A1</b> – Complies – openings are less than 6m.</p>
<p><b>10.4.6 - Privacy for all dwellings</b></p> <p><b>A1</b> - A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul> </li> </ul>	<p><b>A1(a)</b> – Complies – The 2 upper level decks facing the east side boundary are set back a minimum of 3m from the side boundary.</p> <p><b>A1(b)</b> – Complies – Decks are more than 4m from rear boundary.</p> <p><b>A1(c)</b> – Complies – the Unit 1 upper level deck contains a 1.7m high privacy screen facing Unit 2.</p>

## DEVELOPMENT APPLICATION NUMBER: DA-2021-578

<p><b>A2</b> - A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p><b>A2(a)</b> –NA – see (b).</p> <p><b>A2(b)</b> – Complies – West side boundary windows for Units 1 and 2 are setback less than 3m from the boundary. All these windows have a sill height of not less than 1.7m above the floor level.</p>
<p><b>A3</b> - A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"> <li>(i) it is separated by a screen of not less than 1.7m in height; or</li> <li>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</li> </ul>	<p><b>A3(a-b)</b> – Complies – there are no windows, or glazed doors, to a habitable room adjacent to the shared driveway.</p>
<p><b>10.4.7 - Frontage fences for all dwellings</b></p> <p><b>A1</b> - No Acceptable solution (when not exempt)</p>	<p><b>A1</b> – NA – no front fencing proposed.</p>

## DEVELOPMENT APPLICATION NUMBER: DA-2021-578

<p><b>10.4.8 - Waste storage for multiple dwellings</b></p> <p><b>A1</b> - A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul>	<p><b>A1(a-b)</b> – Complies - Bin storage areas are shown for both units.</p>
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## Code Provisions

Clause	Compliance/Comments
<b>E6.0 Parking and Access Code</b>	
Use standards – number of car parking spaces (Cl.E6.6.1) <ul style="list-style-type: none"> <li>A1 - Number of on-site car parking spaces complies with table</li> </ul>	A1 – Complies - 2 spaces per unit and one visitor parking space provided.
Number of vehicular accesses (Cl.E6.7.1) <ul style="list-style-type: none"> <li>A1 – Number of vehicle access points complies</li> </ul>	A1 – Complies – Single access provided.
Design of vehicular accesses (Cl.E6.7.2) <ul style="list-style-type: none"> <li>A1 – Design of vehicle access points complies</li> </ul>	A1 – Complies – Designed and constructed in accordance with Australian Standards.
Vehicular passing areas along an access (Cl.E6.7.3) <ul style="list-style-type: none"> <li>A1 – Vehicular passing areas comply</li> </ul>	A1 – Complies – Designed and constructed in accordance with Australian Standards.
On-site turning (Cl.E6.7.4) <ul style="list-style-type: none"> <li>A1 – on-site turning provides for vehicles to exit property in forward direction</li> </ul>	A1 – NA



## DEVELOPMENT APPLICATION NUMBER: DA-2021-578

Layout of parking areas (Cl.E6.7.5) • A1 – Layout and compliance with Australian Standard	A1 – Complies – Designed and constructed in accordance with Australian Standards.
Surface treatment of parking areas (Cl.E6.7.6) • A1 – Parking spaces and vehicular circulation surfaces provided	A1 – Complies – Designed and constructed in accordance with Australian Standards.
Lighting of parking areas (Cl.E6.7.7) • A1 – Parking and vehicle circulation roadways are provided with lighting	A1 – Complies – Designed and constructed in accordance with Australian Standards.
Landscaping of parking areas (Cl.E6.7.8) • A1 – Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	A1 – NA – there is not more than 5 car parking spaces.
Access to a road (Cl.6.7.14) • A1 – Access to road complies with road authority requirements	A1 – Complies – Designed and constructed in accordance with Australian Standards.
<b>E7.0 Stormwater Management Code</b>	
Stormwater drainage and disposal (Cl.E7.7.1) • A1 – Disposal of stormwater to public infrastructure • A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles • A3 – Design of minor stormwater drainage system • A4 – Design of major stormwater drainage system	A1 – <b>Not Complying</b> – There is no stormwater main servicing the lot. A2 – Complies – Condition on Permit. A3 – Complies - Condition on Permit. A4 – NA

Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.



## Submission to Planning Authority Notice

Council Planning Permit No.	DA-2021-578	Council notice date	22/10/2021
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2021/01818-KIN	Date of response	27/01/2022
TasWater Contact	Jake Walley	Phone No.	0467 625 805
<b>Response issued to</b>			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
<b>Development details</b>			
Address	16 TINGIRA RD, BLACKMANS BAY	Property ID (PID)	9191795
Description of development	Multiple Dwellings x2		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Oramatis Studio	Site Plan A-DA-101-001	--	--
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<p>1. A single suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</p> <p><i>Advice: The plan currently shows two separate water connections to this development, one for each dwelling. The plans submitted with an application for a Certificate for Certifiable Work (Building/Plumbing) will need to show a single suitably sized connection, with a suitable metering arrangement.</i></p>			
<p>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</p>			
<p>3. Prior to commencing construction /use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</p>			
<b>56W CONSENT</b>			
<p>4. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development which is built within two metres of TasWater infrastructure.</p> <p><i>Advice: The closest distance you can construct a prescribed structure, including eaves and gutters, to a sewer main is 1m. This might require a re-design for the plans submitted with an application for a Certificate for Certifiable Work (Building/Plumbing).</i></p>			



#### DEVELOPMENT ASSESSMENT FEES

5. The applicant or landowner as the case may be, must pay a development assessment fee of \$219.04 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

##### 56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe depth and proposed finished surface levels over the pipe;
- (b) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (c) A note on the plan indicating how the pipe location and depth were ascertained.
- (d) The location of the property service connection and sewer inspection opening (IO).

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

#### Authorised by

**Jason Taylor**  
Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

**13.4 DA-2021-678 - DEVELOPMENT APPLICATION FOR INTENSIFICATION OF WINERY USE TO ALLOW FOR GROUP DINNERS AND EXTENSION OF HOURS OF OPERATION AT 11 FLOWERPOT JETTY ROAD, FLOWERPOT**

**File Number:** DA 2021-678  
**Author:** Darshini Bangaru, Planning Officer  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	Ireneinc Planning
<b>Owner:</b>	Mr M W Hughes
<b>Subject Site:</b>	11 Flowerpot Jetty Road, Flowerpot (CT 154062/3)
<b>Proposal:</b>	Intensification of winery use to allow for group dinners and extension of hours of operation
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015
<b>Zoning:</b>	Rural Resource
<b>Codes:</b>	E1.0 Bushfire- Prone Areas E3.0 Landslide (low- medium) E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection (class 1- 3) E16.0 Coastal Erosion Hazard (low) E23.0 Onsite Wastewater Management E25.0 Local Development
<b>Use Class/Category:</b>	Resource Processing / Winery
<b>Discretions:</b>	Clause 26.3.3- Discretionary use
<b>Public Notification:</b>	Public advertising was undertaken between 8 January 2022 and 21 January 2022 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
<b>Representations:</b>	One (1) supporting representation and three (3) objections were received against the proposal. The objections raised the following grounds: noise & hours of operation, traffic, road safety and incremental development of land.
<b>Recommendation:</b>	Approval with Conditions

## **1. PROPOSAL**

### **1.1 Description of Proposal**

The application is seeking approval for the expansion of the existing winery use to allow for an evening dinner service and the extension of operating hours of “Mewstone Wines” at 11 Flowerpot Jetty Road, Flowerpot (the subject site). It is proposed to seat small groups of 12-24 people for evening dinner, which will be a tailored wine tasting and food experience via a pre-booking system, at the existing winery. The existing cellar door, which includes an internal area and an outdoor deck, and the back of house areas (kitchen, store and bathrooms) would be utilised for the dinner service.



The service would not be available during daytime operating hours and would not be available for walk-ins at dinner time. As such, it would not function as a regular restaurant service. It is proposed that the cellar door be open for this service until 10pm, and potentially available for 1 -2 sittings per night.

The proposed intensification of use would occur within the existing areas, highlighted in the image overleaf under *Figure 1*. No development works are proposed under the subject application.



**Figure 1: Aerial image of the site highlighting the existing cellar door and BOH areas proposed for the intensification of winery use to allow for evening dinner service**

The proposal would not generate the need for additional permanent staff. Currently operating cellar door sales, and wine tastings will continue as existing during the daytime.

## 1.2 Description of Site

The site is legally described as Lot 3 on Sealed Plan 154062, having a total area of 18.49ha. The site is currently occupied by “Mewstone Wines”, used for resource development purposes (vineyard) and resource processing use (winery). The site has been utilised for resource development (farming) for a number of years. The winery was approved in January 2020 under DA-2019-690. The site consists of farm and storage sheds, two winery buildings and associated infrastructure including access, parking, wastewater and stormwater management systems. The more recently constructed winery has a cellar door available for the public, providing wine tastings, wine sales and small food platters. There is a car parking area which provides 14 car parking spaces including one accessible car space associated with the winery use. The site also consists of a dam and approximately 2.5ha of remnant bushland in the south-eastern corner.

The site has a medium gradient downslope to the D'Entrecasteaux Channel on the east. The site is located on the eastern side of Channel Highway with the northern portion of the western boundary abutting the highway, and two titles and an unformed road separating the rest of the site from the Highway – a minimum distance of 90m, as seen in the aerial image of the site under *Figure 2* below. The site has views across the D'Entrecasteaux Channel, with the existing buildings setback over 200m from the

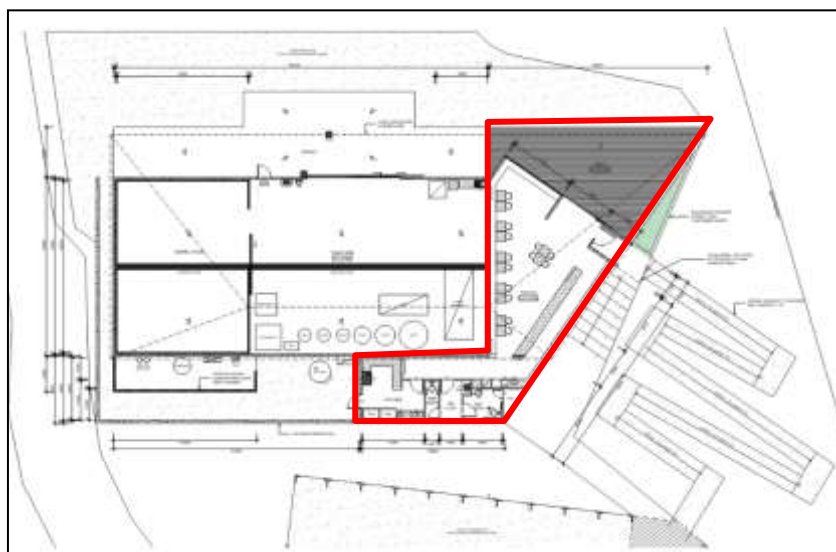


bank of the water. The site is not visible from Channel Highway due to the gradient of the land and existing vegetation. The existing buildings are approximately setback about 50m from Flowerpot Jetty Road. The buildings would be visible from the D'Entrecasteaux Channel waterway.



**Figure 2: Aerial image of the overall site, noting the image is not up-to-date and does not indicate the recently constructed winery building, seen under Figure 1**

The proposed area of the winery subject to this proposal is the cellar door and tasting area, which includes an internal area and an outdoor deck and back of house facilities including kitchen, store and bathrooms, highlighted in the floor plan below under Figure 3.



**Figure 3: Floor plan showing the area (highlighted in red) proposed for use under subject application**

Currently, the winery is approved to have hours of operation for the tasting and cellar door sales between 10am to 6pm, 7 days per week, apart from when harvesting is being undertaken then truck movements to and from the site are required to be confined between 8am to 7pm on weekdays.

### 1.3 Background

One of the farm sheds was approved at the site under DA-2011-130. A proposal for a winery and cellar door sales on the subject site was originally approved in 2017 under DA-2017-458 and then again in 2019 under DA-2019-498, however the owner did not progress with the approved proposal plans under either of these applications. These planning permits have now lapsed.

In December 2019, a further new development application DA-2019-690 was lodged with Council, seeking approval for a winery with tasting, cellar door sales, hardstand area and car parking. This application was approved in January 2020 and construction has recently been completed.

In June 2020, a 12m x 8m farm storage shed was approved to the west of the winery building under DA-2020-185. More recently in March 2021, a new development application DA-2021-114 was submitted to Council seeking approval for a dwelling and an outbuilding. However, this application is currently on hold as further information has been requested by Council.

## 2. ASSESSMENT

### 2.1 State Policies and Act Objectives

The provisions of the Planning Scheme, including the zones and codes overlays, are derived from State Policies and the approval of the Scheme by the Planning Minister on the basis it is compliant with those policies. On that basis a separate assessment against those policies is not required. The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

The proposal is consistent with the outcomes of the State Policies, including those of the Coastal Policy.

### 2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

#### *Zone Purpose Statements of the Rural Resource zone*

The relevant zone purpose statements of the Rural Resource zone are to:

- 26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.
- 26.1.1.3 To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.
- 26.1.1.4 To allow for residential and other uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:

- a) fetter existing or potential rural resource use and development on other land;
  - b) add to the need to provide services or infrastructure or to upgrade existing infrastructure;
  - c) contribute to the incremental loss of productive rural resources.
- 26.1.1.5 To provide for protection of rural land so future resource development opportunities are not lost.
- 26.1.1.6 To ensure development respects and protects the natural and landscape values on the land.

*Clauses 26.1.2 and 26.1.3 – Local Area Objectives and Desired Future Character Statements*

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The Scheme does not have any Local Area Objectives and Desired Future Character Statements for the Flowerpot area.

Response: The proposal complies with the above-mentioned Zone Purpose Statements as follows. The site is currently used for Resource Development of grapevines (agricultural use) and Resource Processing (winery use). The proposed intensification of use of the winery to allow for tailored wine tasting and food experience in the evening, would be complementary and supportive of the existing winery and agricultural use. The tailored dinner service would be available for only small groups of maximum 24 persons, via a pre-booking system. The proposed scale is cognisant of the location and within existing development and utilising existing infrastructure. Therefore, there will be no conflict or constrain to the operation of the agricultural and winery use, nor unreasonably convert agricultural land.

## 2.3 Statutory Planning

The use is categorised as Resource Processing (winery) under the Scheme, which is a use that requires discretionary assessment in the Rural Resource Zone.

Resource Processing is defined under the Scheme as “*use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.*”

Clause 4.1 of the Scheme defines winery as “*use of land for the manufacture of vineyard products and if land is so used, includes the display and sale of vineyard products, and the preparation and sale of food and drink for consumption on the premises. It is considered the proposal is small scale, and ancillary to the winery use, given it is not intended to operate as a regular restaurant, rather it would complement the winery use. It is not anticipated that it is of a scale and nature to be classed as a separate “food services” use class.*”

Noting, Resource Processing (winery) use is an existing approved use for the site. Clause 9.2.1 of the Scheme says, “*proposals for development (excluding subdivision), associated with a use class specified in an applicable Use Table, as a discretionary use, must be considered as if that use class had permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the use.*” This clause does not apply to the subject proposal, as no development is proposed.

Furthermore, the zone use standards under Clause 26.2 stipulates no permit is required for any permitted use if replacing an existing use on the site and there is no associated development requiring a permit. As noted above, Resource Processing use class has a discretionary status under the zone.

While the proposal does not include a change of use, or proposed development works, it represents the intensification and change of the nature of use of winery through the extension of operating hours and the intensification of the preparation and sale of food and wine at the winery.

Council's assessment of this proposal should also consider the issues raised in the representations, the outcomes of any relevant State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

## 2.4 Use and Development Standards

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

### Rural Resource Zone Clause 26.3.3 Discretionary Use

<b>Acceptable Solution</b>
<b>A1</b> No acceptable solution.
<b>Performance Criteria</b>
<b>P1</b> A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following: <ul style="list-style-type: none"> <li>a) the characteristics of the proposed non-agricultural use;</li> <li>b) the characteristics of the existing or likely agricultural use;</li> <li>c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</li> <li>d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</li> </ul>
<b>Proposal</b>
Resource processing has a discretionary status under the Rural Resource zone.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The proposed intensification of the winery use would complement the existing agricultural use of the site. As discussed above, the proposal represents an intensification of the existing use of the cellar door through an extension to the hours of operation and the type of service offered by 'Mewstone Wines'. It is proposed the cellar door be open for a tailored wine and dine option between 6pm – 10pm for small groups of 12- 24 persons. Pre-bookings will be required, and this service will not be available for walk-ins like a regular restaurant.
- No alterations are proposed to the currently operating wine tasting and cellar door sales which is approved to be open between 10am to 6pm, 7 days per week.

- No additional development works are proposed/required to facilitate the proposal. No additional parking will be required as there is no change to the floor area of the winery. There are currently 14 on-site parking spaces, including 1 accessible space, which would be available for the patrons booked for the evening wine and dine service.
- The existing agricultural use would not be impacted by the proposed intensification of winery use / extension of operating hours. The cellar door is situated within the south-western corner of the site and is co-located with the other buildings including the winery and the farm sheds. The proposed extension of operating hours occurs outside of the normal operating hours of the vineyard.
- The cellar door is located 36m from the western boundary, 40m from the nearest southern boundary and over 400m from the northernmost boundary and at least 200m from the eastern boundary. The surrounding land is also zoned Rural Resource and has a range of land uses including residential, rural (livestock, orchard etc) activities, occasional visitor accommodation etc. There is a currently operating orchard located at 10 Beadles Road, which is on the western side of the Channel Highway, at least 100m from the Cellar Door. An aerial image showing the surround land uses and topography of the area is shown overleaf under Figure 4.
- Given the location of the cellar door, existing vegetation buffer between lots, topography of the area with the subject site on a downslope, and vast building separations, it is highly unlikely the proposed intensification of winery (cellar door) use or the extension of hours of operation will adversely impact on any existing or likely agricultural uses on the adjoining lots, or other lots in the area.
- Therefore, it is considered the proposal would not conflict with or fetter existing or likely agricultural use(s) on the site or adjoining lands.



**Figure 4: Surrounding land uses, topography, existing vegetation**



## 2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 8 January 2022 to 21 January 2022). Four representations were received during the public exhibition period, three of which were objections and one supporting representation. The following issues were raised by the three objections:

### 2.5.1 Noise and hours of operation

One objector raised concerns about any exterior sound system playing after 9pm. Two other objectors pointed the additional patrons and vehicles, leaving around dinner and after 10:00pm, will cause extra noise at an unsuitable time. One of the objections pointed that the proposal is not in keeping with the rural, residential nature of the district. The day to day running of the winery already involves noise from vehicles and farm machinery during the daytime. This development would mean additional noise from visitor vehicles both arriving and departing up to 10pm which would adversely impact on residents expecting to enjoy a peaceful evening mealtimes and bedtime.

Response: The subject land and surrounding lands are zoned Rural Resource. As discussed in the previous sections of this report, the zone purpose statements stipulate the land is used for development of resources for agriculture and include resource processing opportunities. A winery and associated agricultural use of the land, is suitable for the zoning of this land. Noise generated from the farming or resource processing use, such as noise from vehicles and machinery is not atypical for land zoned Rural Resource. Winery use, by definition, as discussed above, allows for food service. There are no use standards that stipulate standards for hours of operation within the Rural Resource zone. It is unlikely that vehicles departing would create unreasonable noise impacts to the surrounding lots given the likely limited number of vehicles and the distance of the venue from the boundaries broadly.

Furthermore, the application and the representations were reviewed by Council's Environmental Health Officer who has advised that there are no use standards to assess noise in the Rural Resource zone. The dining area faces east, towards the Channel, and away from nearby residences, and given the group size is proposed to be less than 24, it is unlikely there would be significant noise impacts. A condition is recommended in any permit issued prohibiting the use of noise amplifying equipment between 9pm – 10am.

### 2.5.2 Increased traffic

The three objections raised concerns relating to unacceptable increases in traffic.

Response: The application and the representations were reviewed by Council's Development Engineer who has advised that the group wine and dining service will be available for a maximum of 24 patrons with potentially 2 sessions per night, dependant on the demand. Given the rural location of the site and nature of pre-booking required, it is highly likely that the patrons will arrive with some level of car sharing. It is anticipated that proposed intensification of use may be expected to generate a maximum additional traffic movements of 40 vehicles that would occur in the evening/night-time. The existing traffic movements are estimated to be up to 408 vehicles/day. This represents an increase less than 10%.

Given the scale and nature of the proposal, there would not be any unreasonable impacts caused due to traffic increase.

A condition is recommended to ensure hours of operation do not extend beyond 10pm and seating no more than 24 patrons per dinner session.

#### 2.5.3 Road safety

The three objections raised concerns relating to the safety and limited visibility of the intersection of the Channel Highway and Flowerpot Jetty Road. They raised that this imposes a danger to tourists and guests of the winery, unfamiliar with the local road and traffic conditions, while travelling at high speed along the Highway. One objector raised that Council should consider sealing Flowerpot Jetty Road, after the highway, as it would become one of the most trafficked roads in this part of the Channel.

**Response:** Council's Development Engineer has advised that the safety of the Flowerpot Jetty Road and Channel Highway intersection was addressed with the previous application and approval for the winery under DA-2019-690. A Traffic Impact analysis was submitted with that application and the installation of intersection warning signage was included as a condition of approval, subject to further approvals from the Department of State Growth. This was the recommendation of the Traffic Impact Analysis report that was submitted with DA-2019-690.

Furthermore, as discussed above, the increase in traffic during the evening/night-time is not considered to be significant and sealing of Flowerpot Jetty Road (approximately <100m from the Highway to the subject property) at this stage is not deemed necessary. It is to be noted, the turn-off from the Highway onto Flowerpot Jetty Road is currently sealed, and a passing bay has been constructed along this road has adjacent to the subject property, as per the condition of approval for the winery under DA-2019-690. These existing arrangements would be adequate for the additional evening time traffic.

#### 2.5.4 Incremental intensification of use of land

One of the objectors raised concerns that the use of land was being incrementally increased from operating as a vineyard with a modest farm shed (not open to public), to then operating as a cellar door (initially with no food service), then providing wine tasting and food, to now seeking approval for the extension to the hours of operation and food service late into the night. There is an emerging pattern, proceeding to further development of land and a line must be drawn.

**Response:** Given the zoning of the land and site area, the use of the land for farming and resource processing, is not considered unreasonable, subject to compliance with the applicable Scheme standards. Resource processing (winery) use has a discretionary status in the zone. Winery use, by definition, allows for the sale of food. No additional development is proposed under this application. As per the above assessment, the proposed expansion of the use meets the requirements of the performance criteria in this case, as it does not fetter with any agricultural land.

## 2.6 Other Matters

### Title easements/ covenants:

The site is subject to the following as listed under CT 154062/3:

- Fencing provision; and
- Part 5 Agreement, Dealing No. C849434, relating to removal of fence in Council road reservations.

*Fencing provision:* This covenant exempts the vendor from being required to fence. No fencing is impacted by the proposed intensification of use.

*Part 5 Agreement:* There are some existing boundary fences that encroach onto Council Road reservations and this agreement gives Council the ability to access or remove these fences. The proposal would not impact on this agreement.

### Advice on signage

While the application does not mention any additional signage, an advice clause is recommended in any permit issued that no approval is granted for any additional signage.

## 3. CONCLUSION

The application has been assessed against the applicable Standards in the Kingborough Interim Planning Scheme 2015 (the Scheme). While there may be some additional impacts on adjacent properties, and other lots in the area, these impacts would not be unreasonable. The application complies with the relevant Acceptable Solutions and Performance Criteria of the Scheme. It is therefore recommended that a planning permit be granted subject to standard conditions and other conditions reflecting the above discussion.

## 4. RECOMMENDATION

That the Planning Authority resolves that the development application for intensification of winery use to allow for group dinners and extension of hours of operation at 11 Flowerpot Jetty Road, Flowerpot for Ireneinc Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use of the land must be substantially in accordance with Development Application No. DA-2021-678 and within the existing development shown under Council Plan Reference No. P1 submitted on 26 November 2021. No works are approved under this permit.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. The operating hours for the evening wine and dine experience within the cellar door area must be confined to 6pm – 10pm, 7 days per week.
3. The maximum capacity for seating of patrons for the evening wine and dine experience must be no more than 24 persons. Walk-ins for this dinner service is not permitted under this permit, and the cellar door must not be used like a regular restaurant service.
4. Noise amplification equipment (including speakers) must not be used between the hours of 9:00pm – 10:00am.

**ADVICE**

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. Prior to serving meals (other than food platters) to guests, an amended unconditional food business registration certificate is required to be issued to Council. Council's Environmental Services department can be contacted on 6211 8255 for information regarding any additional kitchen fit-out requirements that may be required to be completed prior to issuing an unconditional food business registration certificate.
- C. No signage is approved as part of this permit. It is recommended to seek advice from Council regarding approvals that may be required for any future additional signage.

**ATTACHMENTS**

- 1. **Assessment Checklist**
- 2. **Plans of existing winery (no works proposed)**

Public Copy

DEVELOPMENT APPLICATION NUMBER: DA-2021-678

## **KINGBOROUGH COUNCIL APPLICATION ASSESSMENT CHECKLIST**

### **RESOURCE PROCESSING IN THE RURAL RESOURCE ZONE**

#### **ZONE STANDARDS**

CLAUSE	COMMENTS
<b>Clause 26.3 Use Standards</b>	
Sensitive Use (Cl.26.3.1) <ul style="list-style-type: none"> <li>A1 – A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling, or for home based child care</li> </ul>	A1 – n/a – the proposal is not for a sensitive use.
Discretionary Use (Cl.26.3.3) <ul style="list-style-type: none"> <li>A1 – Discretionary non-agricultural uses</li> </ul>	A1 – <b>does not comply</b> - 'Resource Processing' use class has a discretionary status under the zone.
<b>Clause 26.4 Development Standards for Buildings and Works</b>	
There is no works or development proposed, and as such no development standards would be triggered under the subject planning application.	

#### **CODE PROVISIONS**

CLAUSE	COMPLIANCE/COMMENTS
<b>E1.0 Bushfire-Prone Areas Code</b>	
The application was referred to Council's Environmental Planner who has advised that while the proposed development is located within a Bushfire Prone Area, the Bushfire Prone Areas Code does not apply to the proposed intensification of use. Code E1.0 does not apply to the proposal.	
<b>E3.0 Landslide Code</b>	
The application was referred to Council's Environmental Planner who has advised that while the land has the Landslide Code overlay, no development works are proposed and the building is located within the low hazard band. Code E3.0 does not apply to the proposal.	
<b>E5.0 Road and Railway Assets Code</b>	
The application was referred to Council's Development Engineer who has advised the	



## DEVELOPMENT APPLICATION NUMBER: DA-2021-678

following.	
<p>Use standards – number of car parking spaces (Cl.E6.6.1)</p> <ul style="list-style-type: none"> <li>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</li> </ul>	<p>A1 – complies – The proposed intensification of use may be expected to generate a maximum additional traffic movements of 40 vehicles that would occur in the evening time. This is based on group bookings up to a maximum of 24 patrons and 2 sittings. The existing traffic movements are estimated to be up to 408 vehicles/day. This represents an increase less than 10% and complies with the acceptable solution.</p>
<b>E6.0 Parking and Access Code</b>	
<p>Use standards – number of car parking spaces (Cl.E6.6.1)</p> <ul style="list-style-type: none"> <li>A1 - Number of on-site car parking spaces complies with table</li> </ul>	<p>A1 – complies – the existing car parking for the winery and was assessed to be compliant under DA-2019-690. Resource processing use class has a requirement of 1 car space for every 50m<sup>2</sup> of the floor area.</p> <p>No additional floor area or further development is proposed, therefore no additional parking is required.</p>
<p>Number of vehicular accesses (Cl.E6.7.1)</p> <ul style="list-style-type: none"> <li>A1 – Number of vehicle access points complies</li> </ul>	<p>A1 – complies- no alterations to existing vehicular access point.</p>
<p>Design of vehicular accesses (Cl.E6.7.2)</p> <ul style="list-style-type: none"> <li>A1 – Design of vehicle access points complies</li> </ul>	<p>A1 – complies- no alterations to existing design of vehicular access.</p>
<p>Vehicular passing areas along an access (Cl.E6.7.3)</p> <ul style="list-style-type: none"> <li>A1 – Vehicular passing areas comply</li> </ul>	<p>A1 – complies- no alterations to existing design of vehicular access.</p>
<p>Layout of parking areas (Cl.E6.7.5)</p> <ul style="list-style-type: none"> <li>A1 – Layout and compliance with Australian Standard</li> </ul>	<p>A1 – complies- no alterations to existing parking area.</p>
<p>Surface treatment of parking areas (Cl.E6.7.6)</p> <ul style="list-style-type: none"> <li>A1 – Parking spaces and vehicular circulation surfaces provided</li> </ul>	<p>A1 – complies- no alterations to existing vehicular access.</p>
<p>Access to a road (Cl.6.7.14)</p> <ul style="list-style-type: none"> <li>A1 – Access to a road meets road</li> </ul>	<p>A1 – complies- no alterations to existing vehicular</p>

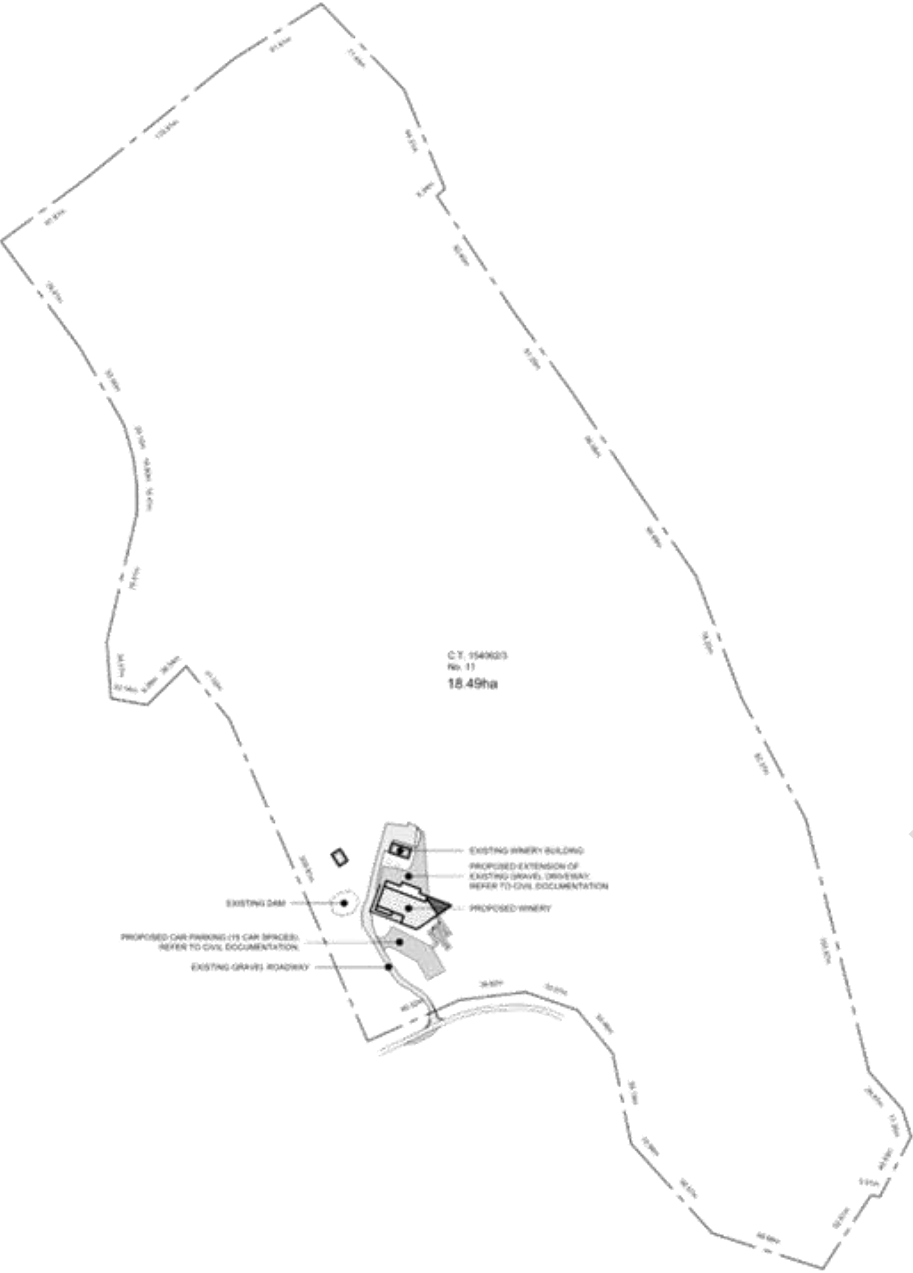
## DEVELOPMENT APPLICATION NUMBER: DA-2021-678

authority requirements	access.
<b>E7.0 Stormwater Management Code</b>	
No development is proposed under the subject application. Existing stormwater management systems will not require upgrading. Pursuant to Clause E7.2, Code E7.0 does not apply to use.	
<b>E10.0 Biodiversity Code</b>	
The application was referred to Council's Environmental Planner who has advised that while the Biodiversity Protection Area code overlay applies to the land, no development works are proposed which would impact on native vegetation. Code E10.0 does not apply to the proposal.	
<b>E11.0 Waterway and Coastal Protection Code</b>	
The application was referred to Council's Environmental Planner who has advised that while the Waterway and Coastal Protection code overlay applies to the land, no development works are proposed which would trigger this Code. Therefore, Code E11.0 does not apply to the proposal.	
<b>E16.0 Coastal Erosion Hazard Code</b>	
The application was referred to Council's Environmental Planner who has advised that while the Coastal Erosion Hazard code overlay applies to the land, no development works are proposed which would trigger this Code. Therefore, Code E16.0 does not apply to the proposal.	
<b>E23.0 On-Site Wastewater Management Code</b>	
The proposal does not include development works. There are no non-residential use standards under Code E23.0 that would be triggered by the proposal. Therefore Code E23.0 does not apply to the proposal.	
<b>E25.0 Local Development Code</b>	
The proposal does not include residential development on the lot. Therefore pursuant to Code E25.2, this Code does not apply to the proposed intensification of use.	

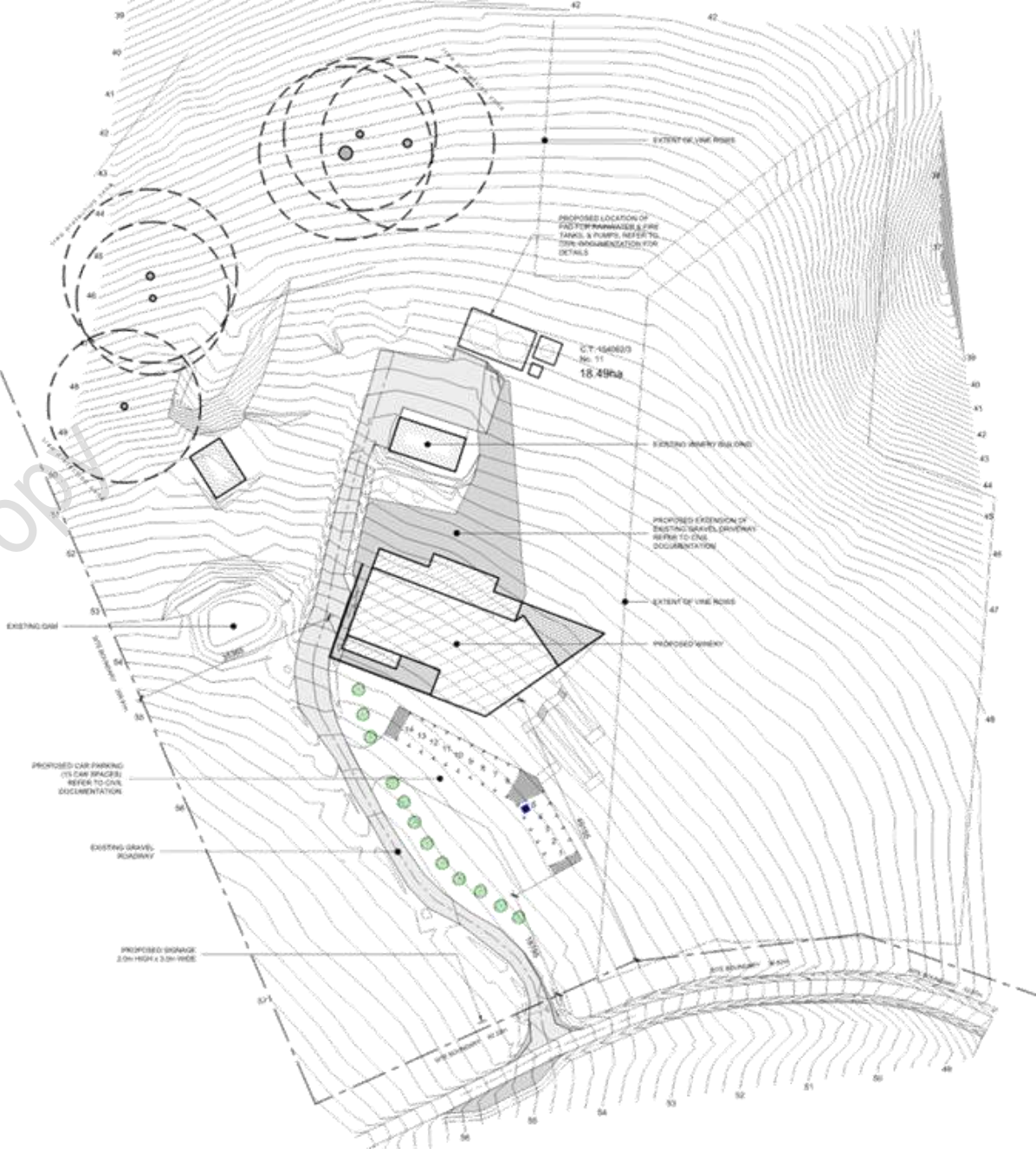
Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.

**Kingborough Council**  
Development Application: DA-2021-678  
Plan Reference No.: P1  
Date Received: 26/11/2021  
Date placed on Public Exhibition: 08/01/2022

Note: No development works are proposed under the application DA-2021-678, plans are for reference only to indicate existing development within which the intensification of use is proposed.



LOCATION PLAN  
SCALE: 1:2000



SITE PLAN  
SCALE: 1:500

REV	DESCRIPTION	BY	CHK	DATE	REV	DESCRIPTION	BY	CHK	DATE
1	FOR CONSTRUCTION	J-P	MB	17/03/20					
2	FOR CONSTRUCTION	J-P	MB	14/03/20					
3	FOR PRELIMINARY	J-P	MB	12/03/20					
4	FOR PRELIMINARY	J-P	MB	26/03/20					
5	FOR PRELIMINARY	J-P	MB	18/11/20					

**JSA CONSULTING ENGINEERS**  
Elmle House Level 1, 116 Sandy Bay Road, Sandy Bay TAS 7008  
Phone (03) 6224 6625 www.jsaengineers.com.au

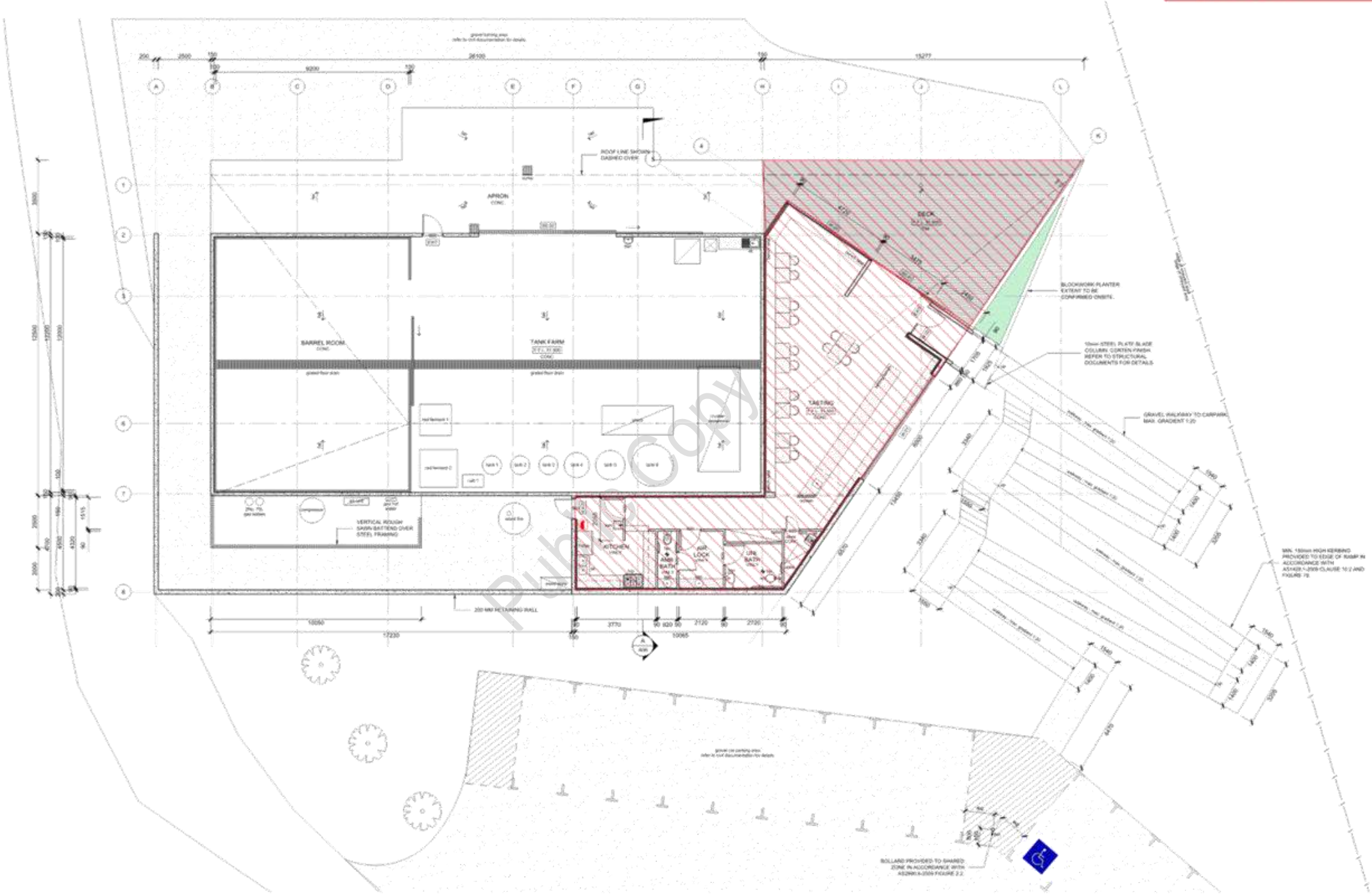
ENGINEER	M. HORSHAM CC5865 I	SCALE	AS SHOWN	TRAIL	A1
DESIGNER	M. HORSHAM CC5865 I	DATE	J-P IBBOTT		
STATUS					

11 FLOWERPOT JETTY ROAD,  
FLOWERPOT, TAS, 7163

PROJECT NO.	SITE PLAN	REV
19E99-29	A01	4

Note: No development works are proposed under the application DA-2021-678, plans are for reference only to indicate existing cellar door (hatched) within which the intensification of use is proposed.

**Kingborough Council**  
Development Application: DA-2021-678  
Plan Reference No.: P1  
Date Received: 26/11/2021  
Date placed on Public Exhibition: 08/01/2022



FLOOR PLAN  
SCALE: 1:100

1000mm 0 1000 2000 3000 4000 5000mm  
SCALE 1:100 AT A1 SHEET

REV	DESCRIPTION	BY	CHK	DATE	REV	DESCRIPTION	BY	CHK	DATE
1	FOR CONSTRUCTION	J-P	MB	17/03/20					
2	FOR CONSTRUCTION	J-P	MB	14/03/20					
3	FOR PRELIMINARY	J-P	MB	12/03/20					
4	FOR PRELIMINARY	J-P	MB	26/03/20					
5	FOR PRELIMINARY	J-P	MB	18/11/20					

 <b>JSA CONSULTING ENGINEERS</b> <small>Elmle House Level 1, 116 Sandy Bay Road, Sandy Bay TAS 7008 Phone (03) 6224 8625 www.jsaengineers.com.au</small>	ENGINEER <b>M. HORSHAM CC5865 I</b>	SCALE <b>AS SHOWN</b>	SIZE <b>A1</b>	PROJECT <b>11 FLOWERPOT JETTY ROAD, FLOWERPOT, TAS, 7163</b>	DRAWING TITLE <b>FLOOR PLAN</b>		
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	REVISED <b></b>		SHEET NO. <b>A02</b>		REV <b>4</b>		







## OPEN SESSION RESUMES

### 14 PETITIONS STILL BEING ACTIONED

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There are no petitions still being actioned.

### 15 PETITIONS RECEIVED IN LAST PERIOD

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

### 16 OFFICERS REPORTS TO COUNCIL

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#### 16.1 KINGBOROUGH CYCLING STRATEGY 2021-2030

**File Number:** 28.250

**Author:** Anthony Verdouw, Executive Officer Engineering Services

**Authoriser:** David Reeve, Director Engineering Services

#### Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population.

#### 1. PURPOSE

- 1.1 The purpose of this report is to present the *Kingborough Cycling Strategy 2021-2030* for final Council endorsement following a community consultation period.

#### 2. BACKGROUND

- 2.1 On 18 October 2021 Council endorsed the *Draft Kingborough Cycling Strategy 2021-2030* for community consultation and feedback.
- 2.2 The draft strategy and subsequent network maps were published for consultation between 19 October 2021 to 20 December 2021.
- 2.3 All feedback received has now been reviewed and collated and subsequent minor amendments have been made to the strategy and the proposed network maps.

#### 3. STATUTORY REQUIREMENTS

- 3.1 General responsibilities for local highways as per *Section 21 Local Government (Highways) Act 1982*.

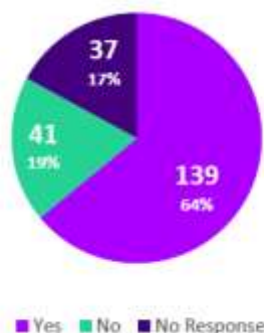
#### 4. DISCUSSION

- 4.1 Community consultation for the draft cycling strategy was undertaken between 19 October 2021 and 20 December 2021. An engagement page was published on

Council's website and the strategy and associated documents were available to view and download. Feedback was sought via either a survey or written responses.

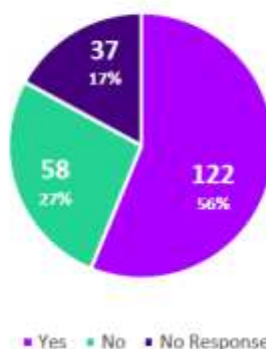
- 4.2 The community consultation was promoted via social media and local print media.
- 4.3 During the consultation 217 respondents completed the survey and 23 respondents provided written feedback.
- 4.4 A comprehensive report on the survey feedback was completed by consultant Zencity and is attached for reference. Key findings from the survey are summarised below:
  - Nearly two-thirds (64%) of respondents endorsed the objectives and actions identified in the strategy.

Q5. In principle, do you endorse the objectives and actions identified in the draft cycling strategy?



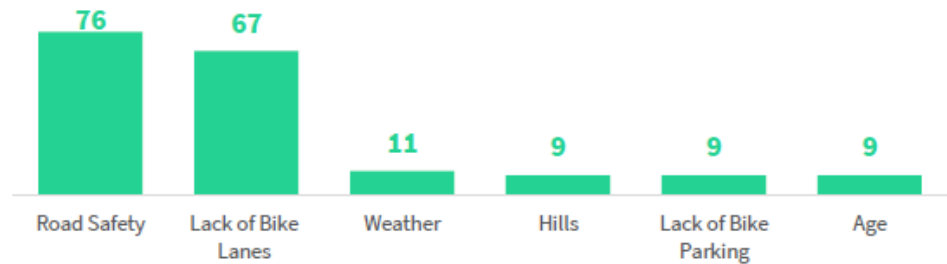
- A majority of respondents (56%) agreed with the routes identified in the proposed cycling network.

Q6. In principle, do you agree with the routes identified in the proposed cycling network?



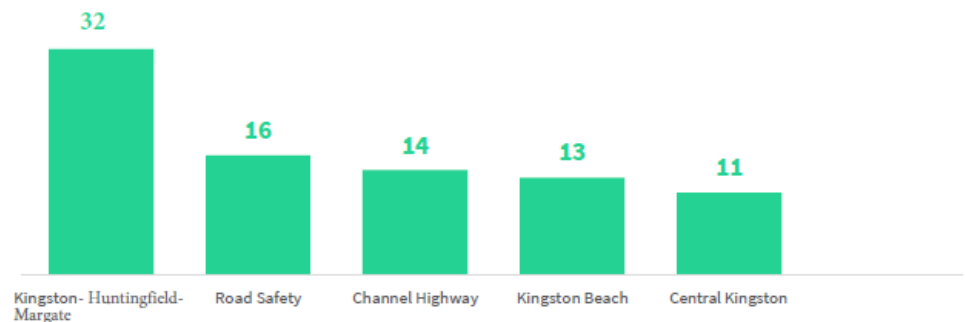
- More than half the respondents were active cyclists, riding their bike at least once a week, primarily for recreation and fitness cycling purposes.
- The survey affirms that many cyclists are concerned about the safety of riding on-road in many areas throughout Kingborough and would like to see more bike lanes or more separated/shared paths.

**Q7. What are the key issues that prevent you from cycling more?**



- Respondents identified Kingston to Margate as by far the highest priority cycling link for safety improvements and off-road/separated options.

**Q10. What do you consider to be the highest priority cycling project for the Kingborough region?**



4.5 Feedback was overall supportive of the draft cycling strategy and no major amendments have been made. The below outlines the main textual amendments to the strategy after reviewing the feedback:

4.5.1 Some respondents noted that there should be more information in the strategy regarding ongoing evaluation and review of the proposed strategy actions. A brief evaluation and review section has now been incorporated (page 8).

4.5.2 The Tasmanian Active Living Coalition provided feedback and noted that the strong connections between the strategy and broader health and wellbeing initiatives should be acknowledged. A brief acknowledgement of these broader health and wellbeing connections has been noted and helps reinforce the strategic objectives (page 10).

4.5.3 It was noted that the Channel Trail concept should be emphasised as a flagship aspirational cycling project for the municipality. Some brief text explaining the project concept and the significance of the project has been added (page 13).

4.6 Additionally, some minor amendments have been made to the proposed network maps following feedback, as outlined below:

4.6.1 Concerns and objections were raised by the Kingston Beach Golf Club and numerous club members regarding the network map indicating a shared path on private land on the northern side of Browns River. The club encouraged members to comment on the strategy or complete the survey based on opposition to the proposed path. Staff replied to written correspondence on this matter clarifying

that the map provided a conceptual alignment and further feasibility studies were required for the project to determine the most suitable alignment. At the feasibility stage comprehensive stakeholder engagement would also occur for such a significant project. In response to the feedback, a Kingston to Kingston Beach shared path link has been conceptually remapped via Beach Road (page 23).

4.6.2 A property owner between Margate and Kingston also indicated concerns about a proposed shared path impacting their property and native vegetation. Where possible the conceptual proposed network map has been amended to utilise Crown Land in this area and the feasibility stage of this project would assess all possible route alignments, environmental considerations and include comprehensive stakeholder engagement (page 22).

4.6.3 It was identified that the strategy should support an off-road connection between Huntingfield and the Whitewater Creek subdivision, with consideration of the new park and ride facilities under construction at Huntingfield. An aspirational link connecting the Spring Farm Track to Huntingfield has now been included (page 23).

## **5. FINANCE**

- 5.1 There are cost implications associated with the actions and projects recommended in the cycling strategy which will need to be considered on a case-by-case basis, with external funding opportunities pursued where possible.
- 5.2 It should also be noted that some actions and projects relate to State Road reservations and would require Department of State Growth endorsement and funding.

## **6. ENVIRONMENT**

- 6.1 Improving cycling infrastructure, advocacy, and culture in Kingborough will assist minimising traffic congestion by providing alternative active transport options. Cycling is also a zero-emission transport option that promotes healthy and active lifestyles.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 As outlined above, the *Draft Kingborough Cycling Strategy 2021-2030* and subsequent network maps were published for community consultation between 19 October 2021 to 20 December 2021. A final version of the strategy is now provided for endorsement following a review of all feedback received.
- 7.2 Survey respondents who provided an email contact and indicated they would like to hear updates regarding the strategy will be notified of Council's decision and the outcomes from the consultation.

## **8. RISK**

- 8.1 There are no immediate risks identified with the endorsement of a cycling strategy for Kingborough. An endorsed strategy will clearly outline Council's vision and position regarding cycling in the municipality and the future provision and prioritisation of cycling related projects and infrastructure.

## **9. CONCLUSION**

- 9.1 The *Kingborough Cycling Strategy 2021-2030* will form an integral part of the transport, planning and recreational strategies for the future development and capital works program for Kingborough.

- 9.2 Feedback from 217 community respondents via a survey and 23 written responses indicated overall support and endorsement for the *Draft Kingborough Cycling Strategy*. However, several key concerns were raised, mainly around the proposed aspirational network maps, and these have been addressed where possible in the amended strategy.
- 9.3 The cycling strategy attached to this report has been amended following community consultation and subsequent review of all feedback. It is recommended that Council now endorse and formalise the strategy for the municipality.

## 10. RECOMMENDATION

That Council endorse the attached *Kingborough Cycling Strategy 2021-2030*.

## ATTACHMENTS

1. **Cycling Strategy Consultation Report - Zencity**
2. **Kingborough Cycling Strategy 2021-2030**
3. **Appendix 1: Kingborough Cycling Data and Infrastructure Typologies**

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# Kingborough Council

## Cycling Strategy Survey

January 2022

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## Executive Summary

- More than half the residents who completed the Cycling Strategy survey were active cyclists, riding their bike at least once a week, primarily for recreation and fitness cycling purposes.
- Although most respondents endorsed the objectives, actions, and routes identified in the cycling strategy, free concerns about the impact of certain routes on the Kingston Beach Golf Club surfaced throughout the free-text responses.
- Residents expressed an average level of confidence when cycling on-road and identified concerns about cyclist safety when riding alongside motorists and the lack of sufficient dedicated bicycle and shared-use paths as main factors contributing to their uneasiness.

## Introduction

The following report reviews resident input about the Kingborough Council Cycling Strategy by analyzing a survey designed and deployed by Kingborough Council that received 217 responses between October 18 and December 19, 2021. The findings are complemented by an analysis of organic social media discourse.

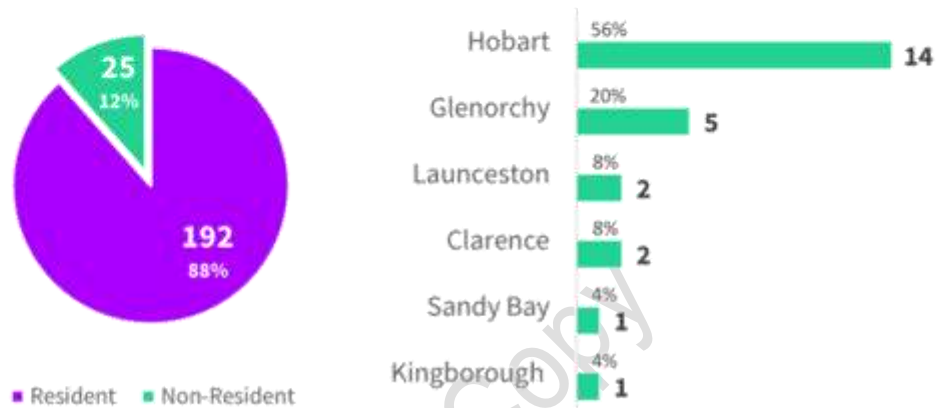
## Methodology

- The report offers an analysis of data collected from the Council's survey, social media, and news outlets. As such, it reflects the view and sentiment expressed by residents using these data sources.
- The analysis does not include sentiment and opinions expressed on private social media discussion boards and groups, only those expressed in fully public forums.
- The Zencity score looks at the number of interactions, which consists of all social media engagements (posts, tweets, likes, comments, shares, etc.). Therefore, the number of interactions reflects the discourse volume and the level of interest among residents expressing their views online.
- Our machine-learning algorithm classifies large amounts of interactions according to topic and sentiment — positive, negative, or neutral — which indicate satisfaction or dissatisfaction levels with particular issues. This model enables us to measure the attention or interest that specific issues attract and understand how community members perceived these issues.

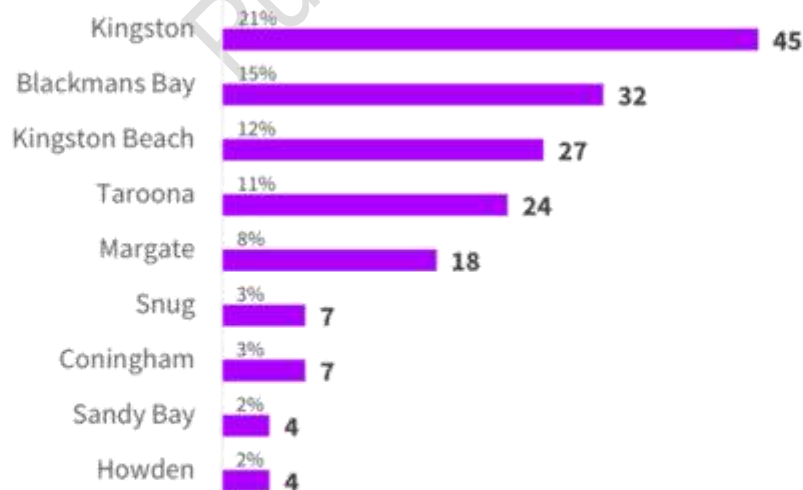
## Demographic Questions

### Residency

At 88%, the overwhelming majority of respondents self-identified as residents of Kingborough. More than three-quarters of those who were not residents said they lived in Hobart (56%) or Glenorchy (20%). One non-resident respondent reported their municipality as "Kingborough."



Of Kingborough Council residents, more than three-quarters reported living in one of the nine suburbs shown below. Another 27 suburbs received three responses or less.



KINGBOROUGH COUNCIL | Cycling Strategy Survey

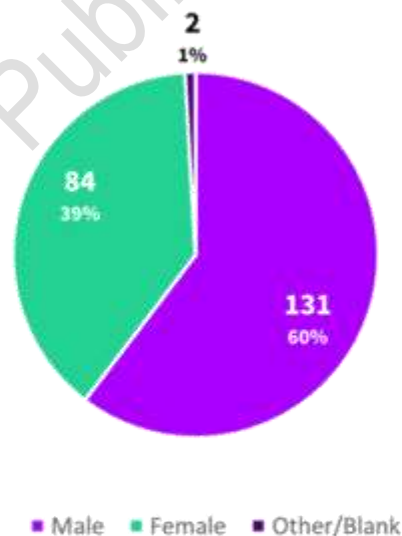
### Age

Nearly two-thirds (65%) of respondents were 45 or older, with the 60+ age group making up the largest cohort (37%). Comparatively, only 7% were under the age of 30.



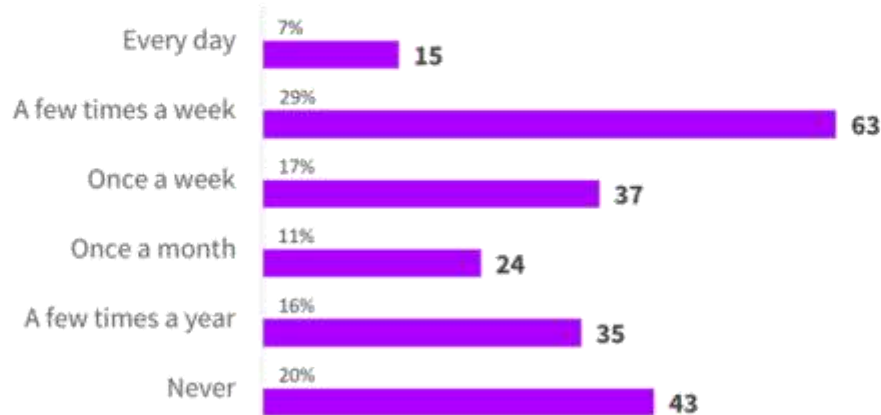
### Gender

At 60%, a majority of respondents were male. Another 39% were female, and the remaining 1% chose "Other" or did not answer.



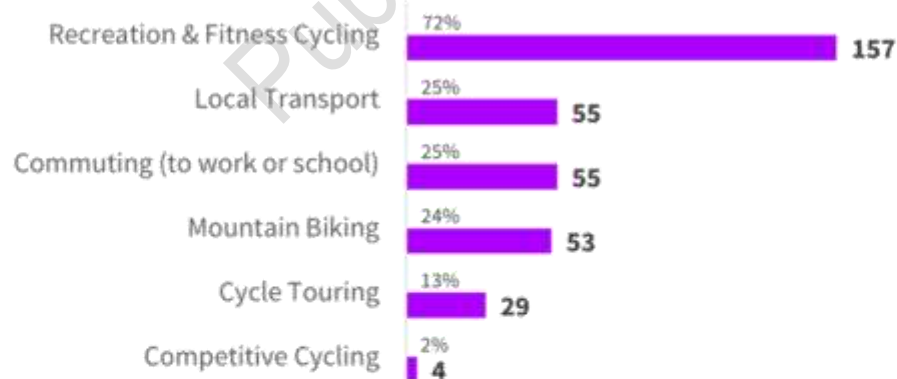
## Closed-Ended Questions

### Q1. How often do you cycle?



At 29%, the largest cohort reported cycling at least a few times a week. Overall, more than half (53%) of respondents reported riding their bicycle at least once a week.

### Q2. What types of cycling do you undertake (select all that apply)?



Chosen by nearly three-quarters (72%) of respondents, recreation and fitness cycling was by far the most common type of cycling undertaken by respondents. Nearly 3x fewer respondents use cycling as a means of commuting or local transportation (25% each).



### Q3. What is your confidence level riding on-road?



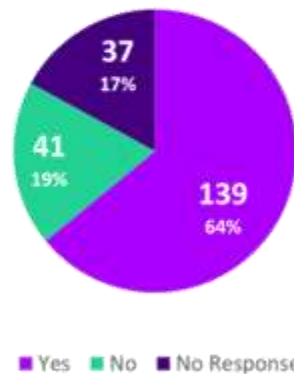
Of the 199 respondents who indicated a confidence level, almost half (43%) chose a score of 75 or above and nearly two-thirds (63%) chose a score of 50 or above. The average confidence level assigned was 58 out of 100, indicating that the average comfort level with riding on-road is lukewarm.

### Q4. Which of the following best describes you as a cyclist or potential cyclist?



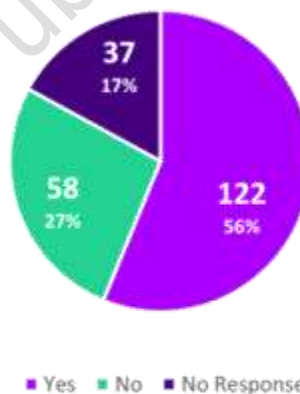
At 40%, the largest cohort of respondents said that they were “interested but concerned” as a cyclist. However, a larger share was either “enthused and confident” (37%) or “strong and fearless” (6%). Less than a fifth (18%) expressed no interest in cycling.

**Q5. In principle, do you endorse the objectives and actions identified in the draft cycling strategy?**



Nearly two-thirds (64%) of respondents endorsed the Objectives and Actions identified in the draft cycling strategy, compared to only 19% who did not. Another 17% did not respond to this question.

**Q6. In principle, do you agree with the routes identified in the proposed cycling network?**



A majority (56%) of respondents agreed with the routes identified in the proposed cycling network, compared to 27% who objected and 17% who did not respond to this question. However, the degree of agreement was less than in Q5 (2.1x compared to 3.4x, respectively).

## Open-Ended Questions

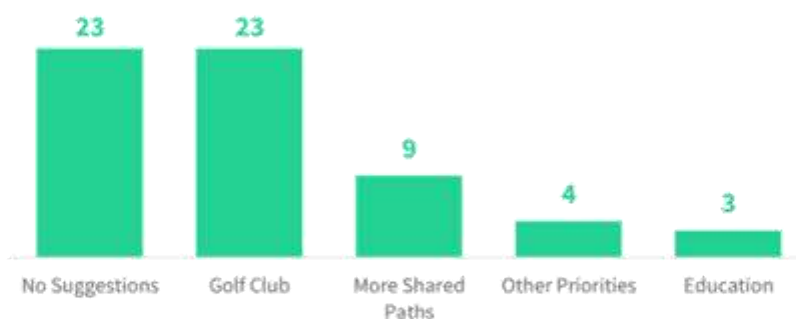
### Q7. What are the key issues that prevent you from cycling more?



Among the [181 responses](#) to this question, some of the most prominent key issues included:

- 🕒 **Road Safety (76 responses)**: At 42%, nearly half of responses highlighted resident concerns about dangerous road conditions, particularly with respect to the proximity between bikers and motorists.
- 🕒 **Lack of Bike Lanes (67 Responses)**: Another 37% pointed to the absence of adequate bike lanes and shared-use paths as the reason that they do not cycle more often.
- 🕒 **Weather (11 Responses)**: Although to a lesser extent, others cited poor weather conditions as a mitigating factor.
- 🕒 **Hills (9 Responses)**: Steep inclines were also a barrier for some respondents.
- 🕒 **Lack of Bike Parking (9 Responses)**: Some argued that they would be more inclined to cycle if there were adequate parking and storage facilities for the bikes.
- 🕒 **Age (9 Responses)**: Finally, old age was another reason that prevented residents from cycling more.

**Q8. Are there any changes or suggestions you would like to propose for the objectives and actions table?**

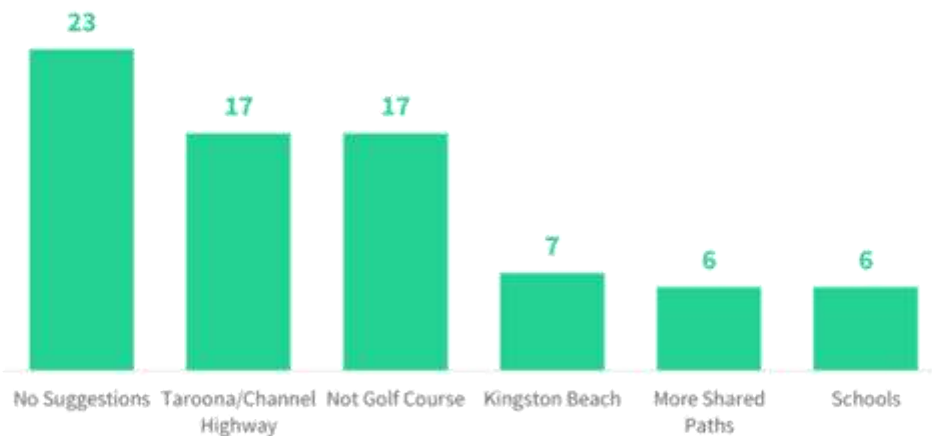


Just under half ([104 respondents](#)) provided input on changes or suggestions for the objectives and actions table of the cycling strategy:

- 🕒 **No Suggestions ([23 Responses](#))**: Nearly a quarter of respondents who shared free-text responses indicated that they do not have any input for the objective and actions table.
- 🕒 **Golf Club ([23 Responses](#))**: At the same time, an equal number of respondents expressed opposition to proposed cycling routes through the Kingston Beach Golf Club and called on the Council to consult further with the club's owners and members.
- 🕒 **More Shared Paths ([9 Responses](#))**: Others emphasized a general need for more shared paths.
- 🕒 **Other Priorities ([4 Responses](#))**: A handful of respondents argued that the cycling strategy should not be a Council priority and that there are other more pressing issues for the community.
- 🕒 **Education ([3 Responses](#))**: A few respondents stressed the importance of educating locals about road safety and cycling road rules.

Additionally, the following themes each received 2 responses: adding more infrastructure for [electric bike charging](#), creating more opportunities for [mountain biking](#), placing a higher priority in the strategy on the [Lower Snug to Coningham network](#), and including provisions for biking spaces for [young children](#).

**Q9. Are there any additional routes or infrastructure projects you would like to be considered?**



Among the [118 responses](#) to this question, some of the most common themes included:

- 🕒 **No Suggestions (23 Responses):** As in Q8, the most common response was from those who said they do not have any suggestions for additional routes or infrastructure projects.
- 🕒 **Taroona/Channel Highway (17 Responses):** Nearly 15% of respondents supported more safe cycling paths through Taroona and along the Channel Highway.
- 🕒 **Not Golf Course (17 Responses):** Many also responded to this question by re-affirming their opposition to having bike paths go through the Kingston Beach Golf Course.
- 🕒 **Kingston Beach (7 Responses):** Some expressed their support for the proposed route through the golf course between Kingston and Kingston Beach.
- 🕒 **More Shared Paths (6 Responses):** Others called for more shared-use paths across the region.
- 🕒 **Schools (6 Responses):** Finally, some requested more routes to help children reach their schools.

Other routes proposed in the free-text responses included: Kingston Centre ([5 responses](#)), Margate-Kingston ([5 responses](#)), Tinderbox ([4 responses](#)), and North-West Bay River ([4 responses](#)).

**Q10. What do you consider to be the highest priority cycling project for the Kingborough region?**



Finally, [128 respondents](#) shared their thoughts on what should be the highest priority cycling project for the Kingborough region:

- 🕒 **Kingston-Huntingfield-Margate (32 Responses):** Almost a third of respondents said that a safe off road cycleway linking Kingston to Margate should be of the utmost priority.
- 🕒 **Road Safety (16 Responses):** Many considered any project that increases cyclist safety on the roads as highly important.
- 🕒 **Channel Highway (14 Responses):** Others prioritized improving the cycling infrastructure along Channel Highway.
- 🕒 **Kingston Beach (13 Responses):** More than a tenth emphasized the need for the proposed Kingston to Kingston Beach route.
- 🕒 **Central Kingston (11 Responses):** Some prioritized routes which would connect residents to central Kingston and the shopping district.

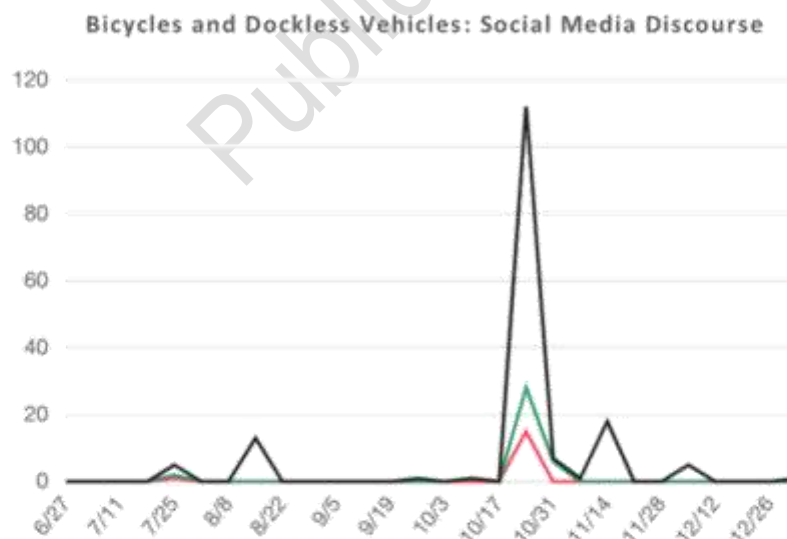
Other priority areas named included: school routes ([5 responses](#)), off-road shared paths ([5 responses](#)), connection of existing routes ([4 responses](#)), commuter routes ([4 responses](#)), Algona Road ([3 responses](#)), Peter Murrell Reserve ([2 responses](#)). Further, 4 respondents said that [all projects should be prioritized](#), and another 5 said that [none of the projects are a priority](#) for the community.



## Social Media Discourse

In order to complement the results of the analyses above, Zencity also analyzed the local [online discourse about bicycles and dockless vehicles](#) during the second half of 2021 (July-December), which totaled 164 interactions. Overall, more than three-quarters (77%) of the discourse took place on official Council-run channels.

As depicted in the graph below, a spike during the week of October 23 accounted for most of the discourse during the six-month period as a result of a [post](#) on the Council's Facebook page announcing the endorsement of the Kingborough Cycling Strategy (117 interactions). Public responses to the post were largely favorable, as positive sentiment more than doubled negative sentiment (28% and 15%, respectively). Positive interactions primarily stemmed from commenters expressing their support for the strategy and characterizing the plan as much-needed. On the other hand, negative sentiment emanated from commenters who called on cyclists to adhere to road safety rules.



Aside from the post mentioned above, most of the other interactions in the discourse came from other low-volume posts about the Cycling Strategy and posts about local biking opportunities.

## Conclusion and Takeaways

- More than half the survey respondents rode their bike at least once a week and more than three-quarters rode at least a few times a year. Specifically, residents use their bicycles more for recreation and fitness cycling than for transportation or commuting purposes.
- With an average score of 58 out of 100, overall confidence with riding bicycles on-road in the community appears to be more average than confident.
- A majority of respondents endorsed the objectives, actions, and routes identified in the cycling strategy.
- Concerns about the safety of cyclists riding alongside motorists and the lack of sufficient bike lanes or shared-use paths emerged as leading themes in responses to the open-ended questions and as contributing factors to residents' lack of confidence in the community's cycling infrastructure.
- In particular, routes along the Channel Highway, that connect Kingston to nearby communities, and that flow through central Kingston emerged as priority areas.
- At the same time, concerns about the proposed Kingston Beach path's impact on the Kingston Beach Golf Club reoccurred in free-text responses.

zencity

Private & Confidential  
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# Kingborough Cycling Strategy 2021 – 2030

Kingborough Council

February 2022

Kingborough

Institute for  
Sensible Transport



#### ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Kingborough Council and the Kingborough Bicycle Advisory Committee acknowledge this region's traditional and original owners, who have walked upon and cared for this land for thousands of years. We pay respect to those who have passed before us and acknowledge today's Tasmanian Aboriginal community are custodians of this land.

Document reviewed and revised by the Institute for Sensible Transport, based on initial work from the Kingborough Bicycle Advisory Committee.

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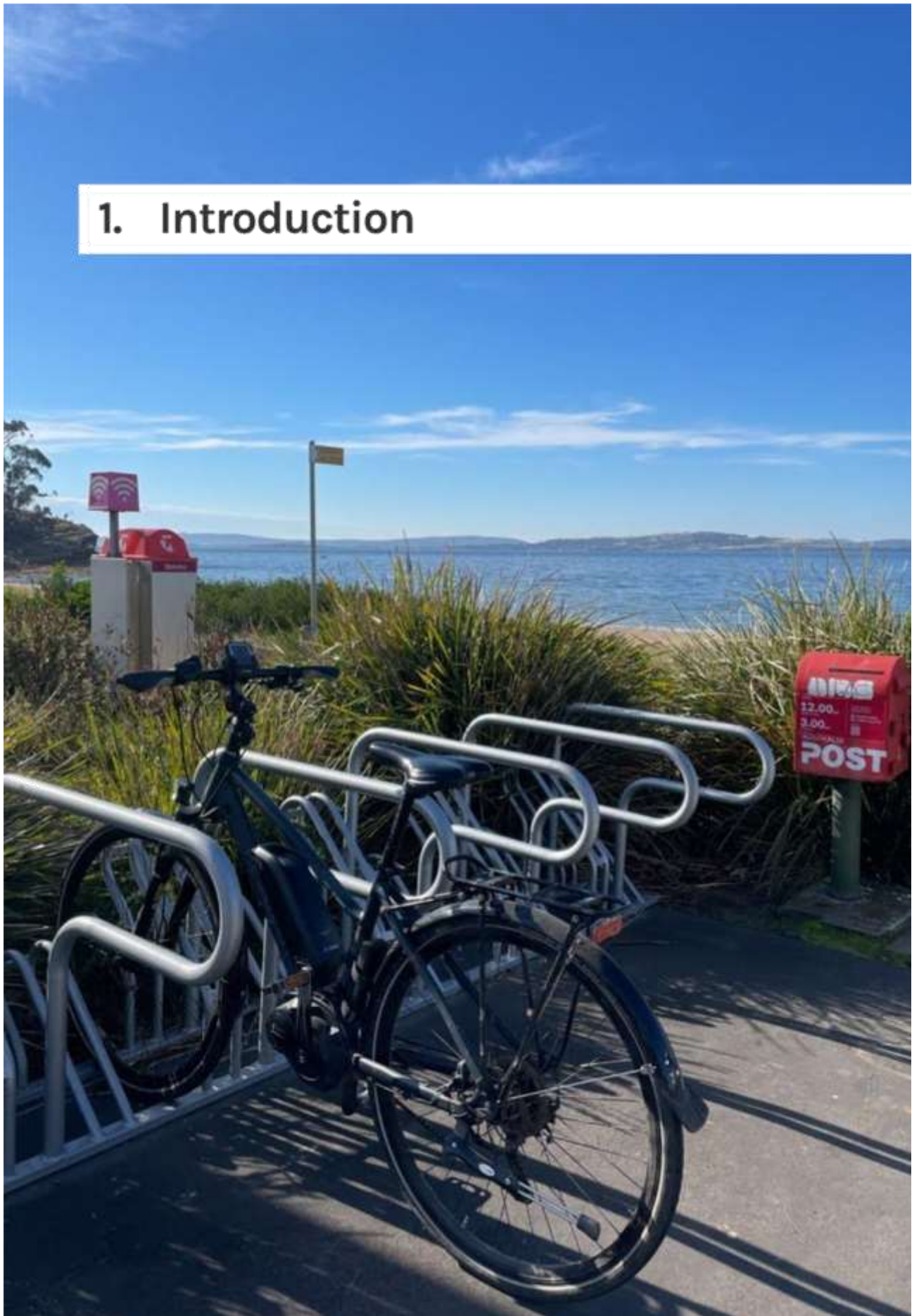


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# 1. Introduction



**The Kingborough Cycling Strategy 2021-2030 seeks to make cycling an attractive choice for more people, whether for recreation or transport. The Strategy identifies a range of infrastructure upgrades, advocacy actions, policies and programs to help make Kingborough an even better place to cycle.**

Increasing cycling participation and safety has long formed part of Kingborough and Tasmanian policy objectives. The State Government has

committed to growing cycling participation in Tasmania, including in Kingborough.

The creation of a cycling network across Kingborough supports Council's aspiration for a safe, healthy and connected community. More opportunities to cycle offers a range of benefits to residents and visitors as shown in Figure 1.

The Kingborough Cycling Strategy is aimed at not only improving conditions for people who already ride, but to make cycling attractive to the 78% of the population who are *'interested but concerned'* (Figure 10). This group are interested in cycling but require higher levels of separation from motor vehicle traffic before considering cycling.



Figure 1 How cycling makes cities & towns better for everyone



## 1.1 Vision, objectives and scope

### 1.1.1 Vision

Kingborough is a great place to live and visit by making bicycle riding for recreation and transport easy, safe and comfortable.

### 1.1.2 Objectives

This vision will be met by the following objectives:

1. Developing and maintaining a connected network of trails, shared paths, cycleways and bike lanes that connect town centres, schools, residential areas, transport nodes, sporting hubs and adjoining local government areas.
2. Prioritising active travel in planning of all new developments and subdivisions including end of trip facilities.
3. Promote cycling and road safety.

The Kingborough Cycling Strategy will deliver a holistic set of reinforcing actions to make cycling an everyday transport and recreational choice for residents and visitors.

### 1.1.3 Scope

The scope of the plan includes the entire Kingborough municipal area, but has a stronger focus on the more populated regions. It has a combined focus on both recreation and transport cycling.

The Strategy has been designed for the different types of people cycling shown in Figure 2.

The development of the actions included in this Strategy have used the three key priorities of the Kingborough Strategic Plan 2020 - 2025, namely:

1. Encourage and support a safe, healthy and connected community
2. Deliver quality infrastructure and services; and
3. Sustain the natural environment whilst facilitating development for our future.

## Who is this Cycling Strategy for?



Figure 2 Who is this cycling strategy for?

Appendix 1 provides important background information on different cycling infrastructure typologies as well as transport data critical to the development of this Strategy.

### 1.1.4 Targets

Mode share targets are a helpful way for us to track our progress to increasing bike riding across Kingborough. We have developed mode share targets based on existing travel behaviour while accounting for projected population growth in the next 10 years.

Figure 3 shows the current mode share in 2021, with 82% of all trips by car and 0.5% by bike. The projections assume no change in commuting behaviour by 2031, but includes the forecast population growth for Kingborough. If the *business as usual* case becomes reality, this will add approximately 11,700 extra car trips onto Kingborough roads by 2031, due to projected population growth.

The *Cycling Strategy* scenario has been developed to offer an indication of how transport decisions change based on the improvement in the cycling network. By achieving these targets, Kingborough will not experience the increase in congestion and parking problems that may occur in the *business as usual* scenario.

The proposed target seeks to increase the amount of cycling by 2031, from a current low of 0.5% to 2% of all trips. Because of forecast population growth in Kingborough, a mode share of 72% in 2030 will have the same number of cars commuting everyday as there is in 2031 with an 82% mode share.

Due to the large proportion of Kingborough residents working in Hobart, it is expected that the largest travel changes will occur in non-work trips, such as shopping, social, and school trips.

It is important to note that the *Business as Usual* scenario is not a zero-cost option. Accommodating the forecast additional car trips, and cars owned, will likely require significant investment in upgraded and expanded roads and parking facilities. The expenditure to deliver *Business as Usual* will likely be much higher than that required to deliver the infrastructure required to facilitate the mode shift recommended under the *Cycling Strategy* scenario.

Should Kingborough's population forecasts become reality, additional travel trips will occur to, from, and through the municipality. The infrastructure built in the next 10 to 15 years will likely dictate how those people will undertake their travel trips, and the modes of transport they use to complete those trips.

By providing more transport choices, including a safe and convenient cycling network, existing and new residents will have a viable alternative to the car for some trips.

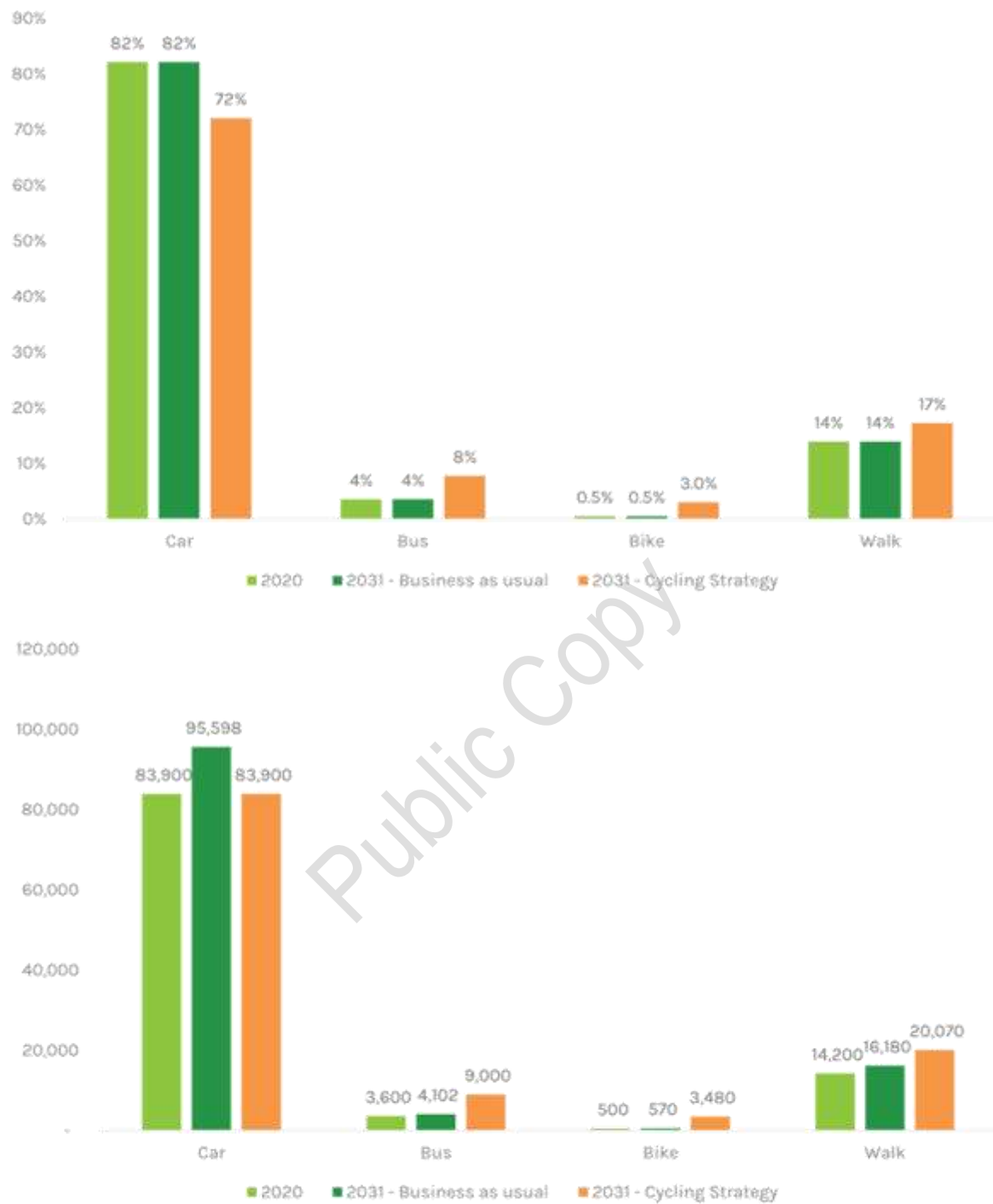
### 1.1.5 Evaluation and review

This Strategy will be reviewed every five years and the Action Plan will be reviewed annually.

The Kingborough Bicycle Advisory Committee will assist with the annual review and evaluation of strategy actions.

The Infrastructure Management Group – made up of key Council staff – will review progress on the Infrastructure Actions and assess capital works bids for each financial year accordingly.

As part of the ongoing evaluation and review process Council will pursue research opportunities and data collection such as local surveys and track counters to form a better understanding of ongoing active transport developments and trends in the municipality and the Greater Hobart region.



**Figure 3 Mode share targets as percentage and total trips**

Source: Greater Hobart Travel Survey and Kingborough Council forecasts



## 1.2 Strategic context

This section lists the broader strategic context and key State-wide and Kingborough specific plans, strategies, and reports that relate to *The Kingborough Cycling Strategy 2021-2030*.

It should also be noted that there is a strong connection between cycling and health and this Strategy indirectly supports a range of public and preventative health frameworks and measures to raise awareness and increase opportunities for active living.

### 1.2.1.1 Hobart City Deal Implementation Plan – October 2019

One of the main aims of the *Hobart City Deal* is for congestion to be reduced by decreasing the percentage of journeys to work made by car. *Park and Ride* locations have been identified. A grant fund was to be established in 2020 to support the creation of extension of bicycle routes that connect activity areas. The City Deal recommends investment in infrastructure for linkages and access for people on bikes and foot.

### 1.2.1.2 Channel Highway Corridor Study 2020

The Department of State Growth undertook a corridor study to investigate safety concerns and consider how the Channel Highway meets the current and future needs of the community. The community consultation found strong support for a dedicated cycling/walking pathway, upgrade and sealing of shoulders to 1.5m along the corridor and provision for walking and cycling at the bridge across North West Bay River.

### 1.2.1.3 Hobart Regional Arterial Bicycle Network Plan 2009

This Plan was developed by the five member Councils of Cycling South – Hobart, Glenorchy, Kingborough, Clarence and Brighton with input from the State Government. It identifies an arterial cycling network in Kingborough incorporating the Channel Highway, Roslyn Avenue, Algona Road, Sandfly Road and Huon Road.

### 1.2.1.4 Tasmanian Walking & Cycling for Active Transport Strategy 2009 (under review)

The Tasmanian Walking and Cycling for Active Transport Strategy outlines the Tasmanian

Government's plan to create a more supportive and encouraging environment for pedestrians and cyclists. The Strategy recognises that cycling and walking are important transport options and will make our communities more liveable, better connected and healthier. As part of the Strategy, a *Principal Urban Cycling Network* was identified in population centres across Tasmania. In Kingborough it identified the Channel Hwy corridor between Beach Road, Kingston and Algona Road, Huntingfield.

### 1.2.1.5 Positive Provision Policy for Cycling Infrastructure, Department of State Growth, 2013

The policy provides a tool for ensuring that provision for cycling is considered and objectively evaluated at the commencement of State Government transport projects, and in the development of maintenance contracts.

### 1.2.1.6 Southern Tasmanian Regional Land Use Strategy 2010-2035

The strategy is a broad policy document that will facilitate and manage change, growth, and development within Southern Tasmania over the next 25 years. It aims to provide greater opportunities for integrating land use with transport, particularly public transport, and walking/cycling. It encourages walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.

## 1.2.2 Kingborough

### 1.2.2.1 Kingborough Strategic Plan 2020 - 2025

The Plan is based on 3 key priorities:

1. Encourage and support a safe, healthy and connected community;
2. Deliver quality infrastructure and services; and
3. Sustain the natural environment whilst facilitating development for our future.

Projects identified in the Kingborough Cycling Strategy should be included for consideration and review as part of the preparation of the Annual Plan.

#### 1.2.2.2 Kingborough Sports Precinct Plan 2020

The Sports Precinct Plan included a recommendation to *Prepare an Active Transport Plan to improve accessibility and connectivity within the urban area (and KSP)*. This *Kingborough Cycling Strategy* will form a framework for the development of an *Active Transport Plan* for the Sports Precinct. This includes new shared path connections to and within the KSP.

#### 1.2.2.3 Kingborough Bicycle Plan 2006

In 2006 Kingborough Council adopted the *Kingborough Bicycle Plan* which identified a network of cycling routes, paths and local links across Kingborough. This Strategy supersedes the 2006 Bicycle Plan.

#### 1.2.2.4 Kingborough Land Use Strategy of 2019

The Kingborough Land Use Strategy is prepared so that it is consistent with the *Southern Tasmanian Land Use Strategy* but examines the local needs and directions in more detail. It encourages increased opportunities for bicycle use – in particular, targeting infrastructure gaps such as walking and cycling links.

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## 2. Catering to all types of cycling

Kingborough enjoys an enviable mix of townships surrounded by a beautiful, unique natural environment of bushland and coast. The *Cycling Strategy* and proposed bike network capitalise on the opportunity presented by Kingborough's natural environment and cater to a diversity of different types of riding, detailed below.

## 2.1 Cycle tourism

Cycle tourism is one of the fastest growing sub-sectors of the tourism industry and has become particularly popular in Tasmania over recent years. By capitalising on Kingborough's unique environment, the *Cycling Strategy* can boost the local economy.

Cycle tourism includes multiday trips (cycle touring), which is an activity that has the potential to flourish in Kingborough, as it connects Hobart with Bruny Island and other parts of southern Tasmania with strong attributes for touring cyclists.

### 2.1.1 Off-road trails

Off-road trail riding is a popular tourist activity across Australia. Kingborough already has a large number of trails that are popular for tourist and recreation walking and cycling. Of the 42 existing tracks, 22 are permitted for cycle use as well. The Kaoota Tramway Trail and the recently completed Snug to Margate Trail are some of the more popular cycle trails.

The **Channel Trail** concept that is proposed to run for 20km between Kingston to Kettering has significant tourism potential and is a flagship project for this Strategy. If completed it would provide a dedicated cycling trail to the Bruny Island ferry terminal.

The Channel Trail concept involves several staged shared path projects that when all completed would link Kingston to Kettering. The individual

projects are listed in Table 3 – Infrastructure Actions

Figure 4 shows the recently constructed Snug to Margate trail, which forms part of the Channel Trail concept



Figure 4 Snug to Margate Trail

Source: Tassie Trails

Studies consistently show that investing in off-road trails provides significant social and economic returns on its investment. They create new jobs in surrounding businesses that cater to tourism, including food and accommodation businesses. They are also an excellent way for visitors to experience and explore the unique environment, without creating increased demand on road infrastructure. Recent business cases for trails<sup>1</sup> in Victoria found that a Benefit Cost Ratio of 2.19 can be achieved, with close to 80 new full-time jobs generated.

### 2.1.2 Mountain Bike (MTB) riding

Tasmania has seen an explosion in MTB parks in recent years. It now forms a major tourist and recreation activity for Tasmania. MTB riding is undertaken along trail networks but also more increasingly through purpose-built parks.

The growth of e-Mountain bikes has also driven the popularity of the sport and recreation activity. Figure 5 shows an e-Mountain bike rider in action. This Strategy supports MTB riding by enhancing their access to tracks.

<sup>1</sup> [https://www.yarraranges.vic.gov.au/files/assets/public/webdocuments/build-develop/projects-initiatives/yarra\\_valley\\_trail\\_-\\_economic\\_impact\\_assessment.pdf](https://www.yarraranges.vic.gov.au/files/assets/public/webdocuments/build-develop/projects-initiatives/yarra_valley_trail_-_economic_impact_assessment.pdf)





Figure 5 e-Mountain bike rider

Source: Outside Online

### Mountain Bike Park in Kingston

Kingston has an existing, popular MTB Park on the western edge of the sporting precinct. However, there are currently no safe paths for people to ride to the MTB Park, requiring visitors to drive to the Park or ride on an unprotected road. Connecting the MTB Park to the off-road network would improve access to the Park, particularly for younger riders and those not comfortable riding in mixed traffic.

### Box 1 Mountain Bike Park in Kingston

## 2.2 E-bikes

The global electric bicycle (e-bike) market has grown substantially in the last decade. E-bikes are now the fastest growing segment of the booming electric vehicle sector and e-bike owners ride more often, and farther than other people on traditional bikes. The ability to maintain speed with less effort is central to e-bike's value proposition and holds particular appeal in Kingborough, which can be very hilly.

E-bikes offer the user quicker travel time, with less effort. E-bikes have been found to lessen some of the common barriers to conventional bikes, including the ability to overcome topographical challenges, physical limitations of the rider and arriving at work without perspiring. Moreover, e-bike owners report that being able to ride with greater loads (e.g. children or groceries) opens up greater possibilities for cycling, including for trips that would have been previously made by car. Figure 6 outlines some of the key benefits that e-bikes provide.



Figure 6 E-bike benefits<sup>2</sup>

E-bike riders ride more frequently than conventional bike users and each trip is significantly longer than conventional bike journeys. E-bike users also report replacing car trips more often, helping to reduce congestion, emissions, parking pressure and other negative impacts associated with car use.

E-bike sales in Australia have been doubling year-on-year recently, with 2020 growing even more rapidly than previous years.

Research suggests that the main barriers to a greater take up of e-bikes relate to a higher purchase price, security concerns of on-street parking, battery range and the safety of riding on streets without adequate bicycle infrastructure.

<sup>2</sup> [https://sensibletransport.org.au/wp-content/uploads/2019/11/E-Bikes-IST-CoM-7.08.18\\_v2\\_LR.pdf](https://sensibletransport.org.au/wp-content/uploads/2019/11/E-Bikes-IST-CoM-7.08.18_v2_LR.pdf)



Figure 7 provides an image of a modern e-bike. Such bikes are generally capable of travelling ~80km between charges. A growing range of e-bike models allow for users to carry cargo, multiple children, as well as dual batteries for extended range.



**Figure 7 Modern e-bike**

E-bikes have the potential to increase the attractiveness of cycling in Kingborough, for both transport and recreation. E-bike touring is growing in popularity, and Kingborough's location offers a critical connection between central Hobart and tourism hotspots such as Bruny Island.

E-bikes could reduce the perceived distance to reach destinations within the built-up area of Kingston, making trips between Blackmans Bay and Huntingfield to the Kingston CBD a viable and attractive alternative to the car.

Other jurisdictions that have actively sought to boost e-bike ridership have undertaken some or all of the following actions:

- Building a high-quality, separated cycle network
- Increasing e-bike awareness through come-and-try days
- Increasing e-bike ownership via subsidy programs and salary sacrificing
- Increase Council's e-bike fleet and use.

## 2.3 Road cycling for recreation/fitness/sport

Kingborough has an active road cycling community. The hilly terrain, relatively quiet roads, and proximity to nature make Kingborough and south-eastern Tasmania popular for road cycling and recreation. Road cycling is often done with specialised clothing and road bikes. Group rides are common in Kingborough. The Channel Highway, Sandfly Road, Howden Road, Tinderbox Road, and Huon Road are some of the more popular road cycling roads within Kingston.



**Figure 8 Road cycling – Bonnet Hill, Kingston**

Source: Bicycle Network

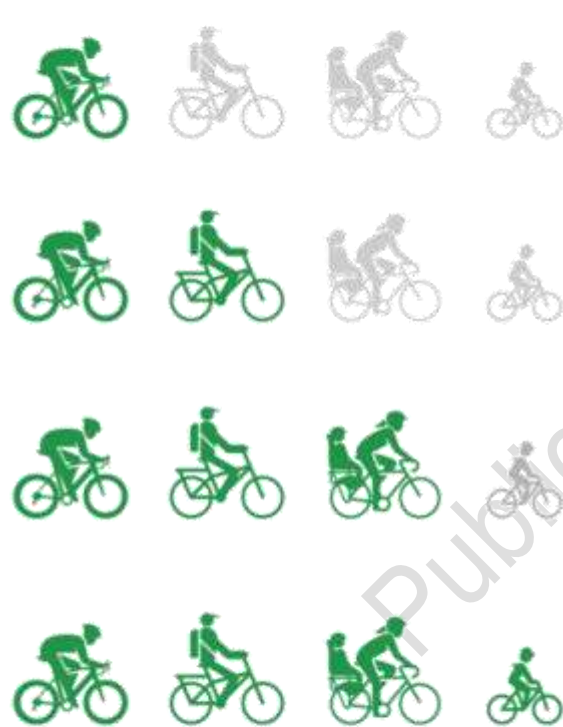
## 2.4 Developing a network that supports transport cycling

Growing opportunities for Kingborough residents and visitors to make short to medium transport journeys by bicycle is a core objective of this Strategy. New and novice transport cyclists are particularly sensitive to the riding environment provided.

Figure 9 offers a snapshot of how different types of infrastructure influence people's confidence levels.

Only 6% of people say they feel confident riding on a road in traffic without bicycle infrastructure. When provided with protected bicycle lanes, separated from motor vehicles, 83% of people say they feel confident.<sup>3</sup> This information has been used to inform the network development recommendations included in this Strategy.

### Rider confidence by environment



### Midblock



### Intersection

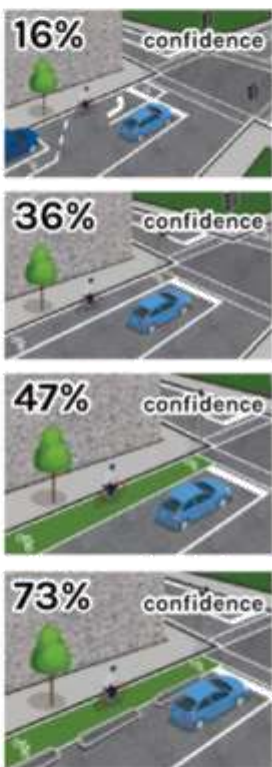


Figure 9 Riding confidence – different infrastructure

Only 6% of people say they feel confident riding on a road in traffic without bicycle infrastructure. Infrastructure that improves rider safety to the maximum extent possible should be prioritised, to increase both safety and confidence.

<sup>3</sup>[https://www.researchgate.net/publication/350125778\\_The\\_potential\\_for\\_bike\\_riding\\_across\\_entire\\_cities\\_quantifying\\_spatial\\_variation\\_in\\_interest\\_in\\_bike\\_riding?fbclid=IwAR0V6\\_CwdNsxkw7kM3ju8rtgswbg3VOP3mWt0u\\_sxmEk4lwJTq2-bf1cnY](https://www.researchgate.net/publication/350125778_The_potential_for_bike_riding_across_entire_cities_quantifying_spatial_variation_in_interest_in_bike_riding?fbclid=IwAR0V6_CwdNsxkw7kM3ju8rtgswbg3VOP3mWt0u_sxmEk4lwJTq2-bf1cnY)

2.5 Understanding different types of cyclists

Cycling planning has identified four different types of cyclists, shown below in Figure 10, and outlined briefly below:

- *Strong and fearless* riders are those who are comfortable riding in any road environment, including mixed-traffic environments.
- *Enthusied and confident* cyclists are comfortable in most traffic environments but will seek out separated cycling infrastructure and low-traffic alternative routes.
- *Interested but concerned* make up the majority of the population. They are unlikely to consider riding unless trips can be made along safe and separate cycling infrastructure. They are likely to ride shorter distances than the previous two groups.
- *‘No way no how’* are people that are not interested in cycling at all, regardless of the relative ease or safety. They are also people who may not be physically able to ride a bike.

Figure 10 shows the results of recent Australian (2021) research to estimate what proportion of the population aligns with each type.

The results show that only 3% of the population identify as either *‘Strong and fearless’* or *‘Enthusied and confident’*. Almost 80% of the survey respondents identified as *‘Interested but concerned’*, while only 16% said they would not consider cycling under any circumstances.

These results align with the infrastructure typologies shown in Figure 9. The majority of the Kingborough population is only likely to consider cycling for transport or recreation trips when separate cycling infrastructure is provided, and where it connects to points of interest. Creating connected and separated cycling network is vital to improving the quality of life in Kingborough, allowing more people to cycle, rather than drive to their destination.

The majority of the Kingborough population is only likely to consider cycling for transport or recreation trips when separate cycling infrastructure is provided, and where it connects to points of interest

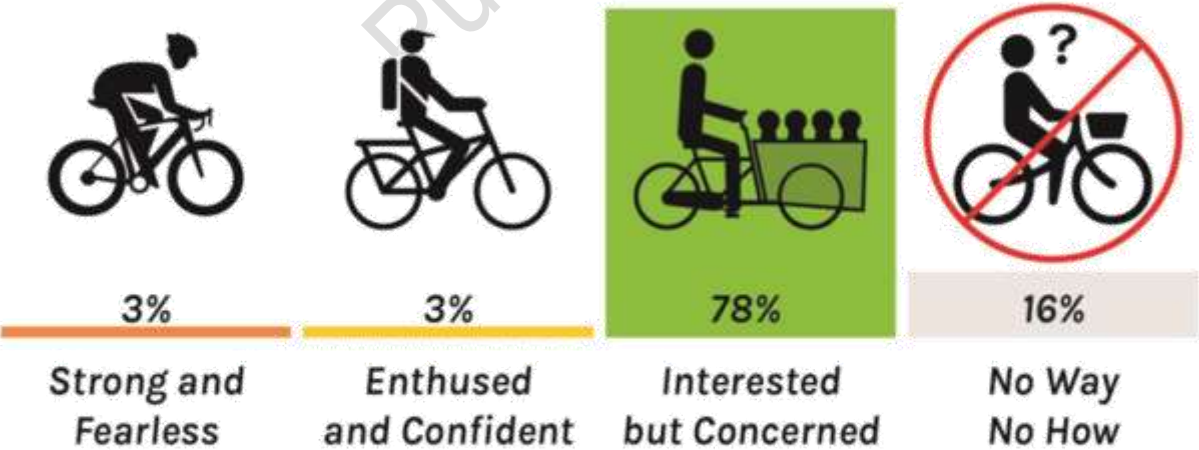


Figure 10 Four types of cyclists

Source: City of Portland (USA) and Pearson et al (2021) <https://doi.org/10.1101/2021.03.14.21253340>



## 2.6 Cycling typologies

There are a variety of different types of bicycle infrastructure. Each has a role to play in creating a coherent network. Figure 11 offers a guide to infrastructure selection, based on the *speed* and *volume* of motorised traffic. When roads carry large volumes of fast-moving traffic, separated infrastructure is recommended. Quiet streets with low-speed limits may not require any dedicated cycling infrastructure, other than some simple wayfinding signage. See **Appendix 1 – Infrastructure typologies** for more information on typologies.

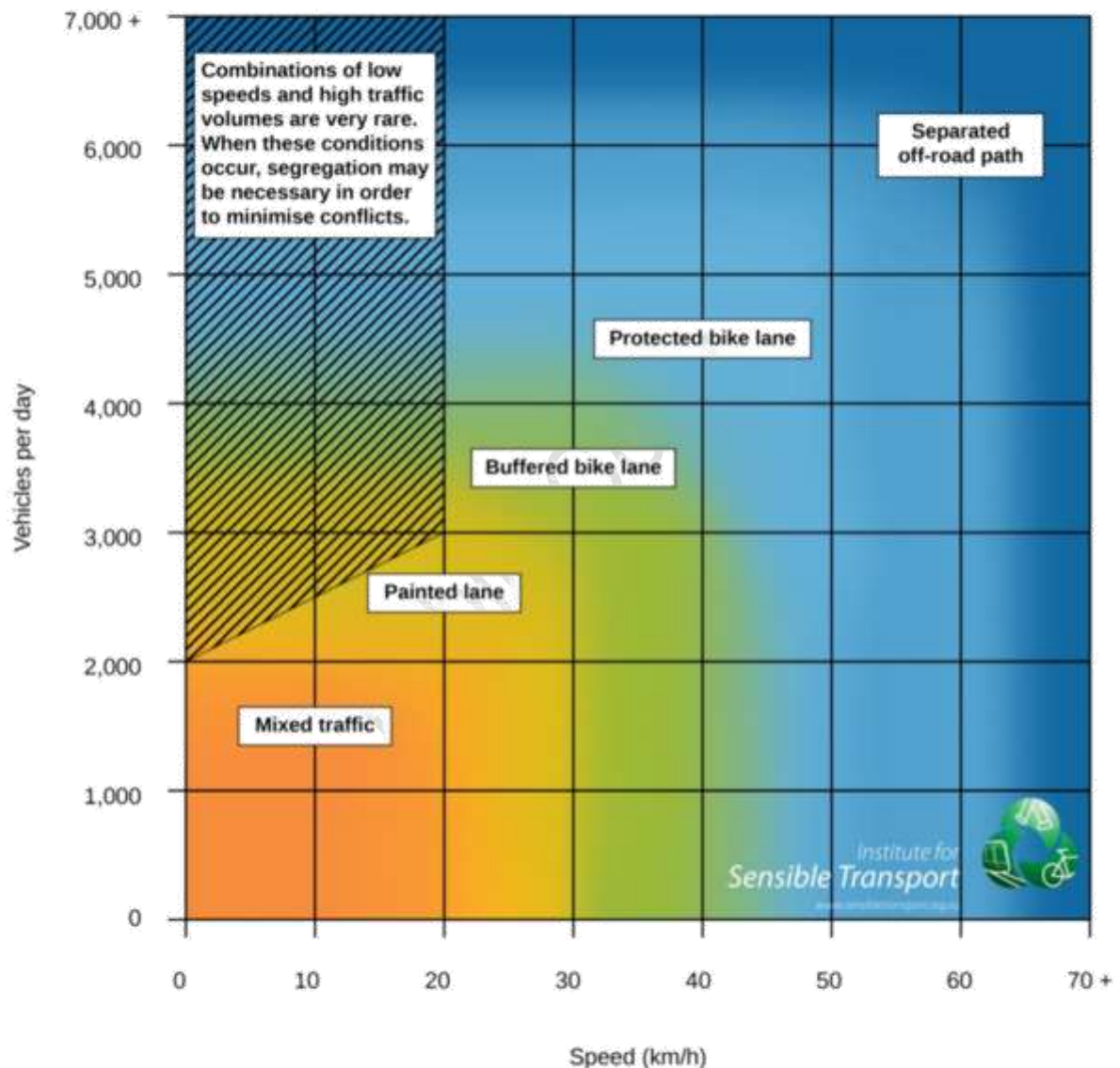


Figure 11 Choosing the right type of bicycle infrastructure



### 3. Network Plan



This section presents the aspirational Network Plan for Kingborough. This Plan was developed via a multi-stage process. Initially, a draft plan was developed by the Kingborough Bicycle Advisory Committee. The network was then independently reviewed by the Institute for Sensible Transport. This review included a detailed data analysis, including ABS Census and household travel survey data.

Two site visits to inspect on-ground conditions were also undertaken. Refinements were made to ensure maximum connectivity to key destinations and the Kingborough residential areas. Consideration was made for technical feasibility, including topography, street width, and budget. **Appendix 1** provides critical information on infrastructure typologies and the foundational data upon which the actions have been developed.

### 3.1 Snapshot of network size and cost

The Network Plan identifies cycling routes that connect to major hubs/destinations, including schools. In most cases the routes need to be made safer and more accessible through the upgrade or installation of cycling infrastructure.

Below are general definitions of the basic infrastructure typologies, which are further defined in Appendix 1:

- **On-road:** Ideally on-road bicycle lanes that are no less than 1.4m wide with a white painted line separating motor vehicles from cyclists, and bicycle logos and bike lane signage. On rural roads infrastructure may consist of improved sealed shoulders and linemarking.
- **On-road - protected bike lanes:** Physically separated on-road bike lanes that are built within the road carriageway, with a physical barrier separating cycling lanes and motor vehicle lanes.
- **Off-road shared path:** Shared paths are dedicated off-road infrastructure for pedestrians and cyclists. Cyclists are not the dominant mode and are expected to share the space with pedestrians.

Shared paths should be a minimum of 2.5m, ideally 3m in width.

- **Slow streets:** Slow streets are shared environments where no dedicated space for cycling is required, due to low traffic volume and speed.
- **Shared walking paths:** Paths that already exist that connect two streets, such as at the end of a cul-de-sac, upgraded to facilitate people on bicycles. This might include better signage, widening or pram ramps.

Table 1 – Proposed network distance and estimated costs, provides an overview of the existing network in terms of distance for different infrastructure types, as well as the *proposed* distance, and high-level costs. Two approaches to cost have been used, *heavy* and *light*, which are described below:

1. **Heavy:** A cost approach in which it has been assumed that concrete and other relatively permanent materials have been used in construction, potentially also including more extensive works, such as drainage alterations.
2. **Light:** Lighter, more temporary 'pop up' materials have been preferred. In general, these provide a similar impact in terms of the degree of separation between people on bikes and motor vehicles, but using upright traffic dividers and bollards for protection on road lanes and compacted gravel instead of concrete for shared paths. This approach is both quicker and cheaper.

### 3.2 Network design

The proposed Kingborough Bike Network is illustrated in Figure 12, with a zoomed in map detailing the proposed network for the more populated areas of Kingston and Blackmans Bay (see Figure 13). This map also shows the locations of the Park and Ride facilities that will be built in the area.

Figure 14 offers a spatial analysis of proximity to cycling infrastructure or a cycling environment when the proposed network is implemented. This indicates many parts of the most populated areas of Kingborough will be near cycling infrastructure or a cyclable environment, mostly within 100m – 200m.

Table 1 – Proposed network distance and estimated costs

Infrastructure type		Existing	Proposed	Total distance	Cost (heavy)	Cost (light)
Cycling infrastructure	On-road	6,345m	33,002m	39,347m	\$16,501,106	\$3,300,221
	On-road protected	0m	1,360m	1,360m	\$2,176,139	\$408,026
	Off-road shared path	14,045m	36,245m	50,290m	\$26,458,712	\$18,122,405
Cyclable environments	Slow street	0m	2,253m	2,253m	\$1,126,676	\$112,668
Total		20.4KM	73KM	93.2KM	\$46,262,632	\$21,943,320

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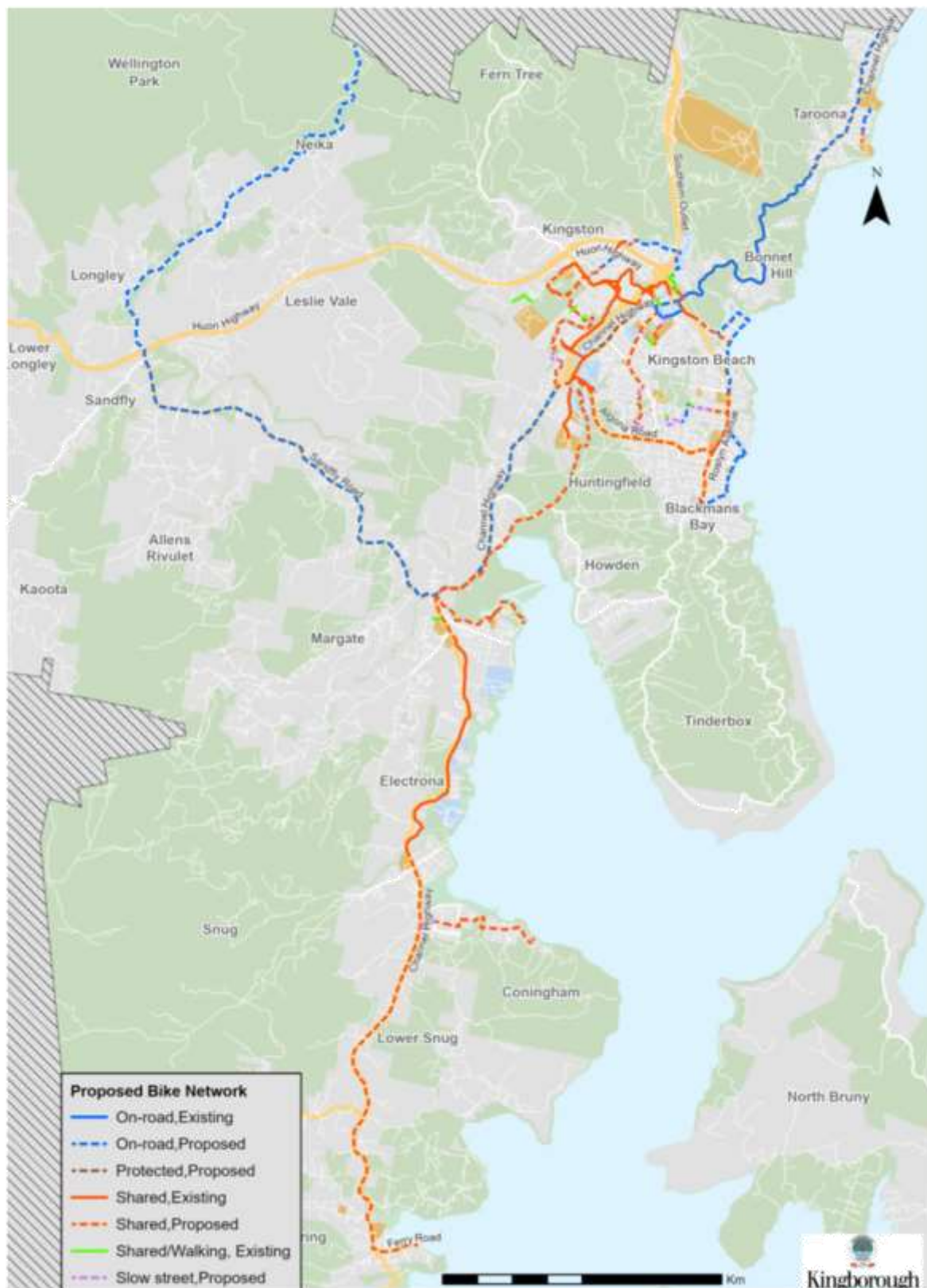


Figure 12 Proposed bike network for municipality



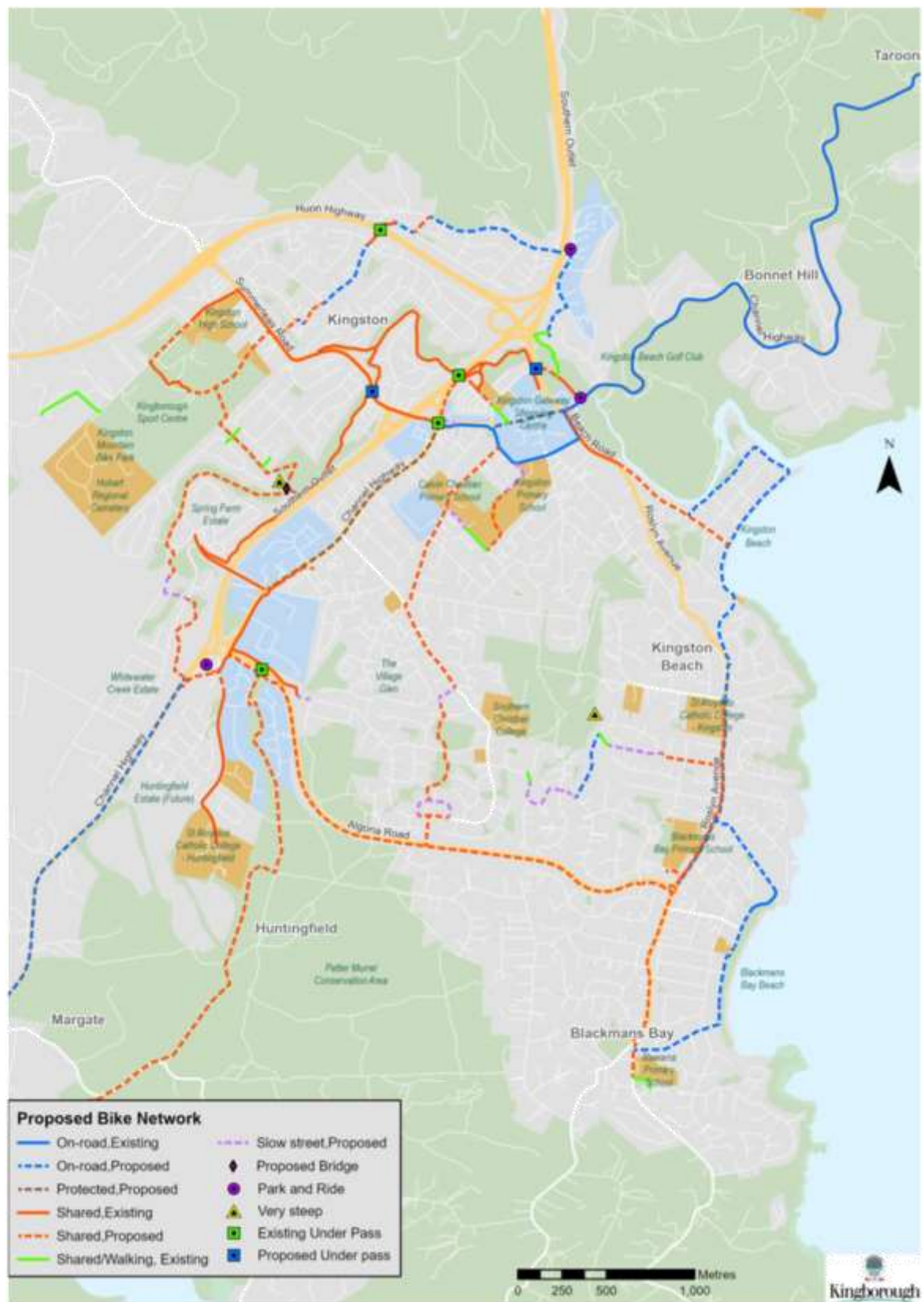


Figure 13 Proposed Bike Network, Kingston

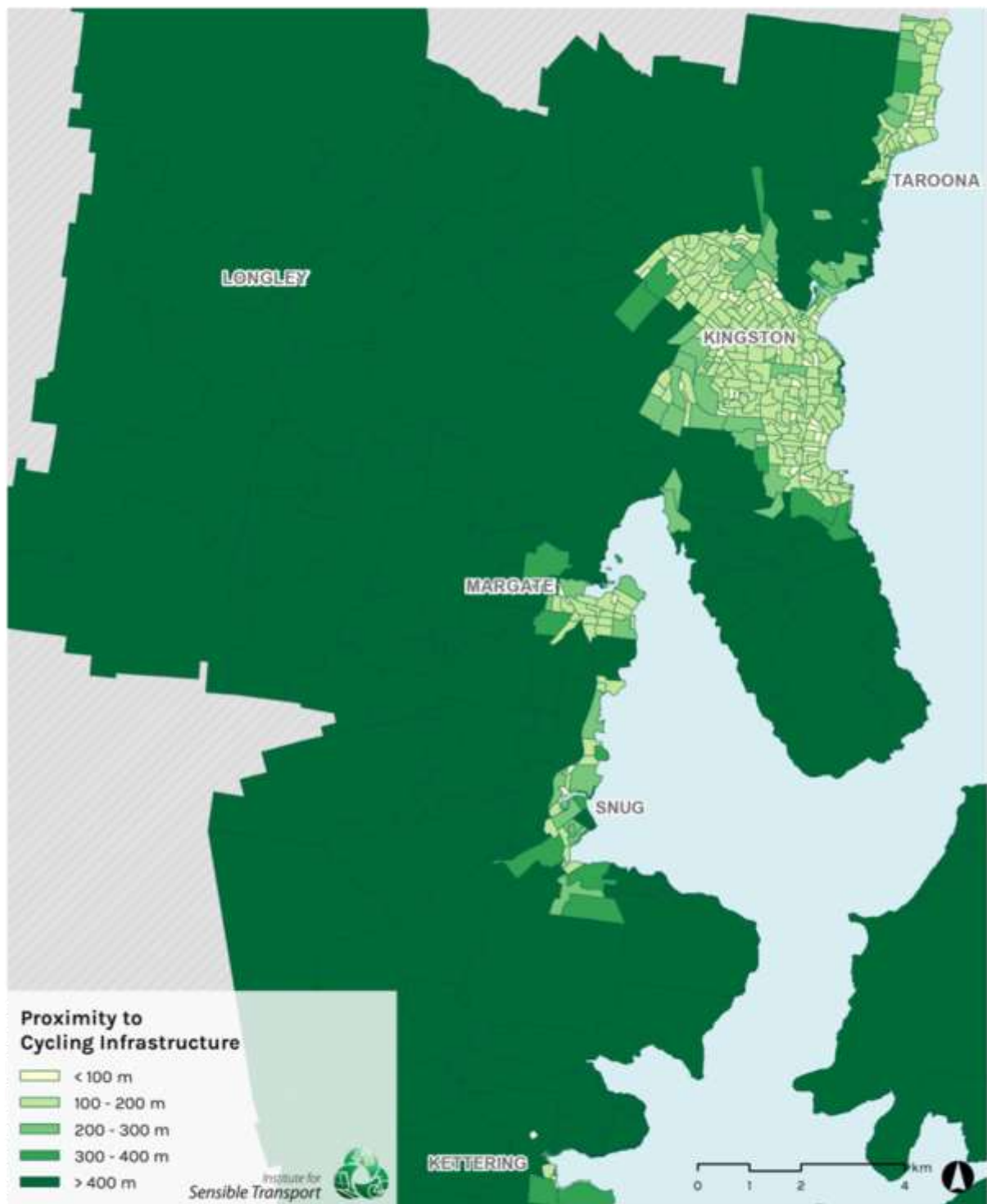


Figure 14 Proximity to cycling infrastructure and cyclable environments



## 4. Action Plan and Implementation



Implementation is often the most difficult aspect of transport planning. Translating endorsed objectives and actions into physical changes can be difficult and few areas of public policy can be as contentious for local government as transport. This section distils the proposed actions from this Strategy, broken down into each objective.



Figure 15 Objectives and actions

**Table 2 and Table 3 – Proposed Actions:**

The action tables provide a list of the key actions proposed for the life of the Strategy to meet the strategic objectives and initiate the implementation of the proposed cycling network. Actions and priorities are subject to change and adjustment dependant on available funding opportunities and support from other levels of Government. The proposed actions and priority of actions will be reviewed annually.

Suggested timeframes accompany each action, where:

1. Ongoing = an ongoing action for the life of the plan or until the objective is achieved
2. Short = 0 - 5 years
3. Medium = 5 - 10 years
4. Long = 10 or more years.

Suggested costs accompany each action, where:

1. Small = Less than \$100,000
2. Medium = \$100,000 - \$500,000
3. High = \$500,000 - \$1,000,000
4. Very High = More than \$1,000,000.

Proposed funding sources accompany each action, where:

1. Op = Operational expenditure
2. Cap = Future capital expenditure
3. Ex = Externally funded, including grant funding.



**Table 2 – Strategic & Advocacy Actions**

The proposed strategic and advocacy actions address the below objectives:

2. Eliminate hazards for people cycling
3. Install amenities to support cycling
4. Active travel provisions in all new developments
5. Promote and support cycling and road safety
6. Regional bike planning
7. Data collection

Action	Project	Description	Time frame	Cost	Lead Responsible Authority	Other Responsible Authority	Funding Source
1	Ride to School Day and Ride to Work Day	Promote National Ride to School Day and Ride to Work Day through Council communication channels. Assess schools for rideability and barriers to greater cycling uptake.	Ongoing	Low	Council		Op
2	Commuter Counts	Continue to collect cycling data by participating in the annual Commuter Counts in March each year.	Ongoing	Low	Council		Op
3	Install usage counters	Install counters to collect usage data on cycling routes and create an active transport data set for the municipality.	Ongoing	Low	Council		Op
4	Bike Week	Support Bike Week events to encourage participation in cycling, such as the Kingborough Treasure Hunt.	Ongoing	Low	Council		Op
5	Road safety audits to eliminate hazards for people cycling	Review road crossings on shared paths and around schools to assess whether safety improvements can be made, such as wombat crossings and pedestrian refuges. Where kerb outstands create 'pinch points' identify options for removing the hazard. Review speed limits in activity areas and on cycling routes.	Ongoing	Low	Council		Op

Action	Project	Description	Time frame	Cost	Lead Responsible Authority	Other Responsible Authority	Funding Source
6	Active travel provisions in new developments	Advocate for the development of standards for active travel infrastructure and facilities. Encourage new developments and subdivisions to align with the recommendations of the <i>Kingborough Footpath Policy</i> and the <i>Kingborough Cycling Strategy</i> endorsed by Council. Where appropriate require a 2.5m wide shared path alongside all collector roads and waterways in new developments. Encourage developers to incorporate bicycle parking in commercial and residential apartment developments.	Ongoing	Low	Council	Tasmanian Planning Policy Unit and Tasmanian Planning Commission	Op
7	Promote safe cycling in Kingborough	Promote road safety campaigns developed by RSAC (Road Safety Advisory Council) and the Kingborough Community Safety Committee. Support and promote cycling education programs run by external agencies to provide bicycle education that increases skills and confidence.	Ongoing	Low	Council		Op
8	Promote cycling routes and places to ride	Promote cycling-related tourism through provision of maps and online information about routes and destinations, such as Bruny Island.	Ongoing	Low	Council		Op
9	Advocate for bike racks on buses	Advocate to MetroTas and the State Government to provide bike racks on buses on all local and regional bus routes.	Short	Low	Council	State Growth	Op
10	Wayfinding Strategy – signage and mapping	Develop and implement a Wayfinding Strategy, including improved signage and mapping for active travel throughout Kingborough.	Short	Low	Council		Op
11	Positive Provisioning Policy	Adopt a Positive Provisioning Policy to incorporate cycling-friendly design in all Council projects.	Short	Low	Council		Op



**Table 3 – Infrastructure Actions**

The proposed infrastructure actions address the below strategic objectives:

1. Create a safe cycling network for all ages and abilities
2. Eliminate hazards for people cycling
3. Install amenities to support cycling

Action	Project	Description	Time frame	Lead Responsible Authority	Other Responsible Authority	Cost	Funding source
<b>Ongoing Actions</b>							
12	Maintain existing bike network	Ensure the principal bicycle network is reviewed annually to ensure bicycle infrastructure is safe and surfaces are free of significant bumps, holes, or other impediments. Any issues should be included in road resurfacing or other road maintenance schedules.	Ongoing	Council	State Growth	N/A	Op
13	Bike parking	Install bike parking based on an annual audit and community surveying and at key bus stops.	Ongoing	Council	State Growth	Low	Op
14	Water stations and bike repair stations	Install water fountains and bike repair stations based on an annual audit and community surveying.	Ongoing	Council		Low	Op
15	Channel Hwy sealed shoulders – Kingston to Kettering	Liaise with Department of State Growth to advocate for road upgrades along the Channel Highway that include 1.5m sealed shoulders.	Ongoing	State Growth	Council	Low	Op
16	Mountain bike park improvements	Continue to seek opportunities and funding to upgrade the facilities at the Kingston Mountain Bike Park to bring it to contemporary standards.	Ongoing	Council		Low	Ex
<b>Short Term Actions</b>							
17	Channel Trail – Kingston to Margate	Investigate and advocate for a shared path from Huntingfield to the end of the existing shared path in Margate.	Short	State Growth	Council	Low	Cap / Ex

Action	Project	Description	Time frame	Lead Responsible Authority	Other Responsible Authority	Cost	Funding source
18	Algona Road	Investigate and advocate for a shared path on the southern side of Algona Road between Roslyn Avenue and Huntingfield.	Short	State Growth	Council	Low	Cap / Ex
19	Firthside to Summerleas	Construct a mixed on-road and shared path route between Kingston High School and the Firthside Park & Ride.	Short	Council	State Growth	Medium	Cap / Ex
20	Huntingfield Park & Ride Connections	Construct shared path and safe crossings from existing shared paths to the Huntingfield Park & Ride.	Short	Council	State Growth	Medium	Cap / Ex
21	Taroona – Channel Hwy	Upgrade on-road cycling facilities along Channel Highway through Taroona.	Short	Council	State Growth	Medium	Cap / Ex
22	Spring Farm to Sports Precinct	Construct a shared path from the existing Whitewater Creek path, north to the sporting precinct.	Short	Council		Medium	Cap / Ex
23	Huntingfield to Kingston CBD – Channel Hwy	Advocate and seek funding for protected cycling infrastructure along Channel Highway, between Huntingfield and Kingston.	Short	State Growth	Council	Medium	Ex
24	Roslyn Avenue - Kingston Beach to Blackmans Bay	Investigate options for an uphill bicycle lane from Algona Road to Jindabyne Road. Investigate a shared path on the western side of Roslyn Avenue, including safe intersection upgrades.	Short	Council		Low	Cap
25	Kingston to Kingston Beach	Investigate options and pursue opportunities for a shared path between Kingston and Kingston Beach.	Short	Council	Private Landowners	Low	Cap / Ex
26	Channel Trail – Snug to Lower Snug	Construct a shared path between Snug and Lower Snug, starting from the existing shared path in Snug.	Short	Council	State Growth	Very High	Cap / Ex
<b>Medium Term Actions</b>							
27	Taroona Safe Route to School	Construct a mixed on-road and shared path route along Flinders Esplanade to Taroona Primary and High Schools, including modal filters and safe crossings.	Medium	Council	Department of Education	Medium	Cap

Action	Project	Description	Time frame	Lead Responsible Authority	Other Responsible Authority	Cost	Funding source
28	Sandfly Road – sealed shoulders	Improve on-road cycling infrastructure along Sandfly Road.	Medium	Council	State Growth	High	Cap / Ex
29	Blackmans Bay Beach Connections	Connect Tinderbox Road and Blowhole Road to Ocean Esplanade with cycling infrastructure.	Medium	Council		Medium	Cap
30	Blackmans Bay Shops Connection	Provide a cut-through path from Roslyn Avenue and the Blackmans Bay Shops.	Medium	Council	Private Landowners	Low	Cap
31	Roslyn Avenue – Algona Road to Illawarra	Investigate providing a shared path from Algona Road to Illawarra Primary School.	Medium	Council		Low	Cap
32	Gormley Drive and Kingston View Drive	Link a shared path from Summerleas Road to the Sporting Precinct via the Twin Ovals.	Medium	Council		High	Cap
33	Margate to Dru Point	Investigate a shared path link from Margate to Dru Point.	Medium	Council	Private Landowners	Low	Cap
34	Margate local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Margate.	Medium	Council		Low	Cap
35	Snug local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Snug.	Medium	Council		Low	Cap
36	Redwood Road to Algona Road	Investigate a shared path from the Maranoa Heights Reserve paths to Algona Road.	Medium	Council	State Growth	Low	Cap
37	Channel Trail – Lower Snug to Kettering	Investigate a shared path between Lower Snug and Kettering.	Medium	State Growth	Council	Low	Cap / Ex
<b>Long Term Actions</b>							
38	Lower Snug to Coningham	Construct a shared path between Lower Snug and Coningham.	Long	Council		High	Ex / Cap
39	Redwood Road to Kingston CBD	Investigate a shared path from Lorikeet Drive to the Kingston CBD.	Long	Council		Low	Cap

Action	Project	Description	Time frame	Lead Responsible Authority	Other Responsible Authority	Cost	Funding source
40	Longley to Neika – sealed shoulders	Improve on-road cycling infrastructure on Huon Road between Longley and Neika.	Long	Council		High	Cap / Ex
41	Harris Ct to Sherburd Ct path	Construct a path linking Harris Court to Sherburd Court.	Long	Council	Department of Education	Medium	Cap / Ex
42	Tingira Road to Ash Drive link	Investigate a shared path and/or on-road improvements, linking existing local tracks to Roslyn Avenue.	Long	Council		Low	Cap
43	Ferry Road	Investigate improving active transport infrastructure along Ferry Road to Bruny Island Ferry Terminal.	Long	State Growth	Council	Low	Ex



Figure 16 shows the proposed staging of bike infrastructure across Kingborough.

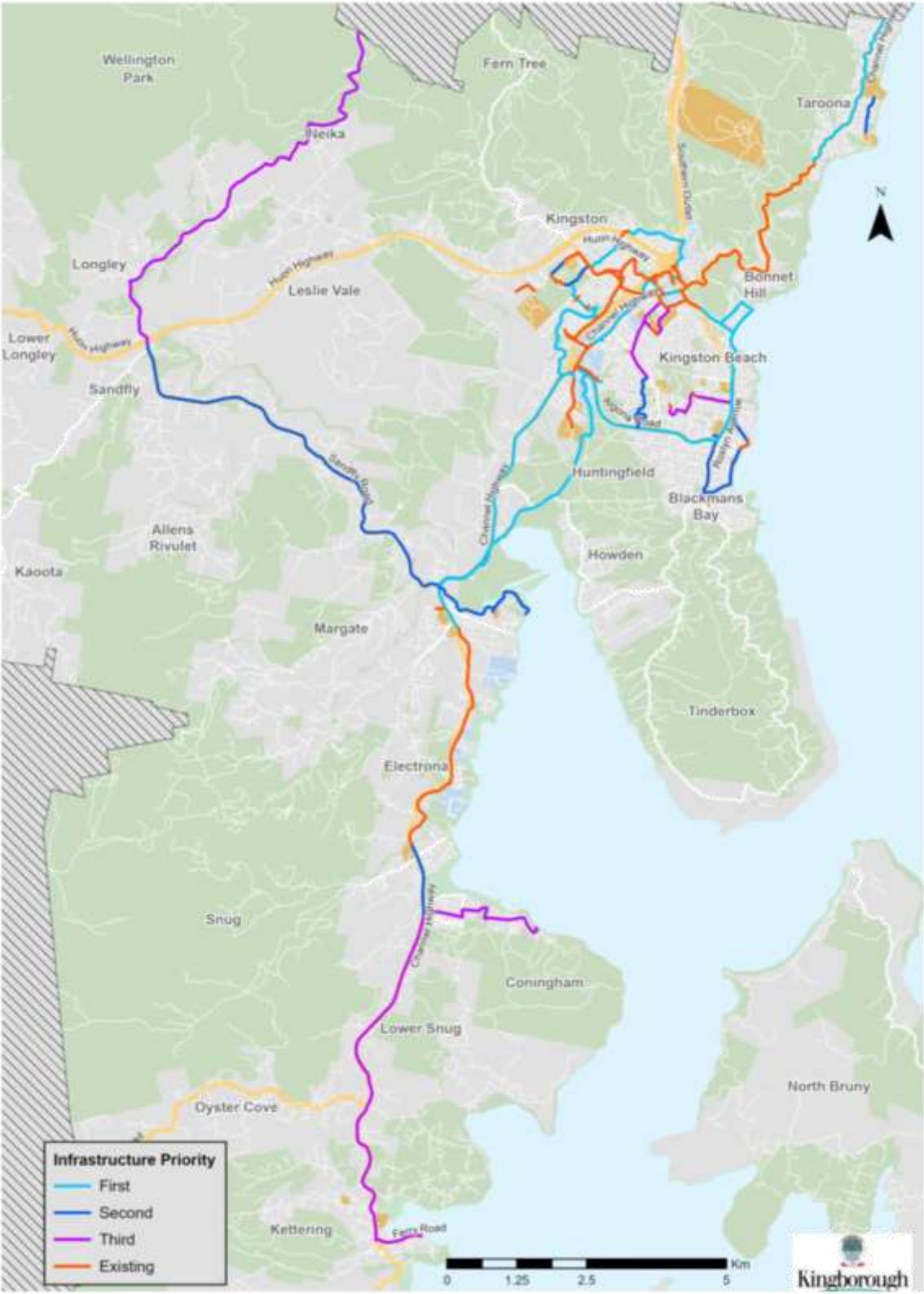



Figure 16 Infrastructure Priority





## 5. Appendix 1 - Bicycle infrastructure typologies and background data analysis

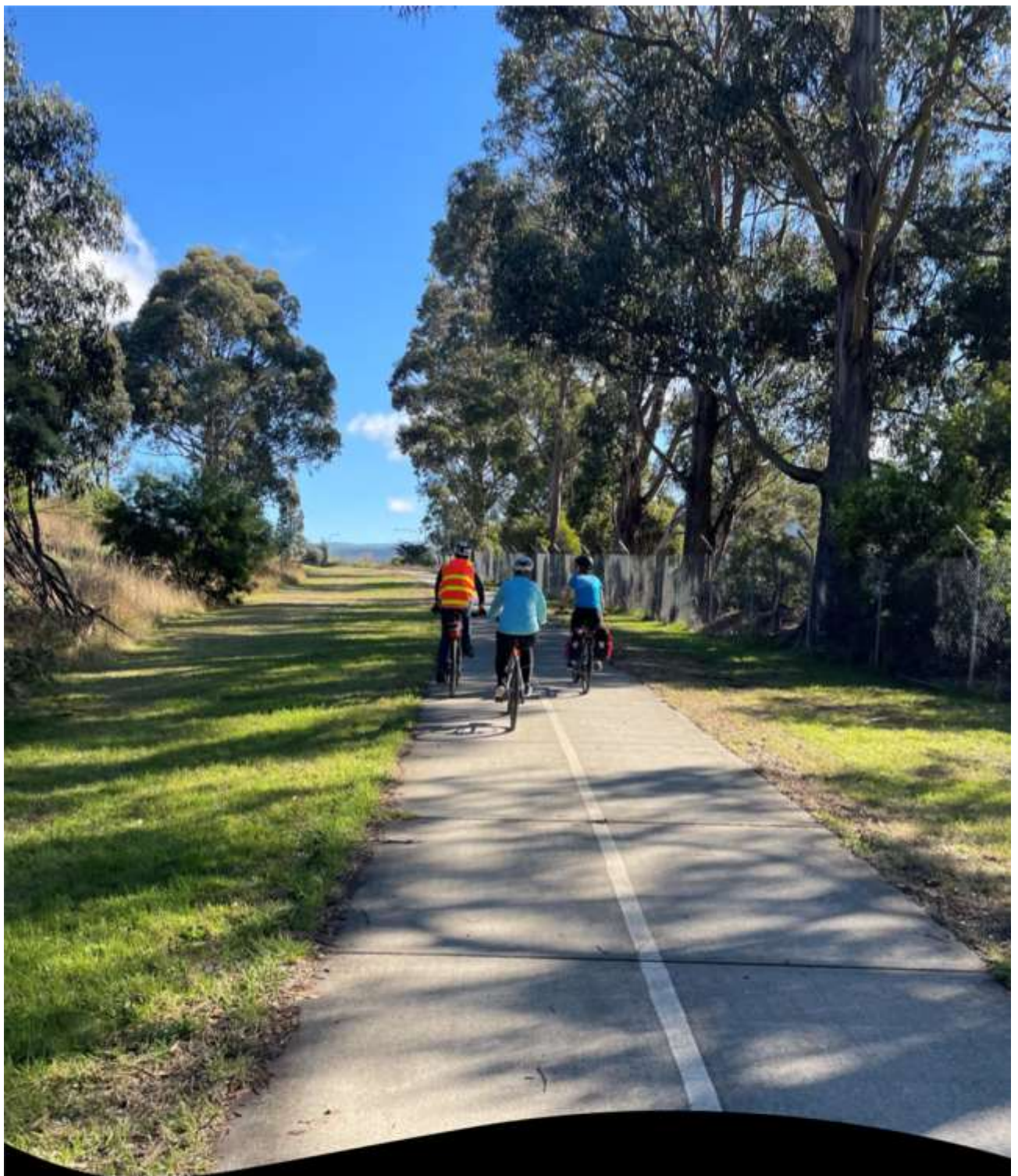
# Kingborough

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## Appendix 1 Bike Infrastructure Typologies and Data Analysis

Developed for the Kingborough Cycling Strategy

February 2022

Kingborough

## Kingborough

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## 1. Infrastructure typologies



The purpose of this section is to provide an overview of different types of bicycle infrastructure, design principles and general guidance on factors to consider when selecting the infrastructure type.

## 1.1 Design principles

The design principles for each infrastructure type provide an overview of good practise design for developing cycling infrastructure and cyclable environments. These principles are drawn from practitioners' guides, including the *Cycleway Design Toolbox* by Transport for NSW, and provide guideline information for decision makers and designers.

## 1.2 On-road – mixed traffic

### 1.2.1 Sealed Shoulders

Sealed shoulders are demarcated road space, on the edge of travel lanes, which cyclists may use, but are not dedicated cycling infrastructure. They may be suitable for cycling when at least 1.5m wide with a maximum 10mm aggregate seal. Where space is limited, and only one sealed shoulder is possible, this should be uphill, to allow slow moving cyclists more space.

On rural roads with posted speeds above 50km/h, wide sealed shoulders offer some safety benefit by allowing cyclists to ride out of the traffic flow. In built up areas, sealed shoulders are not appropriate, as parked cars limit the ability of cyclists to use these shoulders. Figure 1 provides an example of a sealed road shoulder, with rumble strips to warn drifting motorists to keep within the travel lane.



Figure 1 Sealed road shoulder

### 1.2.2 Sharrows

Sharrows are bicycle stencils painted onto the road surface, with two chevrons above. They are intended to indicate to motorists that the expectation is that motorists share the space with people on bikes. Sharrows are not dedicated bicycle infrastructure, but are useful in certain circumstances where space is not available for dedicated infrastructure and traffic volumes and speeds are low.

Additionally, sharrows can be useful for wayfinding. Figure 2 shows an example of sharrows on a quiet residential street.



Figure 2 Sharrows

<http://cyclingchristchurch.co.nz/2014/06/13/adelaide-sharrows/>



### 1.2.3 Slow streets

Slow streets are shared environments in which all road users are encouraged to negotiate. In general, it is the intention that motorists use the street as a 'guest' with walking and cycling having priority.

Slow streets have become popular in response to the COVID-19 pandemic as a way of providing active transport options with safe physical distancing. They provide a low-cost method of increasing actual and perceived safety. Slow street treatments involve reducing speed limits to 30km/h or less and installing signage indicating that motorists are to provide priority to active modes.

Slow streets are not a recommended treatment for through traffic streets, and they should be reserved for cul-de-sacs and other very low volume streets. In the *Kingborough Cycling Strategy*, slow streets have been recommended for cul-de-sacs and other non-through streets which connect to the existing off-road walking network, enhancing safety and active transport permeability. They have the additional benefit of allowing streets to become part of the public realm for non-transport activity such as sports play (e.g., street cricket) and socialisation. Figure 3 shows the signage appropriate for indicating a slow street and its connectivity to other parts of the cycling network.



Figure 3 Slow street signage

Figure 4 provides an illustration of the sign used in the Netherlands to indicate a shared space environment, which is used on quiet residential streets with very low traffic volumes.



Figure 4 A 'living street' sign, The Netherlands

#### 1.2.3.1 Slow streets design principles

- Slow streets should have a speed limit not exceeding 30km/h.
- Slow streets should have 'watch for cyclists' signs installed at road thresholds.
- Slow streets should have children crossing, or similar, signs installed at road thresholds.
- Slow streets should have 'slow' signs installed at regular intervals of at least every 100 metres.

### 1.2.4 On-road – painted lane

On-road bike lanes are at least 1.5m wide with a white painted line separating motor vehicles from cyclists, and bicycle logos and bike lane signage. They provide a low level of separation between riders and motor vehicles. Motor vehicles are prohibited from parking in bike lanes. Painted lanes are most suitable for streets with low traffic volumes and speeds below 50km/h. Figure 5 shows a painted bike lane between parking bays and travel lane, which should be avoided where possible, due to the risk of car dooring.



**Figure 5 Painted bike lane**

#### 1.2.4.1 Painted lane with buffer

Painted buffers can provide a higher degree of separation from motor vehicles. Buffers can be on either or both sides of the painted lane, depending on context. Where kerbside parking is permitted to the left of a painted lane, buffers can provide space so cyclists may ride to the right of the 'door zone'. Where speeds or traffic flows are higher, buffers between motor vehicle lanes and painted lanes can provide greater space, increasing actual and perceived safety. Figure 6 shows a buffered bike lane, providing safe space between the car door zone and bike lane.



**Figure 6 Buffered bike lane**

Source: Philip Mallis (Flickr)

#### 1.2.4.2 On-road bicycle lane design principles

- Speed limits on roads with on-road, painted bicycle lanes should generally not exceed 50km/h.
- On-road bicycle lanes should be 1.5 metres wide, on both sides of the street.
- Where space is insufficient, lanes below 1.5 metres can be acceptable. Narrow lanes still permit safer outcomes than no bicycle lane.
- Parking should not be permitted adjacent to bicycle lanes below 1.5 metres in width, due to the risk of car dooring.
- Where space is insufficient for on-road cycle lanes on both sides of the road, they should be placed on the uphill sections.
- Where space is insufficient for on-road cycle lanes in either direction, but cycling is desired, shared paths should be considered.
- Where space is insufficient for on-road cycle lanes in either direction and shared paths are unfeasible, but cycling is desired, the introduction of design features to lower vehicle speeds should be considered. These include:
  - Lowered speed limits or advisory speeds to 40km/h, especially through corners
  - Install 'watch for cyclist', or similar, signs
  - Narrowed general traffic lane width (3 metres or below) with more space on shoulders
  - Paint 'dragon teeth' or 'zig zag' road markings
  - Rumble strips on outer lane markings.

#### Intersection design principles

- At signalised intersections, on road cycle lanes should have bike boxes.
- At signalised intersections, advanced start bike lanterns should be installed.

Green painted surface delineating space for cyclists should be applied through intersections and for 10 metres either side.



### 1.3 On-road – protected

Protected on-road bike lanes are built within the road carriageway, with a physical barrier separating cycling lanes and motor vehicles lanes (either parking or traffic). These lanes are placed kerbside and should be at least 1.5m wide, with 1.8m to 2m preferable, to allow for overtaking. However, narrower protected lanes are still preferable to no physically separated lanes at all. Where parking is provided, the separator should be a minimum of 300mm to provide a buffer for car doors. Physical separation can be either 'light', with precast plastic adhered to the road surface, or heavy, with large blocks of concrete or stone embedded into the road.

#### 1.3.1 One way pairs

In a single direction configuration, physically separated lanes are generally positioned on both sides of the road to accommodate travel in both directions. They are placed on the same side of the road as motor vehicle traffic. They are safer at non-signalised intersections than bi-directional cycleways (see Section 1.3.2), as drivers are more likely to anticipate the direction of travel, but they require slightly more road carriageway space. Figure 7 shows an example from Frome Street, Adelaide.



Figure 7 Separated single-direction lane

#### 1.3.2 Bi-directional

Bi-directional bike lanes are more space-efficient than one-way pairs but intersection treatments need careful consideration (and are preferably signalised), due to the risk of drivers not looking for riders coming in the opposite direction. Figure 8 shows an example from Sydney.



Figure 8 Bidirectional lane, Sydney

Source: SydneyCycleways

#### 1.3.3 Protected bicycle lane design principles

- Protected lanes should be a minimum of 1.5 metres wide, although lane widths of 1.8 metres are desirable.
- Protected bicycle lanes need to use a form of 'vertical separation' (such as bollards or garden boxes) of at least 100mm wide without parking or at least 300mm wide where parking is adjacent (to act as a buffer between open car doors and oncoming cyclists).
- Protected bicycle lanes on both sides of the road, in the same direction as traffic, is the preferred option (known as one way pairs).
- Where space is insufficient for separated lanes in both directions, bi-directional lanes on one side should be installed. Bi-directional lanes should be at least 2.5 metres. Signage and visual cues for motorists emerging from cross streets must be included to remind the motorist of the presence of cyclists travelling in both directions.
- Where possible, bi-directional protected bicycle lanes should not be adjacent to parking bays, to improve cyclist's sight lines and visibility for motorists.

#### Intersection design principles

- Green painted surface delineating space for cyclists should be applied through intersections.
- At signalised intersections, advanced start bike lanterns should be installed.

- At signalised intersections, left turns should have delayed start (e.g., red lights which turn off later in the cycle)

At signalised intersections with bi-directional lanes, all turns from lanes parallel to the bi-directional lane should be fully controlled.

## 1.4 Off-road – dedicated cycleway

Dedicated cycleways can be installed behind the kerb to provide a protected, off-road cycling path. These are suitable in situations where there is insufficient space within the road carriageway to install a bike lane without moving kerbs. The footpath remains separate and is located adjacent to property boundaries, with a separator (such as plantings or grassed strip) between the two. They offer a higher level of physical separation and safety. Dedicated cycleways can be either one-way pairs or bidirectional. Figure 9 is another Sydney example, noting the kerb and drainage difference from the previous Figure 8.



Figure 9 Bidirectional cycle lane (Bourke Street, Sydney)

Source: SydneyCycleways

## 1.5 Off-road – shared path

Shared paths are dedicated off-road infrastructure for pedestrians and cyclists. Cyclists are not the dominant mode, and are expected to share the space with pedestrians. Shared paths should be a minimum of 2.5m, ideally 3m in width. They can be sealed with bitumen, concreted, or made of compacted gravel. In all cases, they should be smooth and without tripping hazards and provide easy access for wheeled vehicles (e.g., bikes, mobility aids, shopping jeeps, etc).

There are a large number of walking paths within Kingborough which are potentially very useful for people on bikes and should be reviewed for upgrades for cyclists. In some cases, walking paths have steps or stairs. In order to accommodate bikes, troughing should be installed on one side of the steps, allowing bikes to be wheeled up or down. Figure 10 is an example from Kingston.



Figure 10 Shared path in Kingston

### 1.5.1 Shared path design principles

- Shared paths should be a minimum of 2.5 metres wide. Where use of the shared path by pedestrians and cyclists is higher, a width of 3 metres is desired.
- Shared paths should go on the side of the road that permits the desired width.
- If both sides permit the desired width, shared paths should go on the side which connects to the greatest number of other cycling or cyclable routes.
- Shared paths, where possible, should avoid running out the front of shops, to minimise conflict with other users.



- Shared paths, where possible, should run to the front of schools.
- Shared paths, where possible, should go on the side of the road which has the least driveways.
- Shared paths should avoid crossing from one side of the road to the other.
- Shared paths should avoid bollards and fenced barriers, as these pose a safety hazard.

## 1.6 Crossings

Dedicated cycling infrastructure often intersects with other parts of the road network, from local streets to large highways. There are several ways to accommodate cycling safely across the intersection, depending on the relative importance of the intersecting road and the desired level of safety for cyclists.

### 1.6.1 Refuge islands

Refuge islands provide a central waiting area in the middle of a road. The islands are often constructed out of concrete, providing protection from vehicle lanes. Refuge islands may be used where the cycleway intersects with a major road but where signalised crossing is not desired, due to low cycling and / or traffic volumes. Figure 11 provides an example of a refuge island, with pram ramps on each side leading back to the footpath.



Figure 11 Refuge Island

### 1.6.2 Continuous footpaths

Continuous footpaths are a design that maintains the footpath height and material across a side street. It maintains priority for pedestrians and bike riders. This type of intersection is ideally used where a footpath or protected cycle lane intersects with a local or residential street. Figure 12 shows an example that includes continuous footpath and separate cycle lanes.



Figure 12 Continuous footpaths

### 1.6.3 Wombat crossings

Wombat crossings, also known as raised zebra crossings, provide a safe mid-block crossing over a local, or collector road. They are appropriate where traffic speed is 50km/h or less and is located on a local or collector road, or is located within an activity centre. Wombat crossings can be used to provide safe crossings at roundabouts and other unsignalised intersections. Figure 13 shows a wombat crossing in Melbourne.



Figure 13 Wombat crossing

#### 1.6.4 Signalised crossings

Signalised crossings use traffic lights to manage traffic movements and safe pedestrian and bike rider crossings. They are most appropriate where traffic speeds and / or traffic volumes are too high to safely install a wombat crossing, or the area where crossing is desired is too complex or dangerous. Signalised crossings can provide separate pedestrian and cycling waiting zones, as shown in Figure 14.



**Figure 14 Signalised pedestrian crossing**

Source: nzta.govt.nz

## 2. Data analysis





## 2.1 Study area and population density

Figure 15 shows a zoomed-in view of the major population and employment areas in Kingborough. The new residential estates are also shown in the south-western edge of the built-up area.

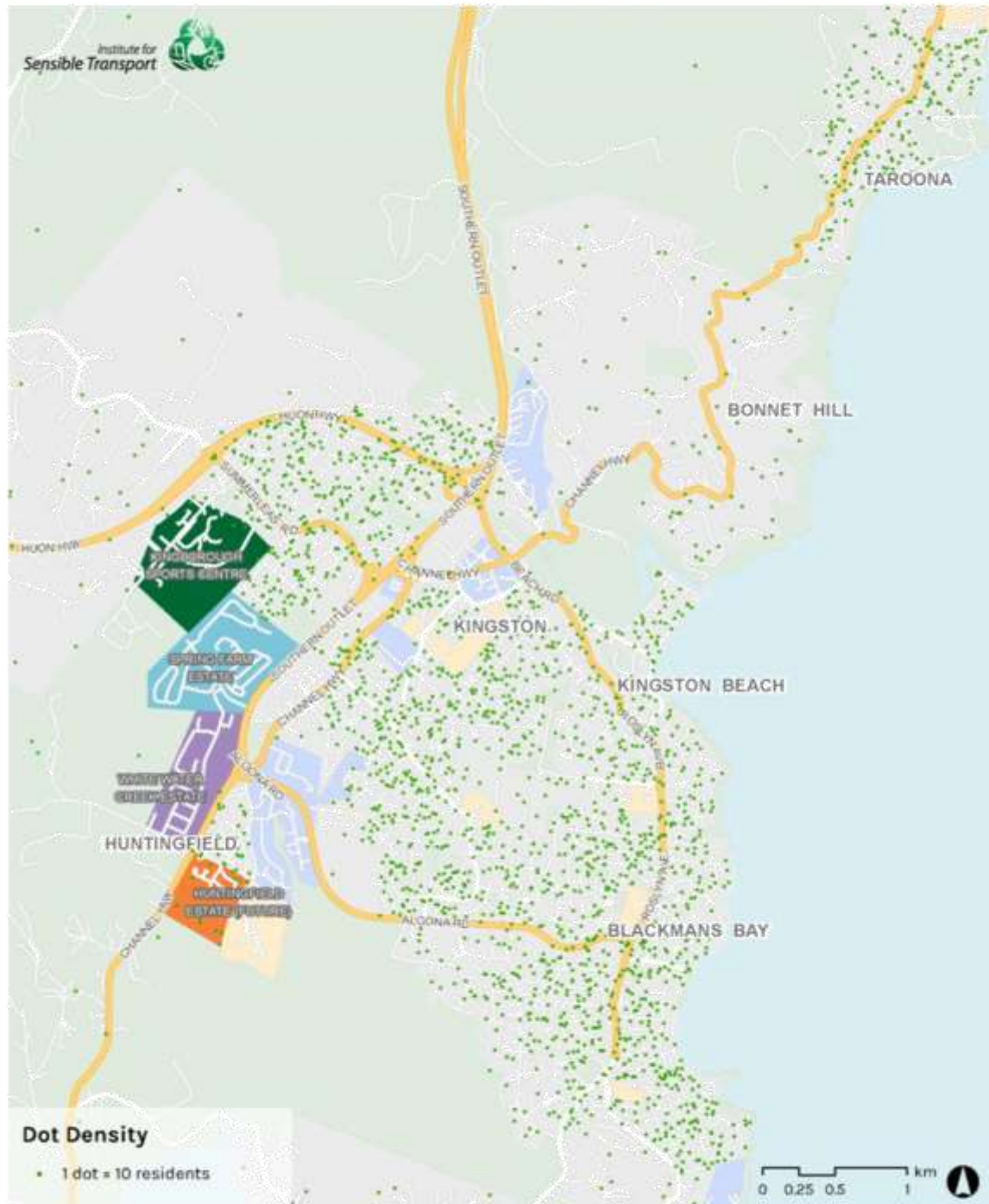


Figure 15 Study area - Built up area

## 2.2 Land use

Kingborough has a land use structure similar to other parts of Australia. It has a retail and civic CBD area with dispersed, low rise housing residential areas. Several light industrial and commercial precincts exist, separate again from the retail and civic area. For the next 10 years the growth priority areas for Kingborough are Spring Farm, Whitewater Park, Huntingfield and Kingston CBD.

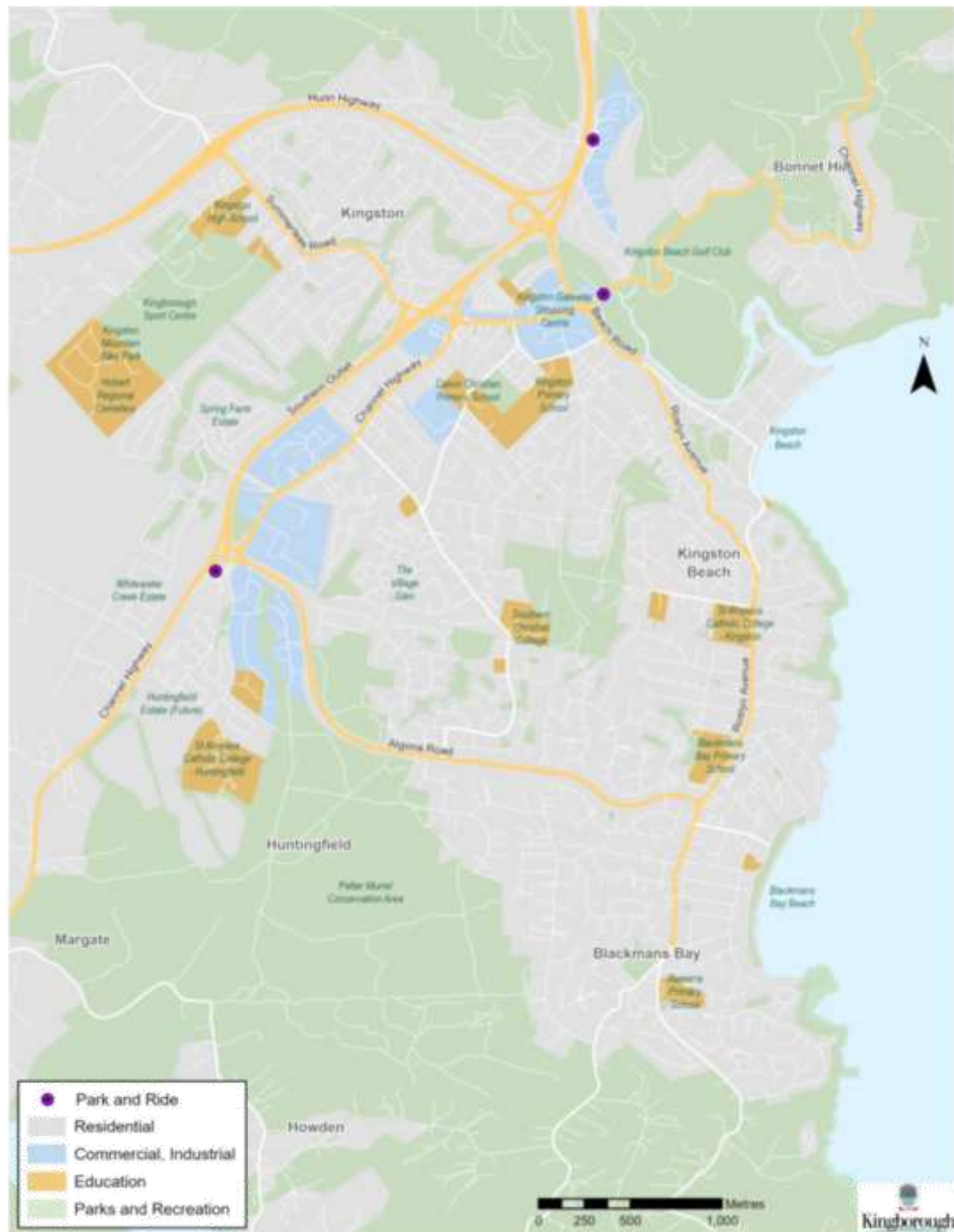


Figure 16 Population density - Built up area

## 2.3 Journey to work

The *Journey to work* is the most comprehensive dataset of travel movements in Australia, as it is the only transport question included in the Census. We have examined journey to work data collected from the Census to better understand existing travel patterns and the potential for transferring short car trips to cycling.

Our team have interrogated the data available for Kingborough to produce the two graphs shown in Figure 17. The graph on the left is for all work trips (of any distance). It shows that almost 90% of all residents of Kingborough who travel to work do so in a motor vehicle. The most pertinent finding for the Cycling Strategy is that 86% of Kingborough residents drive even when the trip is 5km or less.

One-third of people who live in Kingborough work in Kingborough, while almost half of Kingborough residents work in Hobart.

For people that work in Kingborough, almost two-thirds of them also live in Kingborough.

Approximately 20% of trips to work to Kingborough are 3km or less. About one-third of commutes are 5km or less.

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**According to the Census, 9 in 10 Kingborough residents travel to work by car, and for trips 5km or less, 86% drive.**

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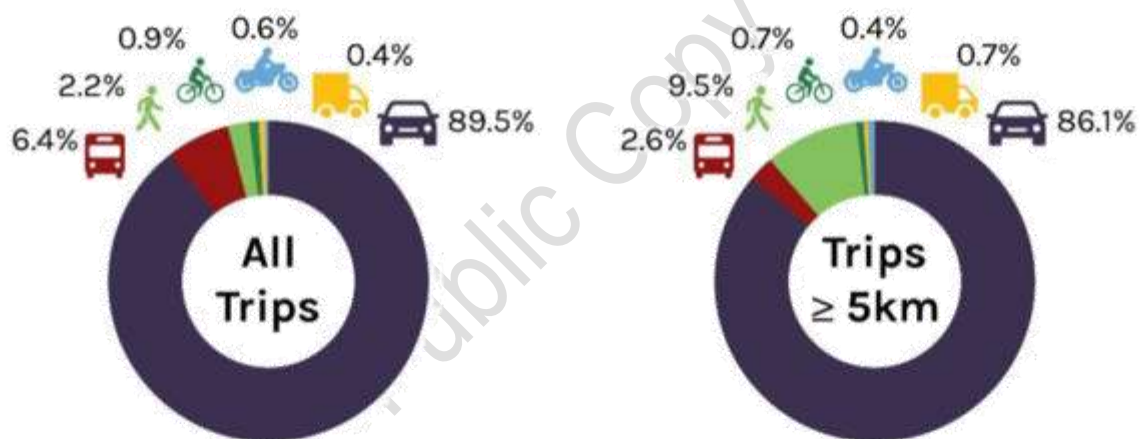


Figure 17 Journey to work for Kingborough residents

Source: ABS Census

## 2.5 Travel diary

Travel survey data for Kingborough is available via the *2019 Greater Hobart Household Survey of Travel*. Using sample surveys, travel profiles can be constructed for all Councils within Greater Hobart. It provides details regarding mode share for different trip purposes, movement between different Council areas, and how people move throughout the day.

### 2.5.1 Trips per day

Figure 18 shows the total number of trips taken per day in Kingborough. It shows an average of 3.5 trips per person per day. Kingborough residents spend approximately 1 hour a day travelling, covering 31 km.

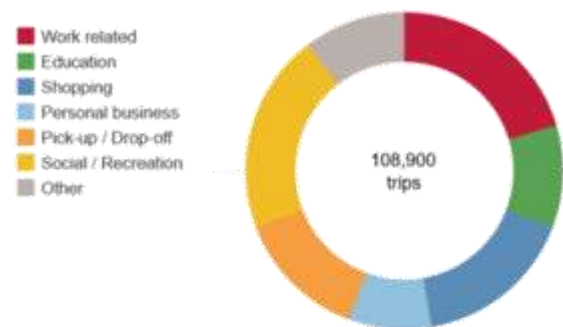


**Figure 18 Trips per day, Kingborough**

Source: Department of State Growth (2019)

### 2.5.2 Trip Purpose

Figure 19 shows the breakdown in trip purposes for residents of Kingborough. Approximately 20% of all trips are work-related. Education trips constitute 10%, shopping 16%, personal business 8%, pick-up/drop-off 14%, social/recreation 21%, and 10% for other trip purposes.



**Figure 19 Trip Purpose, Kingborough**

Source: Department of State Growth (2019)

This highlights the importance of better understanding non-work travel patterns and behaviour, as they constitute most trips on the transport system.

### 2.5.3 Mode Share

Figure 20 shows the breakdown in mode share for all trip purposes in Kingborough. Private cars make up most trips and kilometres travelled, however active transport (walking and bike riding) constitute 16% of all trips.



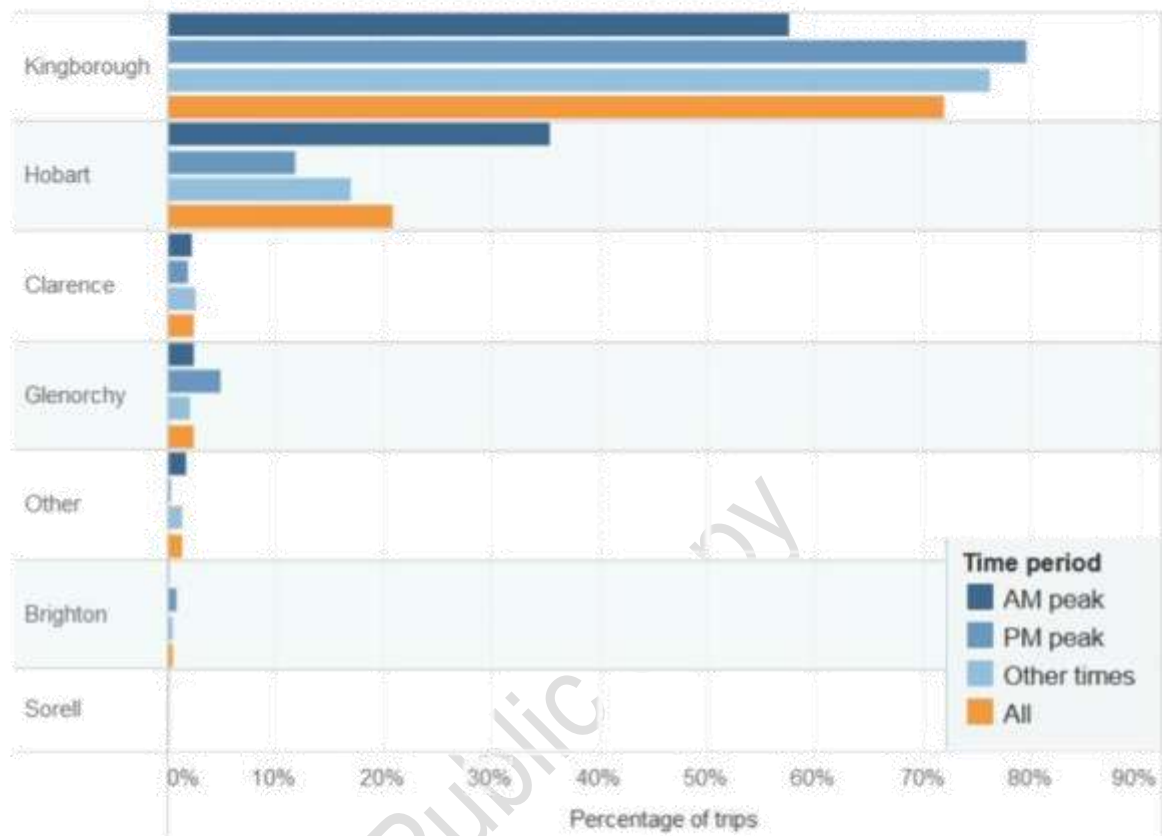
**Figure 20 Mode Share for all trips, Kingborough**

Source: Department of State Growth (2019)



## 2.5.4 Destinations

Figure 21 shows the destinations for trips that originated in Kingborough. The vast majority of trips that start in Kingborough also finish in Kingborough, for all times of the day. One-third of AM trips end in Hobart and 20% in the PM. Only a small proportion of trips finish in other Council areas.



**Figure 21 Destinations of trips starting in Kingborough**

Source: Department of State Growth (2019)



## 2.6 Crash statistics

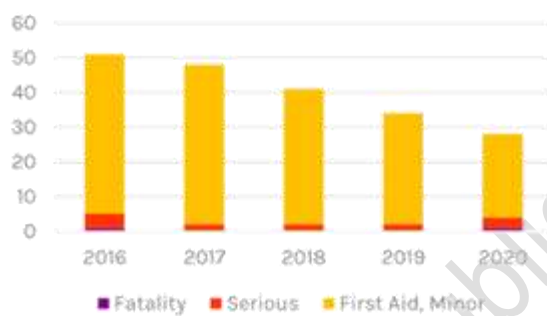
Table 1 shows the location and severity of crashes within the broader Kingston area between 2016 – 2020.

### *Broader Kingston Area*

There were a total of 1,005 crashes recorded during the five-year period, including two fatalities, 21 serious injuries (requiring hospital admission), and 219 'other' or minor injury crashes (see Figure 25).

Excluding property damage and unknown crashes there is a downwards trend of injuries in the last five years (see Figure 22).

Crashes resulting in property damage totalled 763. Crashes were concentrated along the main arterial roads and highways and within the Kingston CBD area.



**Figure 22 Crash injuries within Broader Kingston in the last five years**

### Cycling Crashes

Figure 23 identifies the police reported crashes involving cyclists that have taken place in the past five years, that were reported to police. This included four serious injuries and 26 'other' or minor injury crashes. No fatalities were recorded involving a cyclist. There is a cluster of crashes on the Channel Highway within the Kingston CBD and around the intersection of Algona Road and the Channel Highway.

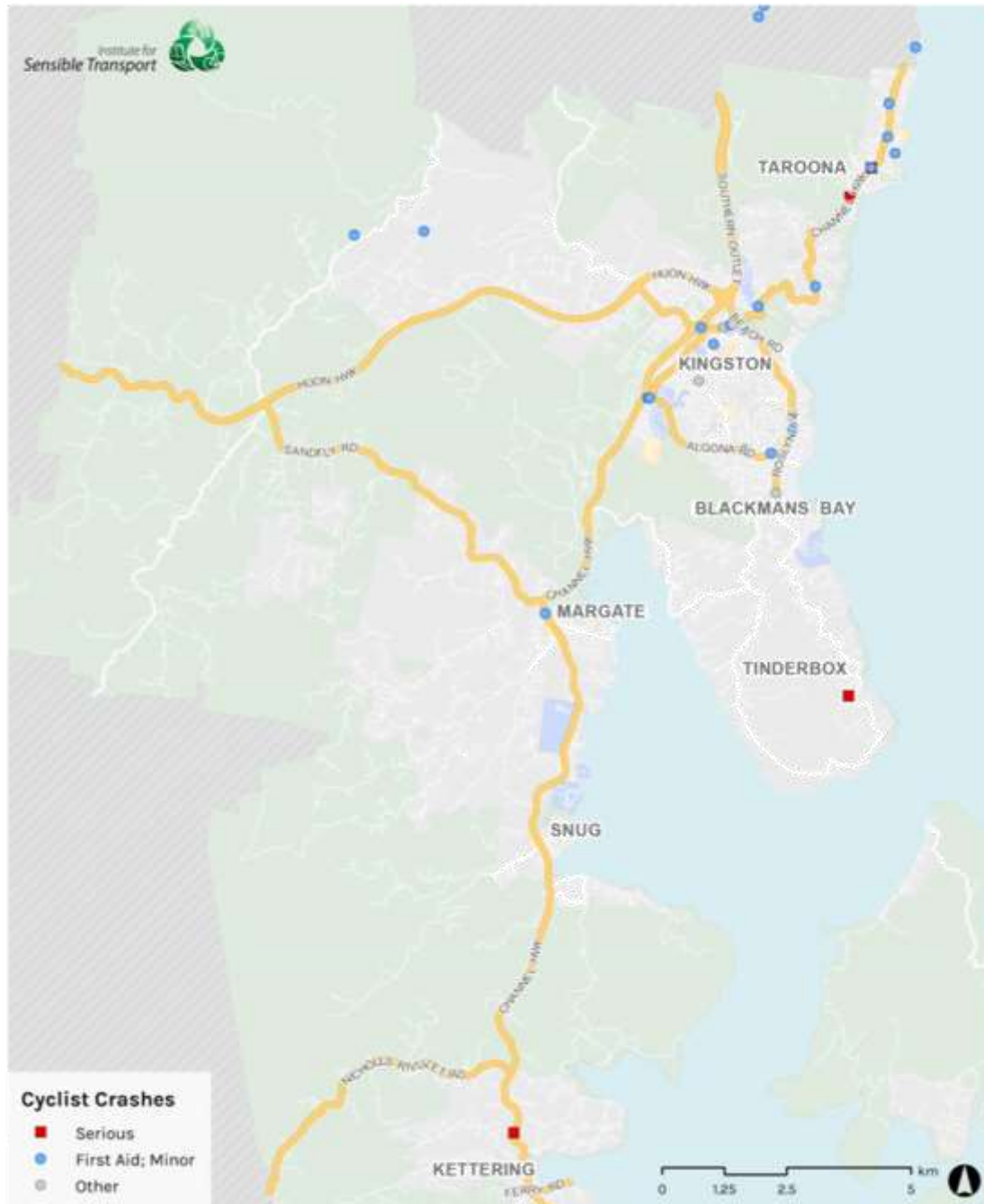


Figure 23 Cycling crashes, Kingborough

Source: Tasmanian Government

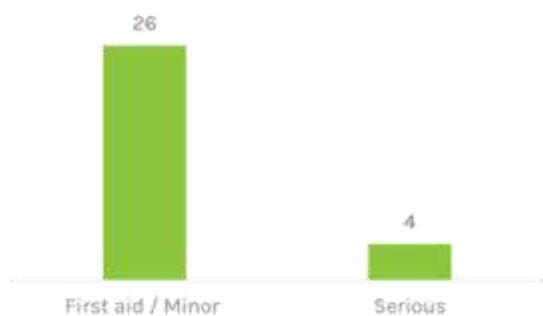


Figure 24 Cycling crash injuries within Kingborough in the last 5 years

Crashes 2016 - 2020	Broader Kingston Area	Kingston CBD Area
Fatalities	2	1
Serious	21	3
First Aid; Minor	219	71
Property Damage; Not	763	388
Total	1,005	463

Table 1 Crashes in last five years

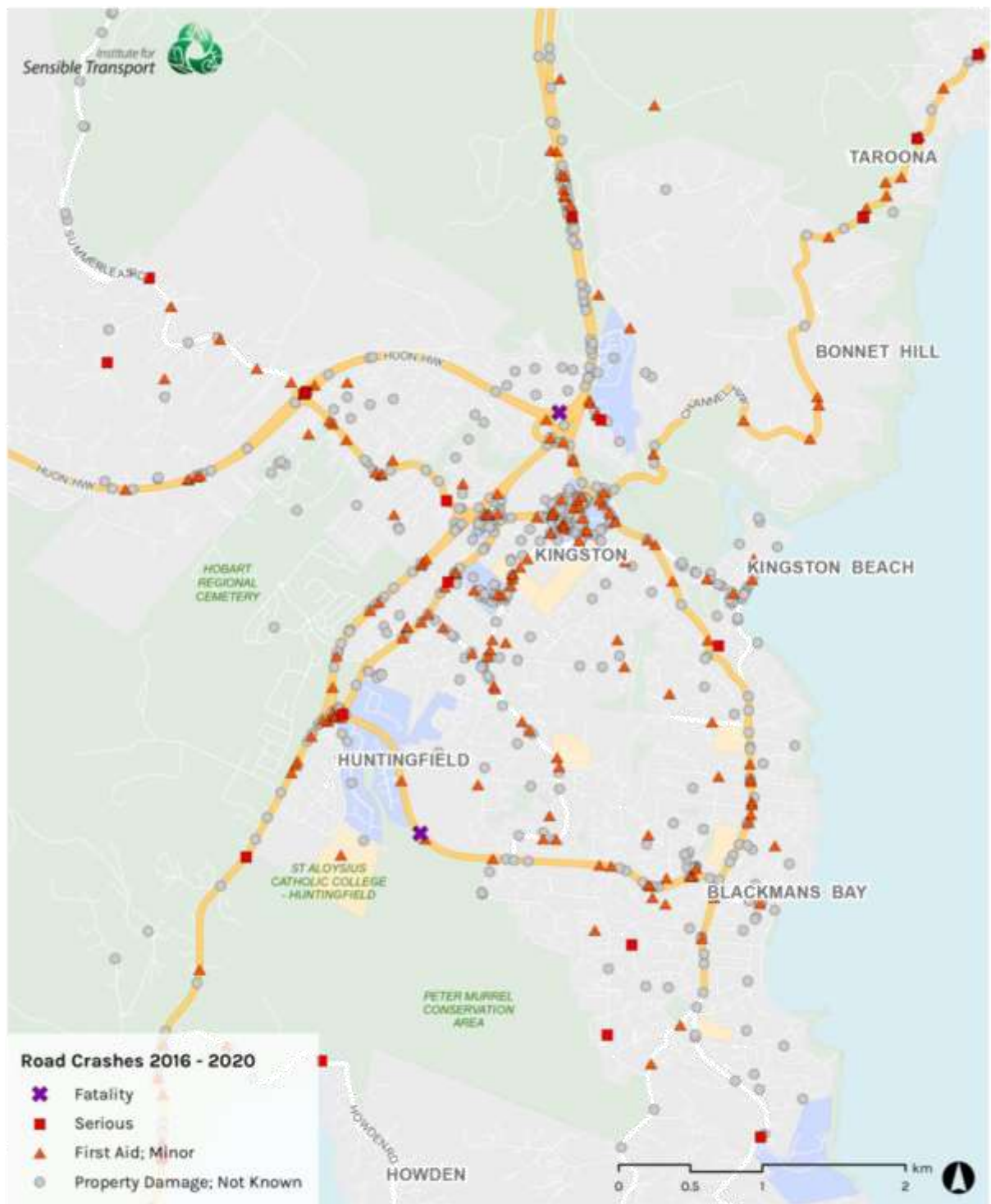


Figure 25 Crashes by severity, Broader Kingston Area





## 2.8 Bike use propensity index

High quality bicycle infrastructure in built up areas can be expensive and government budgets are limited. It is therefore important, when planning a future cycling network, to determine spatial variation in the latent demand for cycling. Through peer reviewed research, a number of Census collected variables have been isolated, in order to provide a heat map of latent demand for cycling, known as the *Bike Use Propensity Index*.

The Institute for Sensible Transport developed the Bike Use Propensity Index to identify spatial differences in latent demand for cycling in a city or region. The Index is based on eight Census collected variables that are statistically significant predictors of bike use (see Fishman, Washington, Haworth, & Watson, 2015). In sum, these maps provide a clear illustration of the spatial variation in propensity to cycle in Kingborough.

The Propensity Index can help guide areas for future investment in cycling infrastructure by identifying the areas where the greatest uptake in cycling is likely to occur. Actions focusing on high propensity areas are likely to include infrastructure projects, but should also consider behaviour change initiatives and other support programs to encourage greater cycling uptake.

### 2.8.1 Methodology

The Bike Use Propensity Index combines eight variables, all of which are collected as part of the ABS Census. The statistical basis for the Index was developed through the collection of data on riding behaviour and demographic factors. This data was analysed using binary logistic regression in SPSS and STATA. The results, published in Transportation Research Part A (see Fishman, Washington, Haworth, & Watson, 2015) revealed that there are some statistically significant factors for propensity to cycle.

The data that forms the basis of the Index is collected from the following variables, derived directly from the 2016 Census:

1. Residential population density, measured as people per hectare
2. Employment density measured as number of people working per hectare.
3. Density of young adults measured as number of people aged 18 – 34 per hectare.
4. Low motor vehicle ownership measured as number of households with zero or one cars per hectare.
5. Bicycle use - origin measured as number of people riding to work per hectare.
6. Bicycle use - destination measured as number of people riding to work per hectare (weighted x3).
7. City-based employment - people who work within the Hobart CBD SA2 per hectare (weighted x3).
8. Short car trips- destination measured as number of people driving to work between 0 and 5 km per hectare.

The Bike Use Propensity Index has been designed to show the variation in the relative propensity to cycle, at the highest possible level of spatial detail.

The Index contains more residential-oriented variables than it does employment, or destination, variables. To ensure that employment rich areas that have comparatively lower residential populations are not undervalued, such as the Kingston CBD, the employment variables in the index have been weighted by a factor of 3. Doing this helps ensure important bike destinations, such as employment hubs, are adequately considered in the Index.

Geographic areas that rank in the bottom quintile receive a score of 0.2 for that attribute, while those in the top quintile receive 1.0, as shown in Table 2. The mapped values are aggregates of the attributes' scores.

**Table 2 Ranking system and Index categories**

Quintile	Index Score
5	1.0
4	0.8
3	0.6
2	0.4
1	0.2

It is also important to recognise that SAI's that receive very high Index scores will have scored highly across all the variables included in the Index. In almost all cases, an SAI that scores above 4.5 (out of 5) will have been in the top quintile in at least five variables.

## 2.8.2 Index Creation - Maps

We have used ArcGIS to create individual maps. Each of these maps provide a visual illustration of variation in propensity to cycle, based on the eight factors identified above.

In each of these maps, the Propensity Index has been recalculated. This means that in each map, SAI's can only be compared to other SAI, *in that map*. Scores cannot be compared across maps.

## 2.8.3 Results

The results for Kingborough's Bike Use Propensity Index are shown in Figure 27. The Kingston and Blackmans Bay areas have the highest levels of latent demand for bike riding. In particular, Firthside and Kingston between the Southern Outlet and Huon Highway were highest, as was Kingston Beach.

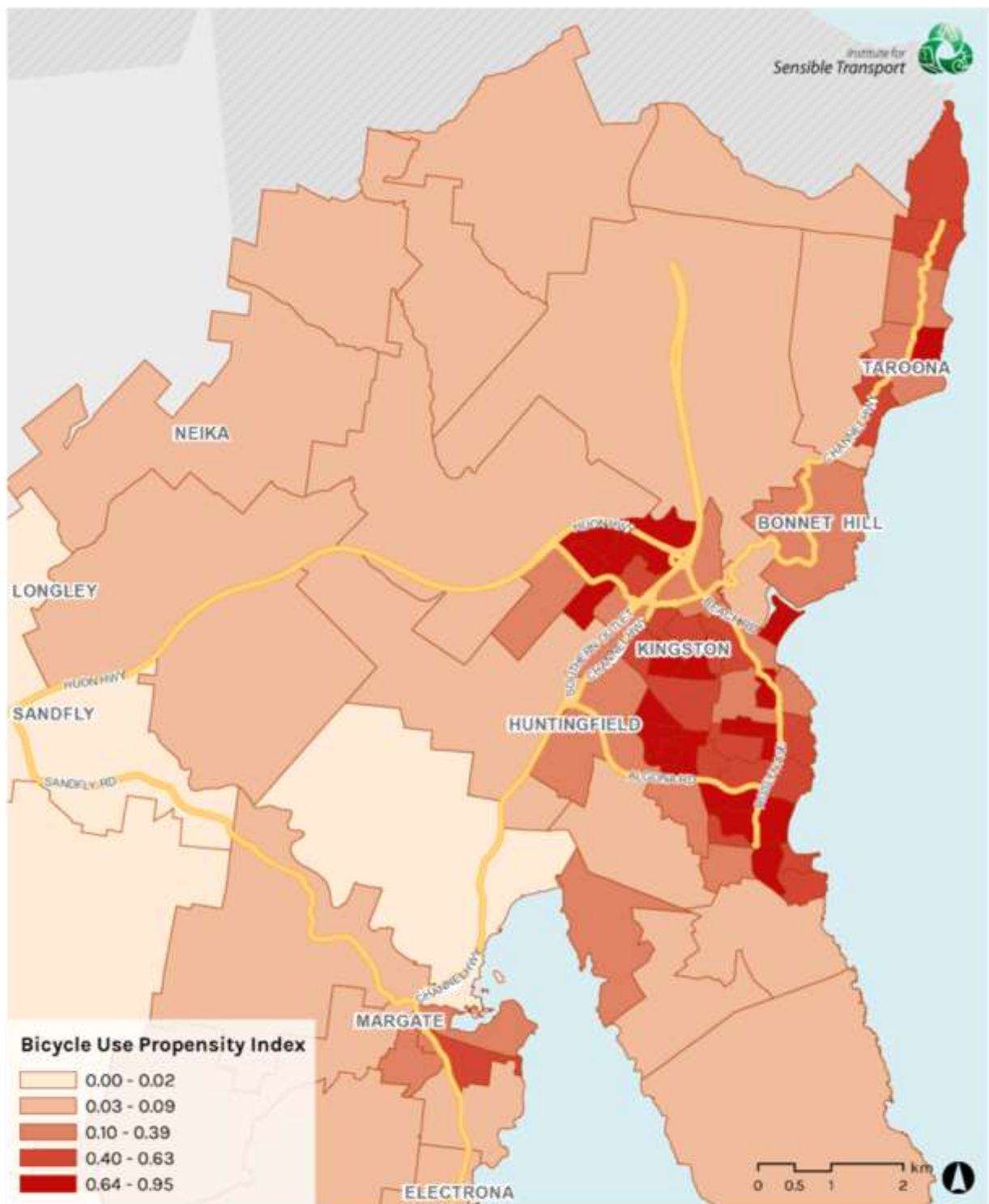
Blackmans Bay, particularly south of Algona Road, also scored in the top quintile, as did the residential area surrounding Hawthorn Reserve and Southern Christian College.

The Kingston CBD was ranked in the middle quintile. This is likely due to almost no residential population living within the CBD.

## 2.8.4 Implications

The Propensity Index has been used to help guide proposed infrastructure/network design. Areas that have a high latent demand for cycling have been prioritised, as they are likely to generate more cycling activities than areas of low cycling propensity.

The bicycle infrastructure opportunities will include how different bike infrastructure typologies (e.g. painted bike lane, separated bike lane) can be used to maximise the appeal of cycling, especially in those areas of Kingborough with higher latent demand.



**Figure 27 Kingborough Bike Use Propensity Index**

Nb. This only provides analysis for adult transport cycling. Recreation, cycle to school for children, and other bike riding propensity may differ and insufficient data is available to integrate non-commute cycling.

## **16.2 POLICY 3.7 PURCHASING POLICY AND 3.12 CODE FOR TENDERS AND CONTRACTS**

**File Number:** 12.85 12.136

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**Authoriser:** John Breen, Chief Financial Officer

### **Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.  
Strategic Outcome: 2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population.  
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 To consider updating Policy 3.7 – Purchasing Policy and Policy 3.12 – Code for Tenders and Contracts with the changes detailed within this report.

### **2. BACKGROUND**

- 2.1 Council's Purchasing Policy covers procurement of goods and services of any value, including market testing and approval authorities. The Code for Tenders and Contracts is restricted to public tendering and contract formation requirements for procurement of goods and services exceeding the Prescribed Amount
- 2.2 Council's current published Purchasing Policy and Code for Tenders and Contracts were adopted in January 2020 (Minute C85/2-2020) and were due for review in January 2022.
- 2.3 The Local Government Association of Tasmania (LGAT) released a model code for the Code for Tenders and Contracts in November 2021.

### **3. STATUTORY REQUIREMENTS**

- 3.1 The *Local Government Act 1993* and *Local Government (General) Regulations 2015* set an amount above which councils are required to seek public tenders, prescribe certain situations where the public tenders are not required, and require councils to adopt a Code for Tenders and Contracts setting out how public tenders will be managed.
- 3.2 There are no explicit legislative requirements for Council to adopt a Purchasing Policy, however a number of legislative obligations apply to Purchasing activities and are best articulated through a specific Purchasing Policy. Council's Purchasing Policy (existing and updated) include some legislated Code for Tenders and Contracts requirements that better align with the content of the Purchasing Policy which generally addresses lower value/lower risk purchases.

### **4. DISCUSSION**

- 4.1 Alignment of the Code for Tenders and Contracts with the LGAT model code has increased the overall size of the revised policy and the document should be best viewed as a completely new policy due to the additional clauses contained within this revision,

which directly reflects the wording of the Regulations. As a result, tracked changes for this policy have not been included with this agenda item.

4.2 Changes made to the Code for Tenders and Contracts, in addition to applying the LGAT Model Code, include the following:-

- 4.2.1 Adding a definition of “Value for Money” which was absent from the current policy.
- 4.2.2 Deleting the section called “Common-use Contract Register” as it was not referred to in the Regulations and was essentially the same as a Multiple-use Register.
- 4.2.3 Clarifying that Multiple-use Registers were subject to the full procurement procedures, including open public tendering, reporting to Council and Annual Statutory Reporting where the total procurement value for that category of work exceeds the statutory limits of \$100,000 (Reg 29(3)) and \$250,000 (Regs 23 and 29(1)). Suppliers falling into this category will also be required to enter in term contracts with Council for the supply at their tendered rates.
- 4.2.4 Stating that non-conforming tenders would only be considered where a fully conforming tender is also submitted.
- 4.2.5 Requiring the parties to a tender to respect copyright and intellectual property.
- 4.2.6 Requiring that for High Value/High Risk procurements that a project plan and risk assessment be prepared as part of the procurement process.
- 4.2.7 Requiring that the procurement process be fully documented to meet the requirements of the Archives Act.

4.3 Fewer changes have been made to the Purchasing Policy, but the key differences are:-

- 4.3.1 Adding a definition of “Value for Money” which was absent from the current policy.
- 4.3.2 Providing for debriefing of unsuccessful suppliers for purchases below the Prescribed Amount of \$250,000.
- 4.3.3 Clarifying that the General Manager’s delegated authority to dispense with public tenders only applies to emergency situations as set out in Regulation 27(a).
- 4.3.4 Tracked changes for this policy are included as part of this agenda item.

## **5. FINANCE**

- 5.1 The changes included in the updated Purchasing Policy and Code for Tenders and Contracts are not expected to have any adverse impacts on adopted estimates.

## **6. ENVIRONMENT**

- 6.1 No environmental impacts arising from the recommended changes have been identified.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 Members of Council’s Executive Management Team have been involved in the review of the two policies.



- 7.2 LGAT has also provided some assistance and feedback.
- 7.3 The updated Purchasing Policy and Code for Tenders and Contracts, once adopted by Council, will be made available to the public through Council's website to replace the current versions.
- 7.4 Council staff involved in procurement will be informed about the changes through normal communications channels. It is anticipated that there will be a need for some informal training due to staff turnover and the changes proposed to both policies.

## **8. RISK**

- 8.1 The changes made in the recommended Purchasing Policy and Code for Tenders and Contracts will not increase any risks to Council, and in fact are expected to clarify potential areas of confusion, as well as improving compliance with the Regulations.

## **9. CONCLUSION**

- 9.1 The recommended changes introduce refinements intended to continuously improve Council's purchasing policies and procedures.

## **10. RECOMMENDATION**

That Council adopts the updated Purchasing Policy 3.7 and the updated Code for Tenders and Contracts Policy 3.12.

## **ATTACHMENTS**

1. Existing Policy 3.7 - Purchasing Policy with Track Changes
2. Updated Policy 3.7 - Purchasing Policy for Approval
3. Updated Policy 3.12 - Code for Tenders and Contracts for approval

## EXISTING POLICY WITH TRACK CHANGES



Policy No: 3.7

Approved by Council:

Next Review Date:

Responsible Officer: Chief Financial Officer

Minute No: TBA

ECM File No: 12.85

Version: 0

Purchasing Policy	
POLICY STATEMENT	<p>1.1 Kingborough Council is committed to implementing efficient, effective and sustainable procedures in all purchasing activities.</p> <p>1.2 The purpose of this policy is to set out a framework for <del>all the</del> purchasing of goods and services by Council.</p>
DEFINITIONS	<p>2.1 <b>Act</b> is the Local Government Act 1993 (Tasmania).</p> <p>2.2 <b>Amount</b> is the actual price, or a genuine forecast of the actual price based on quotations or tenders, (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity. Note: The <i>Amount</i> replaces the <i>Value</i> once market testing has been completed.</p> <p>2.3 <b>Authorised Purchasing Officer</b> is a Council employee authorised under clause <del>45.8(d)</del> to approve a purchase order or contract.</p> <p>2.4 <b>Authorised Payment Officer</b> is the officer authorised under clause <del>45.9(b)</del> to approve an invoice or payment.</p> <p>2.5 <b>Evaluation Team</b> is the team established under clause <del>45.7</del> of this policy.</p> <p>2.6 <b>Higher Risk</b> purchases are goods or services that are outside the definition of <i>Lower Risk</i> purchases.</p> <p>2.7 <b>Local Supplier</b> means a supplier <del>both</del> having <del>both</del> a business premises within Kingborough Municipality and liable for payment of rates to Kingborough Council.</p> <p>2.8 <b>Lower Risk</b> purchases are standard goods or services that are repetitively provided by the supplier, typically "off the shelf" goods including catalogued options. Services involving construction or installation work performed on Council premises are not <i>Lower Risk</i>.</p> <p>2.9 <b>Prescribed Amount</b> is the amount (excluding GST) referred in section 333A of the <i>Act</i> and described in regulation 23 of the <i>Regulations</i>.</p> <p>2.10 <b>Regulations</b> are the Local Government (General) Regulations 2015 (Tasmania).</p> <p>2.11 <b>Value</b> means a genuine pre-estimate of the likely market price (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.</p> <p><u>2.12 <b>Value for Money</b> means the combination of the Amount and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council.</u></p>
OBJECTIVE	<p>3.1 The objectives of this Purchasing Policy are to achieve the following principles in Council's purchasing:</p> <ul style="list-style-type: none"> <li>a) Goods and services are obtained at the best <del>value</del> achievable <b>Value for Money</b> for Council, taking into consideration factors such as price, quality and availability;</li> <li>b) Goods and services are suitable for their intended purpose and are received in a timely manner;</li> </ul>

	<p>c) Prospective suppliers are provided with reasonable opportunities to compete for supply of goods or services to Council, without incurring excessive costs to submit quotations or tenders;</p> <p>d) Activities are conducted ethically and fairly; and</p> <p>e) <i>Local Suppliers</i> are encouraged to compete to provide goods and services and are not disadvantaged by Council's purchasing methods.</p> <p>e)f) <u>Unsuccessful suppliers will be provided with the opportunity for debriefing and feedback on their tenders.</u></p>
SCOPE	<p>4.1 This Policy applies to all purchasing activities carried out for Council, including those carried out by external parties on behalf of Council.</p> <p>4.2 This Policy identifies situations where public tenders are required and the minimum requirements for purchasing activities that are not subject to public tendering.</p> <p>4.3 The manner in which public tenders will be sought, evaluated and contracts awarded is covered by the Code for Tenders and Contracts. To the extent that any detail within the Code for Tenders and Contracts differs from this Policy, the details in the Code for Tenders and Contracts take precedence.</p> <p>4.4 This Policy expands the detail from the Delegated Authority Policy <u>(Policy No. 1.1)</u> in regard to committing expenditure and approving payments. To the extent that any detail within this Policy differs from the Delegated Authority Policy <u>(Policy No. 1.1)</u>, the details in this Policy take precedence.</p>
PROCEDURE (POLICY DETAIL)	<p>5.1 Goods or services will be purchased in conformity with the <i>Act, Regulations</i>, this Policy <del>and</del>, the Code for Tenders and Contracts, <u>and the Purchasing Delegated Authority Register</u> current at commencement of procurement planning for those goods or services.</p> <p>5.2 Goods or services with a Value at or above the <i>Prescribed Amount</i> will be obtained by:</p> <p>a) Inviting public tenders where required by Regulation 23 of the <i>Regulations</i>;</p> <p>b) Any permitted means where an exemption is <u>permitted provided for</u> under Regulation 27 of the <i>Regulations</i>.</p> <p>The invitation of public tenders is not <u>precluded required</u> where Regulation 27(a) applies if public tenders are determined by the General Manager to best satisfy Council's purchasing objectives <u>in the case of an emergency</u>.</p> <p>5.3 The General Manager will report to Council in all instances where public tenders or quotations are not being sought for purchases above the <i>Prescribed Amount</i> as required by Regulation 28(j). The following minimum information will be included in the report to Council:</p> <p>a) a brief description of the reason for not inviting public tenders or quotations;</p> <p>b) a brief description of the goods or services;</p> <p>c) the estimated Value of the goods or services; and</p> <p>d) the name of the (recommended) supplier.</p> <p>Except in the case of an emergency the report will form part of the normal authority to approve purchases process. In the event of purchasing commitments being made in an emergency, the report will be provided to the first ordinary meeting of Council after the emergency has concluded.</p> <p>5.4 The Code for Tenders and Contracts will apply where public tenders are invited, unless an alternative approach is approved. For goods or services with a Value below the <i>Prescribed Amount</i> the alternative approach may be approved by the General Manager, otherwise approval by Council is required.</p>



	<p>5.5 Where the Code for Tenders and Contracts does not apply to a particular tender this will be clearly stated in the Tender Package.</p> <p>5.6 Goods or services with a Value below the <i>Prescribed Amount</i> require the minimum number of quotations below, except where exemptions are authorised as clause <del>45.6</del>(f):</p> <ul style="list-style-type: none"> <li>a) Obtaining quotations is at the discretion of the <i>Authorised Purchasing Officer</i>, with no minimum requirement, for purchases to a Value of \$1,000;</li> <li>b) At least 1 verbal quotation is required for purchases with a Value between \$1,001 and \$5,000;</li> <li>c) At least 2 written quotations, or 2 verbal quotations obtained from a written request, are required for <i>Lower Risk</i> purchases with a Value between \$5,001 and \$30,000;</li> <li>d) At least 2 written quotations are required for <i>Higher Risk</i> purchases with a Value between \$5,001 and \$30,000;</li> <li>e) At least 3 written quotations are required for purchases with a Value between \$30,001 and the <i>Prescribed Amount</i>;</li> <li>f) Exemptions from the minimum requirements of clauses <del>45.6</del>(b) to (e) can be authorised by the General Manager, or for purchases up to a Value of \$30,000 by a manager directly reporting to the General Manager.</li> <li>g) A higher number of quotations may be sought, or public tenders invited, where assessed as necessary to satisfy Council's purchasing objectives.</li> </ul> <p>5.7 An <i>Evaluation Team</i> will be convened for all purchases with a Value above \$100,000. The <i>Evaluation Team</i> may be different for each purchase and will comprise not less than 3 persons jointly:</p> <ul style="list-style-type: none"> <li>a) Providing knowledge of both technical and commercial aspects of the purchase; and</li> <li>b) From at least two different Council Departments.</li> </ul> <p>The <i>Evaluation Team</i> will prepare a written summary of the evaluation method, criteria, allocated scores and recommended supplier.</p> <p>5.8 Authority to Approve <del>Purchases</del><u>Tenders and Quotations</u>:</p> <ul style="list-style-type: none"> <li>a) Acceptance of tenders and quotations for the purchase of goods or services at or above the <i>Prescribed Amount</i> must be approved by Council.</li> <li>b) The General Manager is authorised to accept tenders and quotations for the purchase of goods or services at or above \$100,000 and below the <i>Prescribed Amount</i> taking into account the recommendation from the <i>Evaluation Team</i>. The General Manager will retain a written record of the reasons if the recommendation from the <i>Evaluation Team</i> is not accepted.</li> <li>c) The General Manager is authorised to approve purchases of goods or services below \$100,000, after determining that appropriate processes have been followed.</li> <li>d) The General Manager is permitted to appoint <i>Authorised Purchasing Officers</i> who are then authorised, to an <i>Amount</i> set by the General Manager but not exceeding \$100,000, to determine that appropriate processes have been followed and to approve <del>purchases of goods or services.</del><u>Tenders and Quotations.</u></li> </ul> <p>5.9 Authority to Approve Payments:</p> <ul style="list-style-type: none"> <li>a) The General Manager is authorised to approve payment for supply of goods or services for any <i>Amount</i> provided that the purchase was approved according to clause <del>45</del>.8.</li> </ul>
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	<p>b) The General Manager is permitted to appoint <i>Authorised Payment Officers</i> who are then authorised, to an <i>Amount</i> set by the General Manager but not exceeding the <i>Prescribed Amount</i>, for each authorised payment, to determine that the payment is due and to approve payment for goods or services, provided that the purchase has been approved under clause <a href="#">45.8</a>.</p> <p>c) <i>Authorised Payment Officers</i> cannot approve payment if the purchase has not been approved under clause <a href="#">45.8</a> unless the approver is an <i>Authorised Purchasing Officer</i> for the total <i>Amount</i> of goods or services arising from the purchasing commitment.</p> <p>5.10 The General Manager will establish and maintain registers of:</p> <p>a) <i>Authorised Purchasing Officers</i>;</p> <p>b) <i>Authorised Payment Officers</i>.</p> <p>5.11 The General Manager will establish and maintain procedures for implementing this Policy for:</p> <p>a) Conducting purchasing activities where the <i>Value</i> is at or above the <i>Prescribed Amount</i>;</p> <p>b) Conducting purchasing activities where the <i>Value</i> is below the <i>Prescribed Amount</i>;</p> <p>c) Annual reporting in relation to tenders and contracts as required by the <i>Act</i> and <i>Regulations</i>.</p>
<b>GUIDELINES</b>	6. Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.
<b>COMMUNICATION</b>	7. This Policy will be published on Council's internet and intranet sites.
<b>LEGISLATION</b>	<p>8.1 Section 333A of the <i>Local Government Act 1993</i> and Regulations 23 to 26 of the <i>Local Government (General) Regulations 2015</i> determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a <i>Prescribed Amount</i>.</p> <p>8.2 Note: The <i>Prescribed Amount</i> under the 2015 <i>Regulations</i> is <a href="#">currently</a> \$250,000 (excluding GST).</p> <p>8.3 Section 333A of the <i>Act</i> and Regulation 27 of the <i>Regulations</i> prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.</p> <p>8.4 Section 333B of the <i>Act</i> and Regulation 28 of the <i>Regulations</i> <del>require</del><a href="#">requires</a> Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.</p>
<b>RELATED DOCUMENTS</b>	<p>9.1 Council's Code for Tenders and Contracts (Policy No. 3.12) sits alongside this Policy and sets out the manner in which tenders for goods or services above the <i>Prescribed Amount</i> will be conducted by Council.</p> <p>9.2 Council's Delegated Authority Policy (Policy No. 1.1) includes authorities delegated to the General Manager, in relation to purchasing activities, and defines those which may be sub-delegated. To the extent that any detail within this Policy differs from the Delegated Authority Policy (<a href="#">Policy No. 1.1</a>), the details in this Policy take precedence.</p>
<b>AUDIENCE</b>	<p>10.1 This Policy is intended for Council Employees, Councillors and external parties.</p> <p>10.2 The policy is publicly accessible via Council's website.</p>





## Purchasing Policy

<b>Policy No:</b>	3.7
<b>Approved by Council:</b>	February 2022
<b>New Review Date:</b>	February 2024
<b>Minute No:</b>	TBA
<b>ECM File No:</b>	12.85
<b>Version:</b>	8.0
<b>Responsible Officer:</b>	Chief Financial Officer
<b>Strategic Plan Reference:</b>	2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater  2.4 The organisation has a corporate culture that delivers quality customer service, encourages

### 1. POLICY STATEMENTS

- 1.1 Kingborough Council is committed to implementing efficient, effective and sustainable procedures in all purchasing activities.
- 1.2 The purpose of this policy is to set out a framework for the purchasing of goods and services by Council.

### 2. DEFINITIONS

- 2.1 **Act** is the Local Government Act 1993 (Tasmania).
- 2.2 **Amount** is the actual price, or a genuine forecast of the actual price based on quotations or tenders, (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity. Note: The Amount replaces the Value once market testing has been completed.
- 2.3 **Authorised Purchasing Officer** is a Council employee authorised under clause 5.8(d) to approve a purchase order or contract.
- 2.4 **Authorised Payment Officer** is the officer authorised under clause 5.9(b) to approve an invoice or payment.
- 2.5 **Evaluation Team** is the team established under clause 5.7 of this policy.
- 2.6 **Higher Risk** purchases are goods or services that are outside the definition of Lower Risk purchases.
- 2.7 **Local Supplier** means a supplier having both a business premises within Kingborough Municipality and liable for payment of rates to Kingborough Council.
- 2.8 **Lower Risk** purchases are standard goods or services that are repetitively provided by the supplier, typically "off the shelf" goods including catalogued options. Services involving construction or installation work performed on Council premises are not Lower Risk.
- 2.9 **Prescribed Amount** is the amount (excluding GST) referred in section 333A of the Act and described in regulation 23 of the Regulations.
- 2.10 **Regulations** are the Local Government (General) Regulations 2015 (Tasmania).
- 2.11 **Value** means a genuine pre-estimate of the likely market price (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.
- 2.12 **Value for Money** means the combination of the Amount and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council.

### 3. OBJECTIVE

- 3.1 The objectives of this Purchasing Policy are to achieve the following principles in Council's purchasing:
  - 3.1.1 Goods and services are obtained at the best achievable Value for Money for Council, taking into consideration factors such as price, quality and availability;
  - 3.1.2 Goods and services are suitable for their intended purpose and are received in a timely manner;
  - 3.1.3 Prospective suppliers are provided with reasonable opportunities to compete for supply of goods or services to Council, without incurring excessive costs to submit quotations or tenders;
  - 3.1.4 Activities are conducted ethically and fairly; and

3.1.5 Local Suppliers are encouraged to compete to provide goods and services and are not disadvantaged by Council's purchasing methods.

3.1.6 Unsuccessful suppliers will be provided with the opportunity for debriefing and feedback on their tenders

#### 4. SCOPE

4.1 This Policy applies to all purchasing activities carried out for Council, including those carried out by external parties on behalf of Council.

4.2 This Policy identifies situations where public tenders are required and the minimum requirements for purchasing activities that are not subject to public tendering.

4.3 The manner in which public tenders will be sought, evaluated and contracts awarded is covered by the Code for Tenders and Contracts. To the extent that any detail within the Code for Tenders and Contracts differs from this Policy, the details in the Code for Tenders and Contracts take precedence.

4.4 This Policy expands the detail from the Delegated Authority Policy (Policy No. 1.1) in regard to committing expenditure and approving payments. To the extent that any detail within this Policy differs from the Delegated Authority Policy (Policy No. 1.1), the details in this Policy take precedence.

#### 5. PROCEDURE (POLICY DETAIL)

5.1 Goods or services will be purchased in conformity with the Act, Regulations, this Policy, the Code for Tenders and Contracts, and the Purchasing Delegated Authority Register current at commencement of procurement planning for those goods or services.

5.2 Goods or services with a Value at or above the Prescribed Amount will be obtained by:

5.2.1 Inviting public tenders where required by Regulation 23 of the Regulations;

5.2.2 Any permitted means where an exemption is provided for under Regulation 27 of the Regulations.

The invitation of public tenders is not required where Regulation 27(a) applies if public tenders are determined by the General Manager to best satisfy Council's purchasing objectives in the case of an emergency.

5.3 The General Manager will report to Council in all instances where public tenders or quotations are not being sought for purchases above the Prescribed Amount as required by Regulation 28(j). The following minimum information will be included in the report to Council:

5.3.1 a brief description of the reason for not inviting public tenders or quotations;

5.3.2 a brief description of the goods or services;

5.3.3 the estimated Value of the goods or services; and

5.3.4 the name of the (recommended) supplier.

Except in the case of an emergency the report will form part of the normal authority to approve purchases process. In the event of purchasing commitments being made in an emergency, the report will be provided to the first ordinary meeting of Council after the emergency has concluded.

5.4 The Code for Tenders and Contracts will apply where public tenders are invited, unless an alternative approach is approved. For goods or services with a Value below the Prescribed Amount the alternative approach may be approved by the General Manager, otherwise approval by Council is required.

5.5 Where the Code for Tenders and Contracts does not apply to a particular tender this will be clearly stated in the Tender Package.



- 5.6 Goods or services with a Value below the Prescribed Amount require the minimum number of quotations below, except where exemptions are authorised as clause 5.6(f):
- 5.6.1 Obtaining quotations is at the discretion of the Authorised Purchasing Officer, with no minimum requirement, for purchases to a Value of \$1,000;
  - 5.6.2 At least 1 verbal quotation is required for purchases with a Value between \$1,001 and \$5,000;
  - 5.6.3 At least 2 written quotations, or 2 verbal quotations obtained from a written request, are required for Lower Risk purchases with a Value between \$5,001 and \$30,000;
  - 5.6.4 At least 2 written quotations are required for Higher Risk purchases with a Value between \$5,001 and \$30,000;
  - 5.6.5 At least 3 written quotations are required for purchases with a Value between \$30,001 and the Prescribed Amount;
  - 5.6.6 Exemptions from the minimum requirements of clauses 5.6(b) to (e) can be authorised by the General Manager, or for purchases up to a Value of \$30,000 by a manager directly reporting to the General Manager.
  - 5.6.7 A higher number of quotations may be sought, or public tenders invited, where assessed as necessary to satisfy Council's purchasing objectives.
- 5.7 An Evaluation Team will be convened for all purchases with a Value above \$100,000. The Evaluation Team may be different for each purchase and will comprise not less than 3 persons jointly:
- 5.7.1 Providing knowledge of both technical and commercial aspects of the purchase; and
  - 5.7.2 From at least two different Council Departments.
- The Evaluation Team will prepare a written summary of the evaluation method, criteria, allocated scores and recommended supplier.
- 5.8 Authority to Approve Tenders and Quotations:
- 5.8.1 Acceptance of tenders and quotations for the purchase of goods or services at or above the Prescribed Amount must be approved by Council.
  - 5.8.2 The General Manager is authorised to accept tenders and quotations for the purchase of goods or services at or above \$100,000 and below the Prescribed Amount taking into account the recommendation from the Evaluation Team. The General Manager will retain a written record of the reasons if the recommendation from the Evaluation Team is not accepted.
  - 5.8.3 The General Manager is authorised to approve purchases of goods or services below \$100,000, after determining that appropriate processes have been followed.
  - 5.8.4 The General Manager is permitted to appoint Authorised Purchasing Officers who are then authorised, to an Amount set by the General Manager but not exceeding \$100,000, to determine that appropriate processes have been followed and to approve Tenders and Quotations.
- 5.9 Authority to Approve Payments:
- 5.9.1 The General Manager is authorised to approve payment for supply of goods or services for any Amount provided that the purchase was approved according to clause 5.8.
  - 5.9.2 The General Manager is permitted to appoint Authorised Payment Officers who are then authorised, to an Amount set by the General Manager but not exceeding the Prescribed Amount, for each authorised payment, to determine that the payment is due and to approve payment for goods or services, provided that the purchase has been approved under clause 5.8.

5.9.3 Authorised Payment Officers cannot approve payment if the purchase has not been approved under clause 5.8 unless the approver is an Authorised Purchasing Officer for the total Amount of goods or services arising from the purchasing commitment.

5.10 The General Manager will establish and maintain registers of:

5.10.1 Authorised Purchasing Officers;

5.10.2 Authorised Payment Officers.

5.11 The General Manager will establish and maintain procedures for implementing this Policy for:

5.11.1 Conducting purchasing activities where the Value is at or above the Prescribed Amount;

5.11.2 Conducting purchasing activities where the Value is below the Prescribed Amount;

5.11.3 Annual reporting in relation to tenders and contracts as required by the Act and Regulations.

## **6. GUIDELINES**

6.1 Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

## **7. COMMUNICATION**

7.1 This Policy will be published on Council's internet and intranet sites.

## **8. LEGISLATION**

8.1 Section 333A of the *Local Government Act 1993* and Regulations 23 to 26 of the *Local Government (General) Regulations 2015* determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.

8.2 Note: The Prescribed Amount under the 2015 Regulations is currently \$250,000 (excluding GST).

8.3 Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.

8.4 Section 333B of the Act and Regulation 28 of the Regulations requires Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.

## **9. RELATED DOCUMENTS**

9.1 Council's Code for Tenders and Contracts (Policy No. 3.12) sits alongside this Policy and sets out the manner in which tenders for goods or services above the Prescribed Amount will be conducted by Council.

9.2 Council's Delegated Authority Policy (Policy No. 1.1) includes authorities delegated to the General Manager, in relation to purchasing activities, and defines those which may be sub-delegated. To the extent that any detail within this Policy differs from the Delegated Authority Policy (Policy No. 1.1), the details in this Policy take precedence.

## **10. AUDIENCE**

10.1 This Policy is intended for Council Employees, Councillors, Tenderers and external parties.

10.2 The policy is publicly accessible via Council's website.



## EXISTING POLICY



Policy No: **3.12**  
 Approved by Council: **January 2020**  
 Next Review Date: **January 2022**  
 Responsible Officer: **Chief Financial Officer**

Minute No: **C85/2-20**  
 ECM File No: **12.136**  
 Version: **5.0**

Code for Tenders and Contracts	
<b>POLICY STATEMENT</b>	<p>1.1 The purpose of this Code for Tenders and Contracts is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of Section 333B of the Local Government Act 1993 and Regulation 28 of the Local Government (General) Regulations 2015.</p> <p>1.2 This Code, in conjunction with Council's Purchasing Policy, aims to achieve the purchasing principles of:</p> <ul style="list-style-type: none"> <li>• <i>open and effective competition;</i></li> <li>• <i>value for money;</i></li> <li>• <i>enhancement of the capabilities of local business and industry; and</i></li> <li>• <i>ethical behaviour and fair dealing.</i></li> </ul>
<b>DEFINITIONS</b>	<p>2.1 <b>"Alternative Tender"</b> means a Tender which does not fully satisfy all of the requirements set out in the Tender Package but offers an alternative way of achieving Council's objectives set out in, or reasonably determined from, the Tender Package.</p> <p>2.2 <b>"Conforming Tender"</b> means a Tender which satisfies all of the requirements for Tenders set out in the Tender Package.</p> <p>2.3 <b>"Contract"</b> means the contract for the carrying out of the Work to be entered into between Council and the Successful Tenderer.</p> <p>2.4 <b>"Council"</b> means the Kingborough Council.</p> <p>2.5 <b>"National Procurement Network"</b> means the procurement services offered by local government associations in all states and territories to provide national programs where it is beneficial to combine the purchasing powers of councils Australia-wide.</p> <p>2.6 <b>"Non-Conforming Tender"</b> means a Tender which does not satisfy all of the requirements for Tenders set out in the Tender Package including (but not limited to) requirements for information about the Tenderer and details of the proposed works.</p> <p>2.7 <b>"Point of Contact"</b> means a person or place where Tenderers may direct enquiries. A Point of Contact may include a monitored online forum for tenders invited through an electronic portal, or may be a member of Council staff.</p> <p>2.8 <b>"Preferred Tenderer"</b> means the Tenderer who, in the opinion of Council, best satisfies the selection criteria.</p> <p>2.9 <b>"Successful Tenderer"</b> means the Tenderer whose Tender Council accepts or with whom, after negotiations, Council enters into a Contract for the performance of the Work.</p> <p>2.10 <b>"Tender Closing"</b> means the time and date specified in the Tender Package by which Tenders must be submitted.</p> <p>2.11 <b>"Tender Opening"</b> means the opening of Tenders under Clause 4.12.</p> <p>2.12 <b>"Tender Package"</b> means the tender package which Council provides to prospective Tenderers under Clause 4.6.</p>

	<p>2.13 <b>"Tenderer"</b> means any party submitting a Tender to Council in respect of the Work.</p> <p>2.14 <b>"Tender"</b> means a tender submitted to Council in respect of the Work.</p> <p>2.15 <b>"Work"</b> means the work for the performance of which Council has invited tenders including the provision of goods or services.</p>
<b>OBJECTIVE</b>	<p>3.1 This Code is intended to apply to all tenders advertised publicly by Council, where the prescribed amount of \$250,000 is exceeded. At the discretion of the General Manager, Council may apply the Code to other tenders.</p> <p>3.2 Council may decide that this Code should not apply to a particular tender. If so, the conditions of tendering for that tender must contain a clear statement to that effect.</p> <p>3.3 A Successful Tenderer must apply this Code as if the Successful Tenderer were Council in seeking tenders from prospective subcontractors except to the extent that any provision of the Code cannot be so applied.</p> <p>3.4 If there is any inconsistency between this Code and any conditions of tendering contained in a Tender Package, conditions of tendering contained in the Tender Package will prevail to the extent of the inconsistency.</p>
<b>SCOPE</b>	<p>4.1 This policy applies to all Council procurement processes, which includes tenders and request for quotations, where the prescribed amount of \$250,000 is exceeded. This Code is supplemented by Council's Purchasing Policy which defines requirements for procurement of goods and services of any amount.</p>
<b>PROCEDURE (POLICY DETAIL)</b>	<p>5.1 General Principles All parties involved in tenders to which this Code applies must:</p> <ul style="list-style-type: none"> <li>(a) conduct tendering honestly and fairly to all parties;</li> <li>(b) refrain from inviting or submitting tenders without a firm intention to proceed;</li> <li>(c) apply the same conditions of tendering for each Tenderer and avoid any practice which provides one party an improper advantage over another;</li> <li>(d) refrain from all improper practices including collusive tendering; and</li> <li>(e) not undertake canvassing of Councillors or Council employees in relation to a tender.</li> </ul> <p>5.2 Ethical Behaviour and Fair Dealing</p> <ul style="list-style-type: none"> <li>(a) All purchasing is to be undertaken in a fair and unbiased way and in the best interests of Council.</li> <li>(b) Council will ensure that decisions are not influenced by self-interest or personal gain on the part of Councillors and staff (for example gifts or other personal benefits from suppliers) and will identify and deal with conflicts of interest.</li> </ul> <p>5.3 Conflict of Interest</p> <ul style="list-style-type: none"> <li>(a) Any party to a Tender who has a conflict of interest must declare the relevant interests to any other party to the Tender who may be adversely affected by the conflict immediately upon becoming aware of the conflict.</li> </ul> <p>5.4 Collusive Tendering</p> <ul style="list-style-type: none"> <li>(a) Tenderers must not engage in collusive tendering.</li> <li>(b) Collusive tendering includes but is not limited to, the following practices: <ul style="list-style-type: none"> <li>(i) agreements between Tenderers as to who should be the Successful Tenderer;</li> <li>(ii) any meeting of Tenderers prior to the submission of their Tenders that may disadvantage Council;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(iii) exchange of information between Tenderers about their Tenders prior to awarding of a Contract;</li> <li>(iv) agreement between Tenderers for payment of money or securing of reward or benefit for unsuccessful Tenderers by the Successful Tenderer;</li> <li>(v) agreement or collaboration between Tenderers to fix prices or conditions of contract;</li> <li>(vi) any unlawful or illegitimate agreement between Tenderers before submission of Tenders such as fixing a special rate of payment to a third party where the payment of such fees is conditional on the Tenderer being awarded a Contract; and</li> <li>(vii) any unlawful or illegitimate agreement providing for payment to any third party of money, incentives or other concessions contingent on the success of a Tender which do not relate to the provision of bona fide services relevant to that tender.</li> </ul>
5.5	<p>Invitations to Tender</p> <ul style="list-style-type: none"> <li>(a) An invitation to tender must set out: <ul style="list-style-type: none"> <li>(i) a description of the Work;</li> <li>(ii) the time, date and place of Tender Closing;</li> <li>(iii) details of the place from which the Tender Package may be collected; and</li> <li>(iv) the amount of any deposit which the Tenderers are required to pay upon collecting the Tender Package and the terms upon which it will be refunded.</li> </ul> </li> <li>(b) Tender Closing should be not less than two weeks after the date on which the invitation to tender is first published, unless special circumstances require otherwise.</li> <li>(c) The Tender Closing must not be: <ul style="list-style-type: none"> <li>(i) a weekend or public holiday in Southern Tasmania; or</li> <li>(ii) between 24 December and 2 January inclusive,</li> </ul> unless special circumstances require otherwise. </li> </ul>
5.6	<p>Tender Package</p> <ul style="list-style-type: none"> <li>(a) Council must make available to prospective Tenderers a Tender Package which: <ul style="list-style-type: none"> <li>(i) states the time and date by which Tenders must be submitted, the place at which Tenders must be submitted and any other requirements concerning submission of Tenders;</li> <li>(ii) sets out details of any deposit to be paid by prospective Tenderers to obtain detailed plans or specifications of the intended works, or by Tenderers upon lodgement of Tenders, and the circumstances under which a deposit will be refunded;</li> <li>(iii) clearly defines the intended contractual obligations of the parties;</li> <li>(iv) makes reference to Council's Code for Tenders and Contracts;</li> <li>(v) provides details of the Work;</li> <li>(vi) details information required from Tenderers;</li> <li>(vii) sets out the criteria that will be used to determine whether Tenders are conforming and the basis on which Alternative Tenders will be considered;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(viii) nominates a Point of Contact where Tenderers may direct enquiries, which may include a monitored online forum for tenders invited through an electronic portal;</li> <li>(ix) encourages Tenderers to incorporate maximum innovation, while satisfying commercial and technical objectives, by allowing the submission of options in addition to a Conforming Tender; and</li> </ul> <p>(b) The Tender Package must include the following documents:</p> <ul style="list-style-type: none"> <li>(i) conditions of tendering;</li> <li>(ii) specification;</li> <li>(iii) tender form;</li> <li>(iv) conditions of contract or a reference to the form of conditions of contract to be used;</li> <li>(v) contract annexures (if applicable); and</li> <li>(vi) drawings, schedules and any other documents necessary to satisfy the requirements of Part (a) of this clause.</li> </ul> <p>(c) A copy of this Code must be made available to Tenderers.</p>
5.7	<p>Form of Contract</p> <ul style="list-style-type: none"> <li>(a) Council must use published standard conditions of contract appropriate to the Work unless circumstances require otherwise.</li> <li>(b) Council may amend or use special conditions with standard conditions of contract. If Council does so, Council must clearly identify the amendments or special conditions.</li> </ul>
5.8	<p>Tender Enquiries</p> <ul style="list-style-type: none"> <li>(a) Council must nominate a Point of Contact to deal with Tenderers' enquiries.</li> <li>(b) Tenderers may seek further information only through the point of contact nominated by Council.</li> <li>(c) The Point of Contact may necessitate or require that a request for information be made in writing.</li> <li>(d) If a Tenderer makes an enquiry, the Point of Contact must record the time and date of the enquiry, the name of the enquirer and the substance of the discussion.</li> <li>(e) If Council provides to any Tenderer information which is not contained in the Tender Package, Council must give that information to all Tenderers.</li> </ul>
5.9	<p>Tender Briefing Meetings</p> <ul style="list-style-type: none"> <li>(a) Council may conduct a tender briefing meeting.</li> <li>(b) Council must inform all prospective Tenderers of the time and place at which the tender briefing meeting is to be held. This may be achieved by including the information in the Tender Package, or by publishing the information through an electronic tendering portal, or through another means of contacting prospective Tenderers.</li> <li>(c) Council must keep minutes of any tender briefing meeting. The minutes must be made available to all prospective Tenderers and become part of the tender documents.</li> </ul>
5.10	<p>Submission of Tenders</p> <ul style="list-style-type: none"> <li>(a) Tenders must be delivered to the place named in the Tender Package to arrive not later than the time specified in the Tender Package.</li> <li>(b) Tenders must not be submitted to Council by facsimile or by email.</li> <li>(c) Electronic Tenders must be submitted in the manner and in the form specified in the Tender Package.</li> </ul>

	<p>(d) Where the Tender Package provides for submission of hard copy tenders, each Tender must be enclosed in a sealed envelope clearly marked "Tender" with Council's tender reference number and description of the tender.</p> <p>(e) Council may, in its absolute discretion, accept a Tender received after Tender Closing or delay Tender Closing where:</p> <ul style="list-style-type: none"> <li>(i) submission of hard copy tenders is provided for, it was posted at such a time that it should have been received by Council by Tender Closing; or</li> <li>(ii) electronic tenders are required or permitted, an event outside a Tenderer's control prevents submission by Tender Closing; and in addition to (i) or (ii)</li> <li>(iii) consideration of the late Tender or delaying the Tender Closing would not provide an unfair advantage or disadvantage to any party submitting a Tender.</li> </ul> <p>(f) A Tender should not be submitted unless that Tenderer has the capacity and capability to carry out the Work.</p> <p>(g) Tenderers must sign a declaration that they have read and understood the Code for Tenders and Contracts and certify that they have complied with the provisions of the Code.</p> <p>(h) Council must reject any Tender which is not submitted in accordance with this clause and will record the date and time that it was received.</p> <p>5.11 Amendment of Tender Package</p> <p>(a) Council may amend the Tender Package if it discovers a significant error or discrepancy in it.</p> <p>(b) If Council amends the Tender Package it must:</p> <ul style="list-style-type: none"> <li>(i) give an addendum to the Tender Package to all Tenderers;</li> <li>(ii) give Tenderers sufficient time to consider the addendum; and</li> <li>(iii) permit any Tenderer who has already submitted a Tender to submit an addendum, complying with the requirements of Clause 4.10 and clearly marked "Tender Addendum".</li> </ul> <p>(c) If Council amends the Tender Package it may extend the Tender Closing.</p> <p>(d) Each Tenderer must, not later than Tender Closing, acknowledge in writing receipt of the addendum given by Council.</p> <p>5.12 Tender Opening</p> <p>(a) Tender Opening will not be held in public.</p> <p>(b) Tenders must be opened in the presence of two members of Council's staff other than the person named as, or responsible for monitoring, the Point of Contact nominated by Council to receive Tenderers' enquiries.</p> <p>(c) Council will ensure that records of received Tenders, as opened are captured. The records must include sufficient details to uniquely identify each opened Tender and may be in electronic or hard copy form.</p> <p>(d) Council must keep a copy of all records until after completion of all Work.</p> <p>5.13 Tender Review Committee</p> <p>(a) A Tender Review Committee may be established by the General Manager to review all Tenders prior to the awarding of contracts to ensure that Council's procurement policies are adhered to.</p> <p>(b) The Tender Review Committee may review but not be limited to consideration of the following aspects of a tender:</p> <ul style="list-style-type: none"> <li>(i) the tender and evaluation process adopted;</li> </ul>
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	<ul style="list-style-type: none"> <li>(ii) the final tender evaluation report;</li> <li>(iii) any other relevant issues or information.</li> </ul>
	<p><b>5.14 Consideration of Tenders</b></p> <ul style="list-style-type: none"> <li>(a) Subject to this Code Council must consider all Conforming Tenders.</li> <li>(b) Council must not consider a Non-Conforming Tender unless it meets the requirements set out in the Tender Package for an Alternative Tender.</li> <li>(c) Council may consider an Alternative Tender which meets the requirements set out in the Tender Package for an Alternative Tender; may negotiate with the Tenderer who submitted it; and may accept the Alternative Tender or any variation of it negotiated with the Tenderer.</li> <li>(d) Council may take into account the following criteria in considering Tenders: <ul style="list-style-type: none"> <li>(i) the resources of the Tenderer including technical, managerial, physical and financial resources;</li> <li>(ii) proposed methodology and delivery management, including communication with Council representatives;</li> <li>(iii) Tenderer's understanding of the Work;</li> <li>(iv) price;</li> <li>(v) Tenderer's past experience and performance history including: <ul style="list-style-type: none"> <li>• time for delivery of work, goods and/or services;</li> <li>• quality of work, goods and/or services;</li> <li>• management of delivery, including communication with the customer;</li> <li>• co-ordination of service providers, consultants and suppliers;</li> <li>• rectification of defects and after delivery service;</li> <li>• conformance with specified requirements;</li> <li>• work health and safety; and</li> <li>• employee relations;</li> </ul> </li> <li>(vi) experience of personnel committed in the Tender;</li> <li>(vii) timeframes committed in the Tender;</li> <li>(viii) quality management;</li> <li>(ix) work health and safety management;</li> <li>(x) compliance with this Code; and</li> <li>(xi) any other criteria specified in the Tender Package.</li> </ul> </li> <li>(e) Council must determine the weighting to be given to the criteria before Tender Opening, and the weightings are to be determined at Council's absolute discretion.</li> <li>(f) The weighting to be given to each of the criteria may vary from tender to tender.</li> <li>(g) Council may advise Tenderers of the weightings but is not obliged to do so.</li> <li>(h) During evaluation Council may request additional information from and/or negotiate with one or more Tenderers for one or more of the following purposes: <ul style="list-style-type: none"> <li>(i) to assess any assumptions made by a Tenderer in preparing their Tender and to rectify any false assumptions;</li> <li>(ii) to clarify a Tenderer's capacity and/or capability to perform the Work; and</li> <li>(iii) to improve the value for money for Council by identifying cost reductions or service improvements; or</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(iv) to finalise commercial details required to form a contract; but must not: <ul style="list-style-type: none"> <li>(i) request such information or negotiate in order to turn a Non-Conforming Tender into a Conforming Tender; nor;</li> <li>(ii) negotiate substantial changes to specified requirements, where such changes could affect the evaluation outcome, without providing equal opportunity for all Tenderers.</li> </ul> </li> </ul>
	<p>5.15 Negotiation, Rejection and Acceptance of Tenders</p> <ul style="list-style-type: none"> <li>(a) Council is not obliged to accept any tender.</li> <li>(b) Council is not obliged to accept the lowest priced Conforming or Alternative Tender.</li> <li>(c) Council may accept any Conforming Tender, any Non-Conforming Tender, or any Alternative Tender in accordance with Clause 4.10 and Clause 4.14.</li> <li>(d) Council may reject all Tenders.</li> <li>(e) If Council rejects all Tenders, Council must advise each Tenderer accordingly.</li> <li>(f) If Council rejects all Tenders, Council may invite further tenders.</li> <li>(g) If Council does not accept any Tender, Council may negotiate with the Preferred Tenderer and, after exhausting negotiations with the Preferred Tenderer, with other Tenderers in order of preference from most to least preferred.</li> <li>(h) In the course of negotiation with a Tenderer, Council must not disclose the details of a Tender submitted by any other Tenderer.</li> <li>(i) If Council decides to accept a Tender or a subsequent offer, Council must accept that Tender or subsequent offer in writing to the Successful Tenderer stating that the Tender or subsequent offer has been accepted and setting out the terms of that acceptance.</li> <li>(j) After Council has accepted a Tender or subsequent offer, Council and the Successful Tenderer must execute a formal contract document in the form specified in the Tender Package (with any necessary amendments) within 14 days from the date when the Successful Tenderer received the written acceptance under Clause (i).</li> <li>(k) Upon sending advice to a Successful Tenderer in accordance with Part (i) of this clause, Council must advise all other Tenderers that their Tenders have been unsuccessful.</li> <li>(l) The Successful Tenderer will not be entitled to receive any payment due under a Contract until it has executed the formal contract document in accordance with Part (j) of this clause.</li> </ul> <p>5.16 National Procurement Network (NPN)</p> <ul style="list-style-type: none"> <li>(a) Council may, where there is financial benefit, use the National Procurement Network for the provisions of goods and services. The use of a contract under NPN exempts Council from public tendering for goods or services valued at or excess of the prescribed amount.</li> <li>(b) Exemption from public tendering when using NPN is provided by Regulation 27(d) of the Local Government (General) Regulations 2015.</li> </ul> <p>5.17 Common-use Contract Register</p> <ul style="list-style-type: none"> <li>(a) Council may utilise a Common Use Contract Register process to establish a register of suppliers for the supply of goods, materials or services that may be utilised by Council for a period of time of up to 3 years.</li> <li>(b) If it is determined that Council will establish such a register, the General Manager will invite expressions of interest from prospective applicants for</li> </ul>

	<p>inclusion on the register by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying –</p> <ul style="list-style-type: none"> <li>(i) a description of the goods and services required;</li> <li>(ii) the name and contact details of the person nominated by Council to deal with enquiries or where relevant documents may be obtained; and</li> <li>(iii) any deadlines for submission of application for inclusion on the register.</li> </ul> <p>(c) The General Manager must ensure that applicants are provided with the following in order to make an application:</p> <ul style="list-style-type: none"> <li>(i) details of the categories of goods or services required;</li> <li>(ii) the conditions for participation to be satisfied by applicants;</li> <li>(iii) the criteria for evaluating applications; and</li> <li>(iv) a reference to Council's Code for Tenders and Contracts.</li> </ul> <p>(d) Tenders or invitations for registration may be called on a periodic basis and there is no guarantee as to the actual value or quantity of goods, materials or services to be purchased. Schedules of rates are obtained through the open tender process and selected contractors are invited, when required, to supply goods or services at the rates agreed in their tender submission.</p> <p>(e) This type of contract is primarily used for supply of goods, materials or services such as plant hire, supply of road-making materials, pit construction, minor pipe works, stationery, etc. Several contractors or one contractor may be selected for any one project, or work may be awarded on a shared basis.</p> <p>(f) Council will maintain a Register of Contractors.</p> <p><b>5.18 Multiple-use Register</b></p> <p>(a) Council may utilise a multiple-use register process to establish a register of suppliers that Council has determined satisfy the conditions for participation in that register, and that Council intends to use more than once.</p> <p>(b) If it is determined that Council will establish such a register, the General Manager must invite expressions of interest from prospective applicants for inclusion on the register by publishing a notice at least once in a daily newspaper circulating in the municipal area.</p> <p>(c) The General Manager must ensure that applicants are provided with the following in order to make an application:</p> <ul style="list-style-type: none"> <li>(i) details of the categories of goods or services required;</li> <li>(ii) the conditions for participation to be satisfied by applicants;</li> <li>(iii) the criteria for evaluating applications;</li> <li>(iv) The method of evaluating applications against the criteria</li> <li>(v) a reference to Council's Code for Tenders and Contracts.</li> </ul> <p>(d) The General Manager must advise all applicants of the results of their application including the categories for which they are registered and if applicable, the reasons for any rejection, as soon as practicable.</p> <p>(e) When Council wishes to use the register, the General Manager will invite all successful applicants that are registered for the relevant category to tender for the provision of the required good or service.</p> <p>(f) Council will review any established register at least once every 2 years.</p>
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	<p>(g) Council will allow a prospective applicant to apply for inclusion on a register of tenderers at any time, unless the prospective applicant has applied within the previous 12 months and has not been accepted.</p>
5.19	<p><b>Multiple-stage Tenders</b></p> <p>(a) A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by Council.</p> <p>(b) Council may utilise a multiple-stage tendering process to:</p> <ul style="list-style-type: none"> <li>(i) gain market knowledge and clarify the capability of suppliers (however, it will not be used as a substitute for conducting market research);</li> <li>(ii) shortlist qualified tenderers; and</li> <li>(iii) obtain industry input.</li> </ul> <p>(c) A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for Council, and as such this process will only be used where:</p> <ul style="list-style-type: none"> <li>(i) the best way to meet the requirement is unclear;</li> <li>(ii) it is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders, to reduce the cost of tendering;</li> <li>(iii) there are benefits which cannot be obtained by researching the market through conventional means; and</li> <li>(iv) maximum flexibility is required throughout the procurement process.</li> </ul> <p>(d) The multiple-stage processes that Council may use are as follows:</p> <ul style="list-style-type: none"> <li>(i) Expression of interest - an expression or registration of interest may be used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity.</li> <li>(ii) Request for proposal – may be used when a project or requirement has been defined, but where an innovative or flexible solution is sought.</li> <li>(iii) Request for tender - may be used when a project requirement has been defined to solicit offers from businesses capable of providing a specified work, good or service.</li> <li>(iv) Request for information – may be used at the planning stage of a project to assist with defining the project. Council will not issue a request for information to identify or select suppliers.</li> <li>(v) Closed tender process – may be used if the initial specification is well defined and an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.</li> </ul> <p>(e) Council is mindful of the following aspects when conducting a multiple-stage tender process:</p> <ul style="list-style-type: none"> <li>(i) the same mandatory requirements regarding advertising that apply to a public tender process;</li> <li>(ii) that a short-listed party cannot be engaged without going through a more detailed second (tender) stage process, unless approved by an absolute majority of Council; and</li> </ul>

	<p>(iii) when using a Request for Information, issues relating to intellectual property and copyright must be clarified prior to using the information provided to prepare the Request for Tender.</p> <p>(f) The General Manager must invite expressions of interest from prospective Tenderers by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying:</p> <ul style="list-style-type: none"> <li>(i) the nature of the goods and services required;</li> <li>(ii) where the application is to be lodged;</li> <li>(iii) the person from whom more detailed information may be obtained; and</li> <li>(iv) any deadlines for submission of application for inclusion on the register.</li> </ul> <p>(g) The General Manager must ensure that prospective Tenderers are provided with the following in order to lodge an expression of interest:</p> <ul style="list-style-type: none"> <li>(i) details of the goods or services required;</li> <li>(ii) the criteria for evaluating expressions of interest;</li> <li>(iii) the method of evaluating expressions of interest against the criteria;</li> <li>(iv) details of any further stages in the tender process; and</li> <li>(v) a reference to Council's Code for Tenders and Contracts.</li> </ul> <p>(h) At the final stage of a multiple-stage tender, the General Manager must send an invitation to all suppliers who have met the criteria determined by Council, to tender for the supply of goods or services.</p> <p>If only one supplier meets the criteria determined by Council at the first stage of a multiple-stage tender, Council may contract with that supplier:</p> <ul style="list-style-type: none"> <li>(i) after a tender by that supplier; or</li> <li>(ii) a decision by absolute majority of Council to do so.</li> </ul> <p>5.20 Contract Renewals and Extensions</p> <ul style="list-style-type: none"> <li>(a) Where goods or services being delivered under a Contract or Tender are required on an ongoing basis, Council may undertake a new procurement process prior to the completion of the existing delivery arrangement.</li> <li>(b) Council may extend an existing Contract, rather than seek new tenders or quotations for the delivery of the goods or services.</li> <li>(c) Except by a decision of absolute majority of Council to do so, Contracts will only be extended: <ul style="list-style-type: none"> <li>(i) where the original Contract provides for such an extension;</li> <li>(ii) following a full evaluation of the performance of the current contractor;</li> <li>(iii) where the principles of open and effective competition are protected;</li> <li>(iv) since the previous tender, the market and nature of the goods/services are substantially unchanged.</li> </ul> </li> </ul> <p>5.21 Confidentiality</p> <ul style="list-style-type: none"> <li>(a) Council and Tenderers must keep information that they receive from each other in the course of the tender process confidential, except where they are expressly permitted under this Code or obliged by law to release that information.</li> <li>(b) Councillors and Council staff must keep confidential any information that they are given or access in relation to a tender, except where they are</li> </ul>
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	<p>expressly permitted under this Code or obliged by law to release that information.</p> <p>(c) If any Tenderer provides to Council additional documents marked "confidential", Council must use best efforts to avoid any confidential information being made available to persons not involved in evaluation of Tenders.</p> <p>5.22 Debriefing Unsuccessful Tenderers</p> <p>(a) Unsuccessful Tenderers may request a debriefing to assist them in understanding how they may improve their submissions for future Council tenders.</p> <p>(b) Debriefings are limited to discussion of the strengths and weaknesses of the Tenderer's submission relative to Council's requirements.</p> <p>(c) Unsuccessful Tenderer briefings must not be used to discuss other Tenderer's submissions, nor to contest the outcome of a tender evaluation.</p> <p>5.23 Procurement Process Complaints</p> <p>(a) Complaints regarding procurement processes are addressed in the same manner as any other complaints, as set out in Council's Customer Service Charter. The Customer Service Charter can be found on Council's website <a href="http://www.kingborough.tas.gov.au">www.kingborough.tas.gov.au</a> under Council&gt;Policies.</p> <p>(b) Complaints under Council's Public Interest Disclosure Policy are incorporated into the Customer Service Charter.</p> <p>5.24 Breach of the Code</p> <p>(a) Council must take all reasonable steps to comply with this Code and ensure that all other parties comply with it. However, Council will not be liable in any way to a Tenderer or any other person for any breach of this Code.</p> <p>(b) If an employee of Council or a body controlled by Council breaches this Code, Council may take disciplinary action if, in its absolute discretion, it considers it desirable to do so.</p> <p>(c) If a Councillor breaches this Code, action may be taken under the Councillor Code of Conduct.</p> <p>(d) If a Tenderer commits a breach of this Code, Council may, in its absolute discretion, take action against the Tenderer including but not limited to:</p> <ul style="list-style-type: none"> <li>(i) a warning;</li> <li>(ii) reduction in opportunities to tender for work for Council;</li> <li>(iii) refusal by Council to consider any Tender submitted by the Tenderer to Council;</li> <li>(iv) publicising the breach and the identity of the Tenderer; and</li> <li>(v) reporting the breach to a statutory, professional or other body.</li> </ul>
<b>GUIDELINES</b>	6.1 Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.
<b>COMMUNICATION</b>	7.1 This Policy will be published on Council's internet and intranet sites.
<b>LEGISLATION</b>	<p>8.1 Section 333A of the <i>Local Government Act 1993</i> and Regulations 23 to 26 of the <i>Local Government (General) Regulations 2015</i> determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.</p> <p>8.2 Note: The Prescribed Amount under the 2015 Regulations is \$250,000 (excluding GST).</p>

	<p>8.3 Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.</p> <p>8.4 Section 333B of the Act and Regulation 28 of the Regulations require Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.</p>
<b>RELATED DOCUMENTS</b>	<p>9.1 Council's Purchasing Policy (Policy No. 3.7) sits alongside this Code and sets out requirements for purchasing goods and services of any value, including legislated matters relating to purchases below the prescribed amount.</p> <p>9.2 Relevant Australian Standards for contracts and tendering</p>
<b>AUDIENCE</b>	<p>10.1 This Policy is intended for <i>Council</i> Employees, Councillors and external parties.</p> <p>10.2 The policy is publicly accessible via <i>Council's</i> website.</p>



## Code for Tenders and Contracts Policy

<b>Policy No:</b>	3.12
<b>Approved by Council:</b>	February 2022
<b>New Review Date:</b>	February 2024
<b>Minute No:</b>	TBA
<b>ECM File No:</b>	12.136
<b>Version:</b>	6.0
<b>Responsible Officer:</b>	Chief Financial Officer
<b>Strategic Plan Reference:</b>	2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater  2.4 The organisation has a corporate culture that delivers quality customer service, encourages

### 1. POLICY STATEMENTS

- 1.1 The purpose of this Code for Tenders and Contracts is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of Section 333A and 333B of the Local Government Act 1993 and Regulations 23 to 29 of the Local Government (General) Regulations 2015.
- 1.2 This Code, in conjunction with Council's Purchasing Policy, aims to:
  - ensure compliance with relevant legislation
  - enhance value for money through fair, competitive, non-discriminatory procurement
  - promote the use of resources in an efficient, effective and ethical manner
  - encourage probity, accountability and transparency in decision making
  - provide reasonable opportunity for competitive local businesses to supply to Council
  - minimise the cost to suppliers of participating in the tendering process
  - allow Council to appropriately manage risk
  - promote Council's economic, social and environmental plans and policies

### 2. DEFINITIONS

- 2.1 **Act** is the Local Government Act 1993 (Tasmania).
- 2.2 **Alternative Tender** means a Tender which does not fully satisfy all of the requirements set out in the Tender Package but offers an alternative way of achieving Council's objectives set out in, or reasonably determined from, the Tender Package.
- 2.3 **Conforming Tender** means a Tender which satisfies all of the requirements for Tenders set out in the Tender Package.
- 2.4 **Contract** means the contract for the carrying out of the Work or the supply of Goods and Services to be entered into between Council and the successful Tenderer.
- 2.5 **Council** means the Kingborough Council and its fully controlled body corporate entities (referred to as a single authority in the Regulations).
- 2.6 **National Procurement Network** means the procurement services offered by local government associations in all states and territories to provide national programs where it is beneficial to combine the purchasing powers of Councils Australia-wide. The National Procurement Network (NPN) is coordinated by the Municipal Association of Victoria (MAV).
- 2.7 **Non-Conforming Tender** means a Tender which does not satisfy all of the requirements for Tenders set out in the Tender Package including (but not limited to) requirements for information about the Tenderer and details of the proposed works or the supply of Goods and Services.
- 2.8 **Point of Contact** means a person or place where Tenderers may direct enquiries. A Point of Contact may include a monitored online forum for tenders invited through an electronic portal, or may be a member of Council staff.
- 2.9 **Preferred Tenderer** means the Tenderer who, in the opinion of Council, best satisfies the selection criteria.
- 2.10 **Prescribed Amount** means the amount (excluding GST) referred in section 333A of the Act and described in regulation 23 of the Regulations.
- 2.11 **Regulations** are the Local Government (General) Regulations 2015 (Tasmania).

- 2.12 **Successful Tenderer** means the Tenderer whose Tender Council accepts or with whom, after negotiations, Council enters into a Contract for the performance of the Work or the supply of Goods and Services.
- 2.13 **Tender Closing** means the time and date specified in the Tender Package by which Tenders must be submitted.
- 2.14 **Tender Opening** means the opening of Tenders under Clause 6.9.
- 2.15 **Tender Package** means the tender package which Council provides to prospective Tenderers under Clause 6.3.
- 2.16 **Tenderer** means any party submitting a Tender to Council in respect of the Work.
- 2.17 **Tender** means a tender submitted to Council in respect of the Work.
- 2.18 **Value** means a genuine pre-estimate of the likely market price (excluding GST) for the goods or services to be purchased over the full commitment or term (including extension options) of a contract arising from the purchasing activity.
- 2.19 **Value for Money** means the combination of the price and qualitative aspects of the supply of goods or services that will provide the most beneficial outcome to Council as outlined in Clause 5.3.
- 2.20 **Work** means the work for the performance of which Council has invited tenders including the provision of goods or services.

### 3. OBJECTIVE

- 3.1 This Code is intended to apply to all tenders advertised publicly by Council, where the Prescribed Amount of \$250,000 is exceeded. At the discretion of the General Manager, Council may apply the Code to other procurements below this threshold.
- 3.2 Council may decide that this Code should not apply to a particular procurement. If so, the conditions of tendering for that tender must contain a clear statement to that effect.
- 3.3 A Successful Tenderer must apply this Code as if the Successful Tenderer were Council in seeking tenders from prospective subcontractors except to the extent that any provision of the Code cannot be so applied.
- 3.4 If there is any inconsistency between this Code and any conditions of tendering contained in a Tender Package, conditions of tendering contained in the Tender Package will prevail to the extent of the inconsistency.

### 4. SCOPE

- 4.1 This Code is supplemented by Council's Purchasing Policy which defines requirements for procurement of Works, goods and services of any amount.
- 4.2 Council may also determine that tenders should be called in certain circumstances as appropriate, where the estimated value of the purchase is less than the Prescribed Amount (for example, if the procurement is high risk, complex, likely to involve public scrutiny, if the estimate of value is uncertain or if the procurement is in a market that council is not familiar with).

### 5. PROCEDURE (POLICY DETAIL)

#### 5.1 General Principles

All parties involved in tenders to which this Code applies must:

- 5.1.1 conduct tendering honestly and fairly to all parties;



- 5.1.2 refrain from inviting or submitting tenders without a firm intention to proceed;
  - 5.1.3 apply the same conditions of tendering for each Tenderer and avoid any practice which provides one party an improper advantage over another;
  - 5.1.4 ensure all potential suppliers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements;
  - 5.1.5 ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
  - 5.1.6 minimise the cost to suppliers of participating in the tendering process;
  - 5.1.7 protect commercial-in-confidence information;
  - 5.1.8 provide for the review of each tender process to ensure that each tender is in accordance with the regulations and the code;
  - 5.1.9 refrain from all improper practices including collusive tendering; and
  - 5.1.10 not undertake canvassing of Councillors or Council employees in relation to a tender.
- 5.2 Open and Effective Communication
- The Council will ensure that the purchasing process is impartial, open and encourages competitive offers. In practice this means that Council will:
- 5.2.1 use transparent and open purchasing processes so that suppliers and the public are able to have confidence in the outcomes;
  - 5.2.2 ensure suppliers have access to relevant Council procurement documents;
  - 5.2.3 adequately test the market through seeking quotations or via tender as appropriate;
  - 5.2.4 provide clear specifications;
  - 5.2.5 treat all suppliers consistently and equitably; and
  - 5.2.6 ensure a prompt and courteous response to all reasonable requests for advice and information from suppliers.
- 5.3 Value for Money
- The Council will ensure that it is buying at the most competitive price available, but value for money does not necessarily mean buying at the lowest price. In practice, this means that Council will consider:
- 5.3.1 the contribution the good or service makes to achieving Council's strategic plans or policies;
  - 5.3.2 the value of the acquisition and potential benefits against the costs of that purchase;
  - 5.3.3 an assessment of risks associated with the purchase including the preferred procurement method;
  - 5.3.4 how well the works, goods or services will meet the needs of Council;
  - 5.3.5 maintenance and running costs over the lifetime of a product;
  - 5.3.6 disposal value;
  - 5.3.7 time constraints, including supply chain delays;
  - 5.3.8 the impact of the procurement decision on the local economy, such as through industry development and employment creation;

- 5.3.9 the impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel); and
- 5.3.10 the impact of the procurement decision on the society, (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives.

#### 5.4 Enhancing local business and industry

Council will ensure that where local capacity exists it will seek to engage the local market and encourage participation in tender and quotation processes. In practice this means that Council will:

- 5.4.1 actively seek quotes from local businesses that are able to provide quality Works, goods and or services;
- 5.4.2 where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing; and
- 5.4.3 not give preferential treatment to local suppliers where it cannot be reasonably justified.

#### 5.5 Ethical Behaviour and Fair Dealing

Council will promote procurement practices that are legal, ethical, fair and unbiased. In practice this means that Council will:

- 5.5.1 comply with legal requirements;
- 5.5.2 conduct all business in the best interests of the Council;
- 5.5.3 treat all suppliers equally;
- 5.5.4 avoid biased specifications;
- 5.5.5 be as effective and efficient as possible when sourcing, ordering and paying for Works, goods and services;
- 5.5.6 expect individuals involved in procurement processes to declare and act upon any conflicts of interest that may be seen to influence impartiality;
- 5.5.7 ensure that any supplier is not provided with information or clarification that is not provided equally to all suppliers;
- 5.5.8 maintain confidentiality at all times in dealing with suppliers;
- 5.5.9 ensure that conditions of contract are not excessively onerous;
- 5.5.10 Council will ensure that decisions are not influenced by self-interest or personal gain on the part of Councillors and staff (for example gifts or other personal benefits from suppliers) and will identify and deal with conflicts of interest; and
- 5.5.11 decline gifts or benefits offered by those involved in the procurement process, particularly from suppliers.

In practice this means that Council expects suppliers to:

- 5.5.12 ensure that they are well acquainted with Council requirements identified in this Code and additional related policies;
- 5.5.13 are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications;
- 5.5.14 not submit a tender or quotation unless they have the financial, technical, physical, management resource or other capabilities to fulfil Council's requirements;

- 5.5.15 not seek to influence a procurement process by improper means or collude with other suppliers;
- 5.5.16 declare and act upon any conflicts of interest that may be seen to influence impartiality;
- 5.5.17 comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities; and
- 5.5.18 not offer gifts or benefits to a Council officer for the discharge of official business.
- 5.6 Conflict of Interest
  - 5.6.1 Any party to a Tender, including Tenderers, Councillors and staff, who has a conflict of interest must declare the relevant interests to the Council immediately upon becoming aware of the conflict.
- 5.7 Collusive Tendering
  - 5.7.1 Tenderers must not engage in collusive tendering.
  - 5.7.2 Collusive tendering includes but is not limited to, the following practices:
    - 5.7.2.1 agreements between Tenderers as to who should be the Successful Tenderer;
    - 5.7.2.2 any meeting of Tenderers prior to the submission of their Tenders that may disadvantage Council;
    - 5.7.2.3 exchange of information between Tenderers about their Tenders prior to awarding of a Contract;
    - 5.7.2.4 agreement between Tenderers for payment of money or securing of reward or benefit for unsuccessful Tenderers by the Successful Tenderer;
    - 5.7.2.5 agreement or collaboration between Tenderers to fix prices or conditions of contract;
    - 5.7.2.6 any unlawful or illegitimate agreement between Tenderers before submission of Tenders such as fixing a special rate of payment to a third party where the payment of such fees is conditional on the Tenderer being awarded a Contract; and
    - 5.7.2.7 any unlawful or illegitimate agreement providing for payment to any third party of money, incentives or other concessions contingent on the success of a Tender which do not relate to the provision of bona fide services relevant to that tender.
- 5.8 Exemptions from the Requirements to Tender

The Regulations identify circumstances where council is not required to issue a public tender process. The exemption circumstances identified in Regulation 27 – Non Application of the Public Tender Process are:

  - 5.8.1 an emergency if, in the opinion of the General Manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
  - 5.8.2 a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
  - 5.8.3 a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
  - 5.8.4 a contract for goods or services obtained as a result of a tender process conducted by:
    - 5.8.4.1 another council, or



- 5.8.4.2 a single authority, or
- 5.8.4.3 a joint authority, or
- 5.8.4.4 the Local Government Association of Tasmania, or
- 5.8.4.5 any other local government association in this State or in another State or a Territory, or
- 5.8.4.6 any organisation, or entity, established by any other local government association in this State or in another State or a Territory.
- 5.8.5 Council may, where there is financial benefit, use the National Procurement Network for the provisions of goods and services. The use of a contract under NPN/MAV exempts Council from public tendering for goods or services valued at or excess of the prescribed amount;
- 5.8.6 a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- 5.8.7 a contract for goods or services that is entered into at public auction
- 5.8.8 a contract for insurance entered into through a broker;
- 5.8.9 a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- 5.8.10 a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of:
  - 5.8.10.1 extenuating circumstances, or
  - 5.8.10.2 the remoteness of the locality, or
  - 5.8.10.3 the unavailability of competitive or reliable tenderers.
- 5.8.11 a contract of employment with a person as an employee of the Council.

## 6. GUIDELINES

### 6.1 Open Tenders

An open tender process is an invitation to tender by public advertisement. There are generally no restrictions regarding who can submit a tender, however, suppliers are required to submit all required information and will be evaluated against stated selection criteria.

### 6.2 Invitations to Tender

- 6.2.1 An invitation to tender must set out:
  - 6.2.1.1 a description of the Work;
  - 6.2.1.2 the time, date and place of Tender Closing;
  - 6.2.1.3 details of the place from which the Tender Package may be collected; and
  - 6.2.1.4 the name and phone number of the Point of Contact for the tender.
- 6.2.2 Tender Closing should be not less than two weeks after the date on which the invitation to tender is first published, unless special circumstances require otherwise;
- 6.2.3 The Tender Closing must not be:
  - 6.2.3.1 a weekend or public holiday in Southern Tasmania; or
  - 6.2.3.2 between 23 December and 20 January inclusive,

unless special circumstances require otherwise.

### 6.3 Tender Package

#### 6.3.1 Council must make available to prospective Tenderers a Tender Package which:

- 6.3.1.1 states the time and date by which Tenders must be submitted, the place at which Tenders must be submitted and any other requirements concerning submission of Tenders;
- 6.3.1.2 clearly defines the intended contractual obligations of the parties;
- 6.3.1.3 makes reference to Council's Code for Tenders and Contracts;
- 6.3.1.4 provides details of the Work;
- 6.3.1.5 details information required from Tenderers;
- 6.3.1.6 sets out the criteria that will be used to determine whether Tenders are conforming and the basis on which Alternative Tenders will be considered;
- 6.3.1.7 nominates a Point of Contact where Tenderers may direct enquiries, which may include a monitored online forum for tenders invited through an electronic portal;
- 6.3.1.8 encourages Tenderers to incorporate maximum innovation, while satisfying commercial and technical objectives, by allowing the submission of options in addition to a Conforming Tender; and

#### 6.3.2 The Tender Package must include the following documents:

- 6.3.2.1 conditions of tendering;
- 6.3.2.2 specification;
- 6.3.2.3 tender form;
- 6.3.2.4 conditions of contract or a reference to the form of conditions of contract to be used;
- 6.3.2.5 contract annexures (if applicable); and
- 6.3.2.6 drawings, schedules and any other documents necessary to satisfy the requirements of Part (a) of this clause.

#### 6.3.3 A copy of this Code must be made available to Tenderers.

### 6.4 Form of Contract

- 6.4.1 Council must use published standard conditions of contract appropriate to the Work or the supply of Goods and Services unless circumstances require otherwise.
- 6.4.2 Council may amend or use special conditions with standard conditions of contract. If Council does so, Council must clearly identify the amendments or special conditions.

### 6.5 Tender Enquiries

- 6.5.1 Council must nominate a Point of Contact to deal with Tenderers' enquiries.
- 6.5.2 Tenderers may seek further information only through the point of contact nominated by Council.
- 6.5.3 The Point of Contact may necessitate or require that a request for information be made in writing.



- 6.5.4 If a Tenderer makes an enquiry, the Point of Contact must record the time and date of the enquiry, the name of the enquirer and the substance of the discussion.
- 6.5.5 If Council provides to any Tenderer information which is not contained in the Tender Package, Council must give that information to all Tenderers.
- 6.6 Tender Briefing Meetings
  - 6.6.1 Council may conduct a tender briefing meeting.
  - 6.6.2 Council must inform all prospective Tenderers of the time and place at which the tender briefing meeting is to be held. This may be achieved by including the information in the Tender Package, or by publishing the information through an electronic tendering portal, or through another means of contacting prospective Tenderers.
  - 6.6.3 Council must keep minutes of any tender briefing meeting. The minutes must be made available to all prospective Tenderers and become part of the tender documents.
- 6.7 Submission of Tenders
  - 6.7.1 Tenders must be lodged electronically or delivered to the place named in the Tender Package to arrive not later than the time specified in the Tender Package.
  - 6.7.2 Tenders must not be submitted to Council by facsimile or by email.
  - 6.7.3 Electronic Tendering is Council's preferred method of accepting tenders and must be submitted in the manner and in the form specified in the Tender Package.
  - 6.7.4 Where the Tender Package provides for submission of hard copy tenders, each Tender must be enclosed in a sealed envelope clearly marked "Tender" with Council's tender reference number and description of the tender.
  - 6.7.5 Council may, in its absolute discretion, accept a Tender received after Tender Closing or delay Tender Closing where:
    - 6.7.5.1 submission of hard copy tenders is provided for, it was posted at such a time that it should have been received by Council by Tender Closing; or
    - 6.7.5.2 electronic tenders are required or permitted, an event outside a Tenderer's control prevents submission by Tender Closing; and in addition to (i) or (ii)
    - 6.7.5.3 consideration of the late Tender or delaying the Tender Closing would not provide an unfair advantage or disadvantage to any party submitting a Tender.
  - 6.7.6 A Tender should not be submitted unless that Tenderer has the capacity and capability to carry out the Work.
  - 6.7.7 Tenderers must sign a declaration that they have read and understood the Code for Tenders and Contracts and certify that they have complied with the provisions of the Code.
  - 6.7.8 Council must reject any Tender which is not submitted in accordance with this clause and will record the date and time that it was received.
- 6.8 Amendment of Tender Package
  - 6.8.1 Council may amend the Tender Package if it discovers a significant error or discrepancy in it.
  - 6.8.2 If Council amends the Tender Package it must:
    - 6.8.2.1 give an addendum to the Tender Package to all Tenderers;
    - 6.8.2.2 give Tenderers sufficient time to consider the addendum; and

- 6.8.2.3 permit any Tenderer who has already submitted a Tender to submit an addendum, complying with the requirements of Clause 6.7 and clearly marked "Tender Addendum".
- 6.8.3 If Council amends the Tender Package it may extend the Tender Closing.
- 6.8.4 Each Tenderer must, not later than Tender Closing, acknowledge in writing receipt of the addendum given by Council.
- 6.9 Tender Opening
  - 6.9.1 Tender Opening will not be held in public.
  - 6.9.2 Tenders must be opened in the presence of two members of Council's staff other than the person named as, or responsible for monitoring, the Point of Contact nominated by Council to receive Tenderers' enquiries.
  - 6.9.3 Council will ensure that records of received Tenders, as opened are captured. The records must include sufficient details to uniquely identify each opened Tender and may be in electronic or hard copy form.
  - 6.9.4 Council must keep a copy of all records until after completion of all Work and in accordance with its obligations under the Archives Act 1983.
- 6.10 Tender Review Committee
  - 6.10.1 A Tender Review Committee may be established by the General Manager to review all Tenders prior to the awarding of contracts to ensure that Council's procurement policies are adhered to.
  - 6.10.2 The Tender Review Committee may review but not be limited to consideration of the following aspects of a tender:
    - 6.10.2.1 the tender and evaluation process adopted;
    - 6.10.2.2 the final tender evaluation report;
    - 6.10.2.3 the extent of compliance with this Code; and
    - 6.10.2.4 any other relevant issues or information.
- 6.11 Consideration of Tenders
  - 6.11.1 Subject to this Code, Council must consider all Conforming Tenders.
  - 6.11.2 Council must not consider a Non-Conforming Tender unless it meets the requirements set out in the Tender Package for an Alternative Tender and a fully Conforming Tender is also submitted.
  - 6.11.3 Council may consider an Alternative Tender which meets the requirements set out in the Tender Package for an Alternative Tender; may negotiate with the Tenderer who submitted it; and may accept the Alternative Tender or any variation of it negotiated with the Tenderer, provided that a fully Conforming Tender is also submitted.
  - 6.11.4 Council will take into account any of the following criteria (as set out in 6.3(a)vi) in considering Tenders:
    - 6.11.4.1 the resources of the Tenderer including technical, managerial, physical and financial resources;
    - 6.11.4.2 proposed methodology and delivery management, including communication with Council representatives;

- 6.11.4.3 Tenderer's understanding of the Work;
- 6.11.4.4 price;
- 6.11.4.5 Tenderer's past experience and performance history including:
  - time for delivery of work, goods and/or services;
  - quality of work, goods and/or services;
  - management of delivery, including communication with the customer;
  - co-ordination of service providers, consultants and suppliers;
  - rectification of defects and after delivery service;
  - conformance with specified requirements;
  - work health and safety; and
  - employee relations;
- 6.11.4.6 experience of personnel committed in the Tender;
- 6.11.4.7 timeframes committed in the Tender;
- 6.11.4.8 quality management;
- 6.11.4.9 work health and safety management;
- 6.11.4.10 compliance with this Code; and
- 6.11.4.11 any other criteria specified in the Tender Package.
- 6.11.5 Council must determine the weighting to be given to the criteria before Tender Opening, and the weightings are to be determined at Council's absolute discretion.
- 6.11.6 The weighting to be given to each of the criteria may vary from tender to tender.
- 6.11.7 Council may advise Tenderers of the weightings but is not obliged to do so.
- 6.11.8 During evaluation Council may request additional information from and/or negotiate with one or more Tenderers for one or more of the following purposes:
  - 6.11.8.1 to assess any assumptions made by a Tenderer in preparing their Tender and to rectify any false assumptions;
  - 6.11.8.2 to clarify a Tenderer's capacity and/or capability to perform the Work;
  - 6.11.8.3 to improve the Value for Money for Council by identifying cost reductions or service improvements; or
  - 6.11.8.4 to finalise commercial details required to form a contract.
  - 6.11.8.5 but must not:
    - 6.11.8.6 request such information or negotiate in order to turn a Non-Conforming Tender into a Conforming Tender; nor;
    - 6.11.8.7 negotiate substantial changes to specified requirements, where such changes could affect the evaluation outcome, without providing equal opportunity for all Tenderers.
- 6.12 Negotiation, Rejection and Acceptance of Tenders
  - 6.12.1 Council is not obliged to accept any tender;



- 6.12.2 Council is not obliged to accept the lowest priced Conforming or Alternative Tender;
  - 6.12.3 Council may accept any Conforming Tender, any Non-Conforming Tender, or any Alternative Tender in accordance with Clause 6.7 and Clause 6.11;
  - 6.12.4 Council may reject all Tenders;
  - 6.12.5 If Council rejects all Tenders, Council must advise each Tenderer accordingly;
  - 6.12.6 If Council rejects all Tenders, Council may invite further tenders;
  - 6.12.7 If Council does not accept any Tender, Council may negotiate with the Preferred Tenderer and, after exhausting negotiations with the Preferred Tenderer, with other Tenderers in order of preference from most to least preferred;
  - 6.12.8 In the course of negotiation with a Tenderer, Council must not disclose the details of a Tender submitted by any other Tenderer;
  - 6.12.9 If Council decides to accept a Tender or a subsequent offer, Council must accept that Tender or subsequent offer in writing to the Successful Tenderer stating that the Tender or subsequent offer has been accepted and setting out the terms of that acceptance;
  - 6.12.10 After Council has accepted a Tender or subsequent offer, Council and the Successful Tenderer must execute a formal contract document in the form specified in the Tender Package (with any necessary amendments) within 14 days from the date when the Successful Tenderer received the written acceptance under Clause 6.12.9;
  - 6.12.11 Upon sending advice to a Successful Tenderer in accordance with Clause 6.12.9, Council must advise all other Tenderers that their Tenders have been unsuccessful; and
  - 6.12.12 The Successful Tenderer will not be entitled to receive any payment due under a Contract until it has executed the formal contract document in accordance with Clause 6.12.10 and met any pre-requisites such as the provision of performance bonds or guarantees.
- 6.13 Multiple-Use Register
- A Multi-Use Register is a method of pre-qualifying suppliers who have satisfied the conditions for participation for inclusion on the register. It should not be seen as an alternative method of procurement in its own right. The obligation to undertake an open tender (Prescribed Amount above \$250,000), or to obtain a minimum of three written quotations/submissions (Prescribed Amount between \$100,000 and \$250,000), must be completed prior to the formation of the multi-use register.
- 6.13.1 Council may utilise a Multiple-Use Register process to establish a register of suppliers for the supply of goods, materials or services that may be utilised by Council for a period of time of up to two (2) years.
  - 6.13.2 If it is determined that Council will establish such a register, the General Manager will invite expressions of interest or tenders from prospective applicants for inclusion on the register by publishing on Council's electronic tender web site and/or at least once in a daily newspaper circulating in the municipal area a notice specifying:
    - 6.13.2.1 a description of the goods and services required;
    - 6.13.2.2 the name and contact details of the person nominated by Council to deal with enquiries or where relevant documents may be obtained; and
    - 6.13.2.3 any deadlines for submission of application for inclusion on the register.
- 6.14 The General Manager must ensure that applicants are provided with the following in order to make an application:

- 6.14.1 details of the categories of goods or services required;
  - 6.14.1.1 the conditions for participation to be satisfied by applicants;
  - 6.14.1.2 the criteria for evaluating applications; and
  - 6.14.1.3 a reference to Council's Code for Tenders and Contracts.
- 6.14.2 The General Manager must advise all applicants of the results of their application including the categories for which they are registered and if applicable, the reasons for any rejection, as soon as practicable.
- 6.14.3 Tenders or invitations for registration may be called on a periodic basis and there is no guarantee as to the actual value or quantity of goods, materials or services to be purchased. Schedules of rates are obtained through the open tender process and selected contractors are invited, when required, to supply goods or services at the rates agreed in their tender submission.
- 6.14.4 When Council wishes to use the register, the General Manager will invite all successful applicants that are registered for the relevant category to respond to the request for the provision of the required goods or service.
- 6.14.5 This type of contract is primarily used for supply of goods, materials or services such as plant hire, supply of road-making materials, pit construction, minor pipe works, mowing, roadside tree maintenance, stationery, etc. Several contractors or one contractor may be selected for any one project, or work may be awarded on a shared basis.
- 6.14.6 Council will maintain a Register of Contractors and Suppliers.
- 6.14.7 Tenderers will remain on the Register of Contractors and Suppliers for the period of the contract subject to:-
  - 6.14.7.1 maintaining the requested insurances and licence registrations for the category of work being performed;
  - 6.14.7.2 being financially viable; and
  - 6.14.7.3 having undertaken work for the Council in a proper workmanlike manner without defects or omissions.
- 6.14.8 Council will allow a prospective applicant to apply for inclusion on a register of Contractors and Suppliers at any time during the term of the Multi-use Register, unless the prospective applicant has applied within the previous 12 months and has not been accepted.
- 6.14.9 For all procurements where the value of the supply of goods or services under a Multi-Use Register in a twelve month period from all suppliers is likely to exceed the Prescribed Amount, the following will apply:
  - 6.14.9.1 An open tender process will be undertaken;
  - 6.14.9.2 Council's internal purchasing approval processes for open tenders will be followed;
  - 6.14.9.3 A formal contract will be signed with the successful tenderers; and
  - 6.14.9.4 The purchases so made under the Multi-Use Register will be reported under Regulation 29 of the Local Government (General) Regulations 2015.
- 6.15 Multiple-stage Tenders
  - 6.15.1 A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by Council.



- 6.15.2 Council will utilise a multiple-stage tendering process to shortlist qualified tenderers through an open tender process. Subsequent assessment will be based on a closed tender approach to those parties who have been shortlisted and will have different selection criteria to the initial stage.
- 6.15.3 A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for Council, and as such this process will only be used where:
  - 6.15.3.1 the best way to meet the requirement is unclear;
  - 6.15.3.2 it is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders, to reduce the cost of tendering;
  - 6.15.3.3 there are benefits which cannot be obtained by researching the market through conventional means;
  - 6.15.3.4 the procurement requirement is still developing as a result of technology or detailed design requirements; and
  - 6.15.3.5 maximum flexibility is required throughout the procurement process.
- 6.15.4 The multiple-stage processes that Council may use are as follows:
  - 6.15.4.1 Expression of interest - an expression or registration of interest may be used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity.

Alternatively, a request for proposal – may be used when a project or requirement has been defined, but where an innovative or flexible solution is sought.
  - 6.15.4.2 Closed tender process – may be used if the initial specification is well defined and an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.
- 6.15.5 Council is mindful of the following aspects when conducting a multiple stage tender process:
  - 6.15.5.1 the same mandatory requirements regarding advertising that apply to a public tender process;
  - 6.15.5.2 that a short-listed party cannot be engaged without going through a more detailed second (tender) stage process, unless approved by an absolute majority of Council;
- 6.15.6 The General Manager must invite expressions of interest from prospective Tenderers by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying:
  - 6.15.6.1 the nature of the Works, goods and services required;
  - 6.15.6.2 where the application is to be lodged;
  - 6.15.6.3 the person from whom more detailed information may be obtained; and
  - 6.15.6.4 any deadlines for submission of application for inclusion on the register.
- 6.15.7 The General Manager must ensure that prospective Tenderers are provided with the following in order to lodge an expression of interest:
  - 6.15.7.1 details of the goods or services required;
  - 6.15.7.2 the criteria for evaluating expressions of interest;

- 6.15.7.3 the method of evaluating expressions of interest against the criteria;
- 6.15.7.4 details of any further stages in the tender process and the subsequent selection criteria to be used at the next stage (usually price); and
- 6.15.7.5 a reference to Council's Code for Tenders and Contracts.
- 6.15.8 At the final stage of a multiple-stage tender, the General Manager must send an invitation to all short-listed suppliers who have met the criteria determined by Council, to tender for the supply of goods or services.  
  
If only one supplier meets the criteria determined by Council at the first stage of a multiple-stage tender, Council may contract with that supplier:
  - 6.15.8.1 after a tender by that supplier; or
  - 6.15.8.2 a decision by absolute majority of Council to do so.
- 6.16 Contract Renewals and Extensions
  - 6.16.1 Where goods or services being delivered under a Contract or Tender are required on an ongoing basis, Council may undertake a new procurement process prior to the completion of the existing delivery arrangement.
  - 6.16.2 Council may extend an existing Contract that contains an option, rather than seek new tenders or quotations for the delivery of the goods or services.
  - 6.16.3 When drafting a contract that contains a provision for an additional term consideration should be given as to how any adjustments to price (rise and fall) are to be made. CPI adjustments though common, are not always the best method and other approaches, such as tying increases to national wage increases for high labour content supply contracts may be more appropriate.
  - 6.16.4 Except by a decision of absolute majority of Council to do so, Contracts will only be extended:
    - 6.16.4.1 where the original Contract provides for such an extension;
    - 6.16.4.2 following a full evaluation of the performance of the current contractor;
    - 6.16.4.3 where the principles of open and effective competition are protected;
    - 6.16.4.4 provided that the original requirements for insurances and licences is still being met by the tenderer; and
    - 6.16.4.5 since the previous tender, the market and nature of the goods/services are substantially unchanged.
- 6.17 Confidentiality
  - 6.17.1 Council and Tenderers must keep information that they receive from each other in the course of the tender process confidential, except where they are expressly permitted under this Code or obliged by law to release that information.
  - 6.17.2 Councillors and Council staff must keep confidential any information that they are given or access in relation to a tender, except where they are expressly permitted under this Code or obliged by law to release that information.
  - 6.17.3 If any Tenderer provides to Council additional documents marked "confidential", Council must use best efforts to avoid any confidential information being made available to persons not involved in evaluation of Tenders.
- 6.18 Copyright and Intellectual Property

- 6.18.1 Tenderers may wish to claim certain rights and ownership of intellectual property contained within their tender submissions, including trade secrets, designs, materials, documents and methods of working.
- 6.18.2 Council and its officers shall respect all such claims subject of course to any requirements of the tender for the ownership and the material to pass to Council as part of the engagement.
- 6.19 Debriefing Unsuccessful Tenderers
  - 6.19.1 Unsuccessful Tenderers may request a debriefing to assist them in understanding how they may improve their submissions for future Council tenders.
  - 6.19.2 Debriefings are limited to discussion of the strengths and weaknesses of the Tenderer's submission relative to Council's requirements.
  - 6.19.3 Unsuccessful Tenderer briefings must not be used to discuss other Tenderer's submissions, nor to contest the outcome of a tender evaluation.
- 6.20 Procurement Process Complaints
  - 6.20.1 Complaints regarding procurement processes are addressed in the same manner as any other complaints, as set out in Council's Customer Service Charter. The Customer Service Charter can be found on Council's website [www.kingborough.tas.gov.au](http://www.kingborough.tas.gov.au) under Council>Policies.
  - 6.20.2 Complaints under Council's Public Interest Disclosure Policy are incorporated into the Customer Service Charter.
- 6.21 Breach of the Code
  - 6.21.1 Council must take all reasonable steps to comply with this Code and ensure that all other parties comply with it. However, Council will not be liable in any way to a Tenderer or any other person for any breach of this Code.
  - 6.21.2 If an employee of Council or a body controlled by Council breaches this Code, Council may take disciplinary action if, in its absolute discretion, it considers it desirable to do so.
  - 6.21.3 If a Councillor breaches this Code, action may be taken under the Councillor Code of Conduct.
  - 6.21.4 If a Tenderer commits a breach of this Code, Council may, in its absolute discretion, take action against the Tenderer including but not limited to:
    - 6.21.4.1 a warning;
    - 6.21.4.2 reduction in opportunities to tender for work for Council;
    - 6.21.4.3 refusal by Council to consider any Tender submitted by the Tenderer to Council;
    - 6.21.4.4 publicising the breach and the identity of the Tenderer; and
    - 6.21.4.5 reporting the breach to a statutory, professional or other body.
- 6.22 High Value/High Risk Purchases
  - 6.22.1 Though not a specific requirement of either the Act or Regulations, a project plan and risk assessment should be prepared for purchases exceeding one million dollars (\$1,000,000) in value.
  - 6.22.2 It is the responsibility of the Director of the relevant area to ensure that consideration is given to minimising risks to Council.
- 6.23 Documenting the Procurement
  - 6.23.1 As a public authority, Council is subject to external scrutiny and potentially audit.



6.23.2 For low value, low risk Works, goods and services, records must be kept of quotations received and quotations approved. If written quotations cannot be obtained, Council must keep detailed written records of the oral quotation obtained, including details of the commercial terms of the quotation.

6.23.3 Records of the procurement must be maintained in Council's electronic records management system, and as a minimum should include:-

6.23.3.1 Full details of the tender issued, including specifications;

6.23.3.2 Any addendum issued during the tender period including minutes of tender meetings;

6.23.3.3 Responses received to the tender;

6.23.3.4 Any correspondence between the Council and Tenderers;

6.23.3.5 A written tender assessment report;

6.23.3.6 Minute to Council for amounts above the Prescribed Amount, or approval by the relevant delegate;

6.23.3.7 Letters to the successful and unsuccessful tenderers; and

6.23.3.8 A copy of the signed contract.

6.24 Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

## **7. COMMUNICATION**

7.1 This Policy will be published on Council's internet and intranet sites.

## **8. LEGISLATION**

8.1 Section 333A of the Local Government Act 1993 and Regulations 23 to 26 of the Local Government (General) Regulations 2015 determine the manner in which purchasing activities must generally be conducted where the value of a contract exceeds a Prescribed Amount.

8.2 Note: The Prescribed Amount under the 2015 Regulations is currently \$250,000 (excluding GST).

8.3 Section 333A of the Act and Regulation 27 of the Regulations prescribe situations and contracts where Regulations 23 to 26 do not necessarily apply.

8.4 Section 333B of the Act and Regulation 28 of the Regulations require Council to adopt a Code for Tenders and Contracts and define the requirements for that Code.

8.5 Regulation 29 of the Regulations details the reporting requirements in relation to tenders and contracts.

## **9. RELATED DOCUMENTS**

9.1 Council's Purchasing Policy (Policy No. 3.7) sits alongside this Code and sets out requirements for purchasing Works, goods and services of any value, including legislated matters relating to purchases below the prescribed amount.

9.2 Relevant Australian Standards for contracts and tendering.

## **10. AUDIENCE**

10.1 This Policy is intended for Council Employees, Councillors, Tenderers and external parties.

10.2 The policy is accessible via Council's public website and internal intranet.

## 16.3 FINANCIAL REPORT - JANUARY 2022

**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 January 2022 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:

- User fees are \$101k over budget primarily due to property revenue of \$53k over budget the majority of which relates to rental income at the Depot for providing space to store Metro buses. The Community Hub venue hire income is \$28k over budget from the vaccination program hire income.
- Grants Recurrent are \$440k 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 and we have received \$94k in Local Roads and Community Infrastructure operational grant funds and \$50k for a netball feasibility study.
- Contributions – Cash is \$228k over budget due to the contribution to public open space (POS) of \$207k from the Spring Farm subdivision.
- Other income is \$246k over budget primarily due to Private Works revenue of \$170k over budget for works undertaken on behalf of the state government on Bruny Island. Council was also in receipt of \$42k in insurance revenue to settle the claim relating to the flood damage at the Civic Centre.
- Employee costs are \$97k over budget primarily due to the reduction in the provision for annual leave as a result of employees taking substantial annual leave in the month of January 2022.



- Materials and Services are \$801k over budget primarily due to maintenance activities undertaken by the works area funded by grant funds under the LRCI program (\$110k), the Bruny Island Boat Shed protection grant (\$85K) and private works (\$95k) which is funded through other income. In addition, road works on unsealed roads required to repair storm damage has resulted in a \$353k negative variance in Transport activity costs. This negative variance is expected to be substantially recouped over the remainder of the year.
- Other expenses are \$102 over budget due primarily to the cost of the recent Council by-election of which \$87k was expensed to 2021/22. The payment of rate remissions is \$27k over budget which is slightly under the \$38k rate remission reimbursements.
- Grants Capital is under budget by \$480k. This is due to a delay in the receipt of the next funding allocation of \$2m under the city deal which is expected to be received in April 2022. Offsetting this is grant expenditure being carried forward from 2020/21, predominately for funds under the city deal grant. In addition, grant funds have been received for the Beach Road footpath (\$340k) and the Van Morey Road safety improvements (\$170k).

4.2 Council's cash and investments amount to \$20.1m at the end of January, which is up \$9.2 from the January 2021 figure. Borrowing of \$22.3 million offset this amount.

## **5. FINANCE**

5.1 Council's underlying surplus for January 2022 is \$12.0 million, which is a \$0.20m favourable variance on the budget for 2021/22. The forecast underlying deficit has been reduced by \$0.10m to \$0.50 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 January 2022 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 better than the forecast budget underlying deficit.

## **10. RECOMMENDATION**

That Council endorses the attached Financial Report at 31 January 2022.

## **ATTACHMENTS**

- 1. Financial Report - January 2022**
- 2. Capital Expenditure Report - January 2022**



# Kingborough

## **KINGBOROUGH COUNCIL**

**SUMMARISED FINANCIAL REPORT  
FOR THE PERIOD  
1ST JULY, 2021  
TO  
31ST JANUARY, 2022**

**SUBMITTED TO COUNCIL  
21ST FEBRUARY, 2022**

[kingborough.tas.gov.au](http://kingborough.tas.gov.au)



## KINGBOROUGH COUNCIL - January 2022

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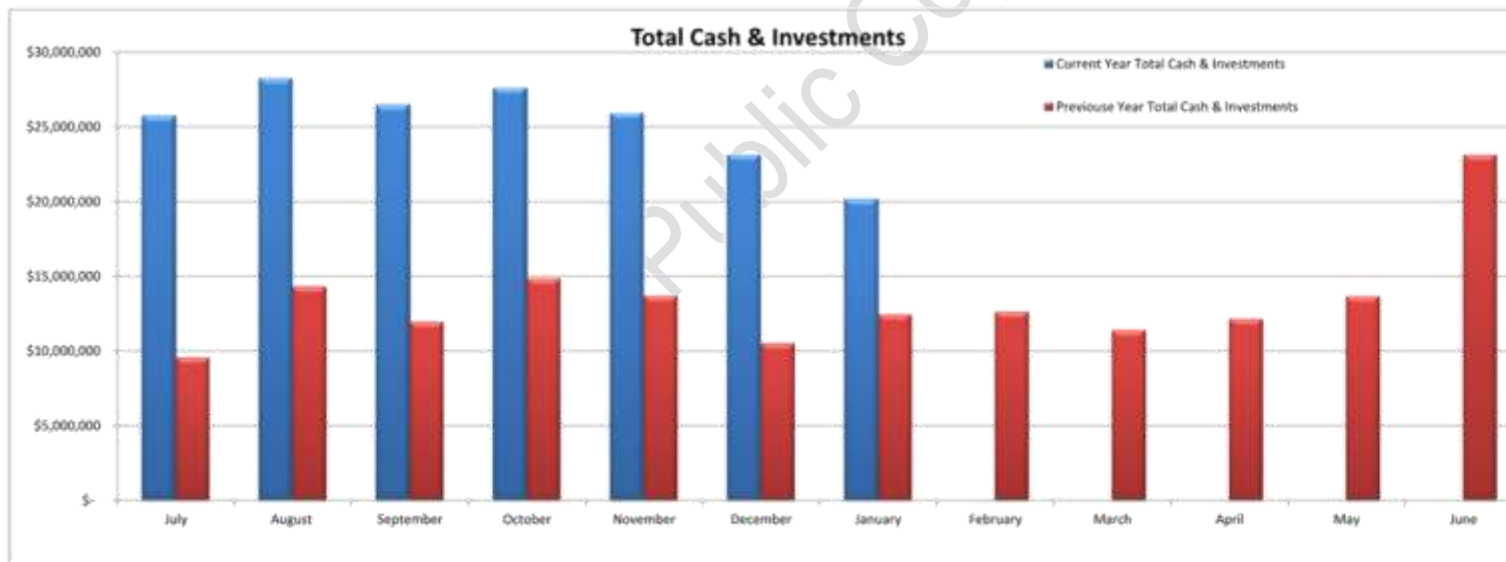
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# KINGBOROUGH COUNCIL - January 2022

## CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 3,622,695	\$ 2,853,365	\$ 2,614,265	\$ 2,614,265	\$ 2,636,623	\$ 2,636,623	\$ 2,685,373	\$ -	\$ -	\$ -	\$ -	\$ -
Held in Trust	\$ 1,718,472	\$ 1,716,249	\$ 1,717,988	\$ 1,738,988	\$ 1,901,450	\$ 1,896,387	\$ 1,881,137					
Unexpended Capital Works*	\$ 454,973	\$ 1,281,223	\$ 2,143,186	\$ 2,724,247	\$ 2,905,309	\$ 3,626,371	\$ 4,777,433					
<b>Current Year Total Committed Cash</b>	<b>\$ 5,796,140</b>	<b>\$ 5,850,837</b>	<b>\$ 6,475,439</b>	<b>\$ 7,077,500</b>	<b>\$ 7,443,381</b>	<b>\$ 8,159,380</b>	<b>\$ 9,343,942</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Total Committed Cash</b>	<b>\$ 6,119,864</b>	<b>\$ 6,207,371</b>	<b>\$ 6,203,636</b>	<b>\$ 6,455,329</b>	<b>\$ 6,956,359</b>	<b>\$ 7,379,163</b>	<b>\$ 8,179,736</b>	<b>\$ 8,644,283</b>	<b>\$ 8,978,091</b>	<b>\$ 9,681,463</b>	<b>\$ 10,154,617</b>	<b>\$ 10,485,817</b>
Uncommitted Funds	\$ 19,927,050	\$ 22,382,710	\$ 19,979,957	\$ 20,510,439	\$ 18,485,436	\$ 14,973,849	\$ 10,803,562	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Current Year Total Cash</b>	<b>\$ 25,723,190</b>	<b>\$ 28,233,547</b>	<b>\$ 26,455,395</b>	<b>\$ 27,587,940</b>	<b>\$ 25,928,817</b>	<b>\$ 23,133,230</b>	<b>\$ 20,147,504</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Total Cash</b>	<b>\$ 9,551,285</b>	<b>\$ 14,307,424</b>	<b>\$ 11,939,006</b>	<b>\$ 14,835,953</b>	<b>\$ 13,676,499</b>	<b>\$ 10,502,790</b>	<b>\$ 12,430,269</b>	<b>\$ 12,599,016</b>	<b>\$ 11,369,278</b>	<b>\$ 12,133,665</b>	<b>\$ 13,630,478</b>	<b>\$ 23,115,909</b>

\*Unexpended Capital Works excludes Kingston Park expenditure



## KINGBOROUGH COUNCIL - January 2022

## CASH, INVESTMENTS &amp; BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June
BA - Overdraft Account			\$ 2,867,601	\$ 4,661,131	\$ 2,390,325	\$ 3,150,525	\$ 1,938,551	\$ 398,077	\$ 2,953,493					
BA - Applications Account			\$ 96,470	\$ 253,479	\$ 46,425	\$ 158,546	\$ 3,490	\$ 11,770	\$ 100,586					
BA - AR Account			\$ 465,852	\$ 1,023,596	\$ 36,925	\$ 295,025	\$ 532	\$ 34,827	\$ 395,794					
BA - Business Online Saver			\$ 8,058,542	\$ 8,059,911	\$ 9,744,280	\$ 9,745,679	\$ 9,747,335	\$ 8,448,937	\$ 7,450,515					
<b>Total Cash</b>			<b>\$ 11,488,466</b>	<b>\$ 13,998,118</b>	<b>\$ 12,217,956</b>	<b>\$ 13,349,776</b>	<b>\$ 11,689,908</b>	<b>\$ 8,893,611</b>	<b>\$ 10,900,389</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>INVESTMENTS</b>														
lendigo 4	0.22%	11-Jul-22	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,008,055					
lystate 3	0.50%	23-Mar-22	\$ 2,021,423	\$ 2,021,423	\$ 2,022,697	\$ 2,022,697	\$ 2,022,697	\$ 2,022,697	\$ 2,022,697					
lystate 4	0.45%	30-Apr-22	\$ 3,000,139	\$ 3,000,139	\$ 3,000,139	\$ 3,000,139	\$ 3,000,139	\$ 3,000,139	\$ 3,006,982					
iscorp HT	0.10%	Managed Trust	\$ 2,115,369	\$ 2,115,549	\$ 2,115,723	\$ 2,115,902	\$ 2,116,076	\$ 2,116,256	\$ 2,116,436					
iscorp Cash Indexed	0.27%	Managed Trust	\$ 2,097,792	\$ 2,098,318	\$ 2,098,880	\$ 2,099,425	\$ 2,099,997	\$ 2,100,527	\$ 2,101,001					
<b>Total Investments</b>			<b>\$ 14,234,724</b>	<b>\$ 14,235,429</b>	<b>\$ 14,237,439</b>	<b>\$ 14,238,164</b>	<b>\$ 14,238,910</b>	<b>\$ 14,239,619</b>	<b>\$ 14,247,115</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Current Year Total Cash &amp; Investments</b>			<b>\$ 25,723,190</b>	<b>\$ 28,233,547</b>	<b>\$ 26,455,395</b>	<b>\$ 27,587,940</b>	<b>\$ 25,928,817</b>	<b>\$ 23,133,230</b>	<b>\$ 20,147,504</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Cash &amp; Investments</b>			<b>\$ 9,551,285</b>	<b>\$ 14,307,424</b>	<b>\$ 11,939,006</b>	<b>\$ 14,835,953</b>	<b>\$ 13,676,499</b>	<b>\$ 10,502,790</b>	<b>\$ 10,253,798</b>	<b>\$ 12,430,269</b>	<b>\$ 12,599,016</b>	<b>\$ 12,133,665</b>	<b>\$ 13,630,478</b>	<b>\$ 23,115,905</b>
<b>Borrowings</b>														
iscorp (Grant Funded)	3.43%	22-Jun-23	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000					
iscorp	3.47%	11-Oct-23	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000					
iscorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000					
iscorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000					
iscorp	1.32%	16-Jun-23	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000					
iscorp	1.10%	19-Jun-24	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500					
<b>Total Borrowings</b>			<b>\$ 22,322,500</b>	<b>\$ 22,322,500</b>	<b>\$ 22,322,500</b>	<b>\$ 22,322,500</b>	<b>\$ 22,322,500</b>	<b>\$ 22,322,500</b>	<b>\$ 22,322,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



## KINGBOROUGH COUNCIL - January 2022

## RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733					
Car Parking	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248					
Hall Equipment Replacement	\$ 70,785	\$ 70,785	\$ 70,785	\$ 70,785	\$ 70,785	\$ 70,785	\$ 70,785					
IT Equipment Replacement	\$ 54,931	\$ 54,931	\$ 54,931	\$ 54,931	\$ 54,931	\$ 54,931	\$ 54,931					
KSC Equipment Replacement	\$ 135,070	\$ 135,070	\$ 135,070	\$ 135,070	\$ 135,070	\$ 135,070	\$ 135,070					
Office Equipment Replacement	\$ 87,024	\$ 87,024	\$ 87,024	\$ 87,024	\$ 87,024	\$ 87,024	\$ 87,024					
Plant & Equipment Replacement	\$ 618,887	\$ 618,887	\$ 618,887	\$ 618,887	\$ 618,887	\$ 618,887	\$ 618,887					
Public Open Space	\$ 996,018	\$ 1,005,718	\$ 764,618	\$ 764,618	\$ 769,206	\$ 769,206	\$ 813,206					
Tree Preservation Reserve	\$ 821,968	\$ 823,968	\$ 825,968	\$ 825,968	\$ 843,738	\$ 843,738	\$ 848,488					
Unexpended Grants	\$ 781,030	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
<b>Current Year Total Reserve</b>	<b>\$ 3,622,695</b>	<b>\$ 2,853,365</b>	<b>\$ 2,614,265</b>	<b>\$ 2,614,265</b>	<b>\$ 2,636,623</b>	<b>\$ 2,636,623</b>	<b>\$ 2,685,373</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Total Reserve</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>	<b>\$ 3,250,945</b>

## PUBLIC OPEN SPACE COMMITMENTS

Public Open Space Balance \$ 813,206

## Less Projects Committed, yet to be taken from POS

Project	Amount
Spring Farm or Whitewater Park	\$ 195,009
	\$ 195,009

Public Open Space Uncommitted Balance \$ 618,197

## Commitments yet to be taken from Public Open Space, to be funded by land sales

Almo Close Park	\$ 220,000	Funded by sale of 281 Roslyn Ave
Donohoe Gardens	\$ 275,000	Funded by sale of 41 Hiern Road

## Funds to come to Public Open Space

Sale of 110 Channel Highway Funds already used for Louisa Hinsby Park \$125,000

# KINGBOROUGH COUNCIL - January 2022

## BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
<b>BUDGET UNDERLYING RESULT</b>	<b>(593,408)</b>
<b>Forecast Changes:</b>	
User Fees - KSC and Community Hub	150,000
Grants Recurrent - Carried forward from 2020/21.	150,000
Grants Recurrent - New grants in 2021/22.	200,000
Grants Recurrent - Increase in Financial Assistance Grants	150,000
Cash Contribution - POS Spring Farm	200,000
Other Income - Insurance funds and private works income	200,000
Employee Costs - Planning Support	(100,000)
Employee Costs - Enterprise Agreement	(100,000)
Materials & Services - Expenditure of Grant Funds	(350,000)
Materials & Services - Private works	(100,000)
Other Expenses - Council election costs	(100,000)
Other Expenses - Council Contribution to Light Wood Park Female Cha	(200,000)
<b>FORECAST UNDERLYING RESULT</b>	<b>(493,408)</b>
<b>Adjustments not affecting the Underlying Surplus</b>	
Capital Grants	1,500,000
<b>Net Operating Surplus.</b>	<b>5,054,352</b>

## KINGBOROUGH COUNCIL - January 2022

## Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	32,169,734	32,177,384	(7,650)	32,210,000	32,210,000	0
Income Levies	1,786,494	1,799,000	(12,506)	1,799,000	1,799,000	0
Statutory Fees & Fines	1,462,464	1,513,810	(51,346)	2,614,700	2,614,700	0
User Fees	859,096	758,030	101,066	1,299,550	1,449,550	150,000
Grants Recurrent	1,248,831	808,750	440,081	2,765,000	3,265,000	500,000
Contributions - Cash	348,635	120,820	227,815	207,000	407,000	200,000
Reimbursements	1,197,854	1,160,000	37,854	1,200,000	1,200,000	0
Other Income	794,643	548,040	246,603	1,203,600	1,403,600	200,000
Internal Charges Income	128,331	128,310	21	220,000	220,000	0
<b>Total Income</b>	<b>39,996,082</b>	<b>39,014,144</b>	<b>981,938</b>	<b>43,518,850</b>	<b>44,568,850</b>	<b>1,050,000</b>
<b>Expenses</b>						
Employee Costs	10,226,518	10,323,501	96,983	15,876,756	16,076,756	(200,000)
Expenses Levies	892,606	899,500	6,894	1,799,000	1,799,000	0
Loan Interest	57,231	57,190	(41)	98,000	98,000	0
Materials and Services	7,180,680	6,379,605	(801,075)	10,375,203	10,825,203	(450,000)
Other Expenses	3,224,003	3,121,900	(102,103)	4,378,700	4,678,700	(300,000)
Internal Charges Expense	128,331	128,310	(21)	220,000	220,000	0
<b>Total Expenses</b>	<b>21,709,369</b>	<b>20,910,006</b>	<b>(799,363)</b>	<b>32,747,658</b>	<b>33,697,658</b>	<b>(950,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>18,286,713</b>	<b>18,104,138</b>	<b>182,575</b>	<b>10,771,192</b>	<b>10,871,192</b>	<b>100,000</b>
Depreciation	6,963,962	6,960,660	(3,302)	11,932,600	11,932,600	0
Loss/(Profit) on Disposal of Assets	(40,693)	0	40,693	400,000	400,000	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>11,363,445</b>	<b>11,143,478</b>	<b>219,967</b>	<b>(1,561,408)</b>	<b>(1,461,408)</b>	<b>100,000</b>
Interest	36,873	57,190	(20,317)	98,000	98,000	0
Dividends	616,000	620,000	(4,000)	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
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>12,016,318</b>	<b>11,820,668</b>	<b>195,650</b>	<b>(593,408)</b>	<b>(493,408)</b>	<b>100,000</b>
Grants Capital	1,919,456	2,400,000	(480,544)	3,000,000	4,500,000	1,500,000
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
<b>NET SURPLUS/(DEFICIT)</b>	<b>13,935,774</b>	<b>14,220,668</b>	<b>(284,894)</b>	<b>3,406,592</b>	<b>5,006,592</b>	<b>1,600,000</b>
<b>Underlying Result</b>						
Grant Received in Advance	0	0	0	0	0	0
<b>UNDERLYING RESULT</b>	<b>12,016,318</b>	<b>11,820,668</b>	<b>195,650</b>	<b>(593,408)</b>	<b>(493,408)</b>	<b>100,000</b>
<b>TOTAL CASH GENERATED</b>	<b>5,052,356</b>	<b>4,860,008</b>	<b>192,348</b>	<b>11,339,192</b>	<b>11,439,192</b>	<b>100,000</b>

## KINGBOROUGH COUNCIL - January 2022

## Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	26,472,597	26,615,020	(142,423)	26,631,000	26,631,000	0
Income Levies	1,786,494	1,799,000	(12,506)	1,799,000	1,799,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	49,583	49,560	23	85,000	85,000	0
Grants Recurrent	655,448	570,000	85,448	2,420,000	2,470,000	50,000
Contributions - Cash	318,501	72,940	245,561	125,000	325,000	200,000
Reimbursements	1,197,854	1,160,000	37,854	1,200,000	1,200,000	0
Other Income	82,070	26,750	55,320	273,000	323,000	50,000
Internal Charges Income	0	0	0	0	0	0
<b>Total Income</b>	<b>30,562,548</b>	<b>30,293,270</b>	<b>269,278</b>	<b>32,533,000</b>	<b>32,833,000</b>	<b>300,000</b>
<b>Expenses</b>						
Employee Costs	238,004	247,390	9,386	401,650	401,650	0
Expenses Levies	892,606	899,500	6,894	1,799,000	1,799,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	154,279	128,500	(25,779)	171,000	171,000	0
Other Expenses	1,911,056	1,869,060	(41,996)	2,241,200	2,541,200	(300,000)
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>3,494,446</b>	<b>3,144,450</b>	<b>(349,996)</b>	<b>4,612,850</b>	<b>4,912,850</b>	<b>300,000</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>27,068,102</b>	<b>27,148,820</b>	<b>(80,718)</b>	<b>27,920,150</b>	<b>27,920,150</b>	<b>0</b>
Depreciation	133,337	140,000	6,663	240,000	240,000	0
Loss/(Profit) on Disposal of Assets	(40,693)	0	40,693	400,000	400,000	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>26,975,459</b>	<b>27,008,820</b>	<b>(33,361)</b>	<b>27,280,150</b>	<b>27,280,150</b>	<b>0</b>
Interest	0	0	0	0	0	0
Dividends	616,000	620,000	(4,000)	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
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>27,591,459</b>	<b>27,628,820</b>	<b>(37,361)</b>	<b>28,150,150</b>	<b>28,150,150</b>	<b>0</b>
Grants Capital	1,919,456	2,400,000	(480,544)	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
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>29,510,915</b>	<b>30,028,820</b>	<b>(517,905)</b>	<b>32,150,150</b>	<b>32,150,150</b>	<b>0</b>
<b>TOTAL CASH GENERATED</b>	<b>27,458,122</b>	<b>27,488,820</b>	<b>(30,698)</b>	<b>27,910,150</b>	<b>27,910,150</b>	<b>0</b>

## KINGBOROUGH COUNCIL - January 2022

## Summary Operating Statement Corporate Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	171,760	182,700	(10,940)	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	65,089	74,900	(9,811)	128,400	128,400	0
Internal Charges Income	87,500	87,500	0	150,000	150,000	0
<b>Total Income</b>	<b>324,350</b>	<b>345,100</b>	<b>(20,750)</b>	<b>591,600</b>	<b>591,600</b>	<b>0</b>
<b>Expenses</b>						
Employee Costs	1,817,156	1,793,910	(23,246)	2,900,207	2,900,207	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	57,231	57,190	(41)	98,000	98,000	0
Materials and Services	504,753	559,650	54,897	799,000	799,000	0
Other Expenses	847,607	808,920	(38,687)	1,290,800	1,290,800	0
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>3,226,748</b>	<b>3,219,670</b>	<b>(7,078)</b>	<b>5,088,007</b>	<b>5,088,007</b>	<b>0</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,902,398)</b>	<b>(2,874,570)</b>	<b>(27,828)</b>	<b>(4,496,407)</b>	<b>(4,496,407)</b>	<b>0</b>
Depreciation	131,118	45,150	(85,968)	77,400	77,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(3,033,516)</b>	<b>(2,919,720)</b>	<b>(113,796)</b>	<b>(4,573,807)</b>	<b>(4,573,807)</b>	<b>0</b>
Interest	36,873	57,190	(20,317)	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
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(2,996,643)</b>	<b>(2,862,530)</b>	<b>(134,113)</b>	<b>(4,475,807)</b>	<b>(4,475,807)</b>	<b>0</b>
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
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(2,996,643)</b>	<b>(2,862,530)</b>	<b>(134,113)</b>	<b>(4,475,807)</b>	<b>(4,475,807)</b>	<b>0</b>
<b>TOTAL CASH GENERATED</b>	<b>(2,865,525)</b>	<b>(2,817,380)</b>	<b>(48,145)</b>	<b>(4,398,407)</b>	<b>(4,398,407)</b>	<b>0</b>



## KINGBOROUGH COUNCIL - January 2022

## Summary Operating Statement Governance &amp; Property Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	325,136	254,510	70,626	456,000	456,000	0
User Fees	661,314	612,290	49,024	1,049,650	1,199,650	150,000
Grants Recurrent	257,925	116,690	141,235	200,000	300,000	100,000
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	53,137	66,150	(13,013)	113,300	113,300	0
Internal Charges Income	0	0	0	0	0	0
<b>Total Income</b>	<b>1,297,512</b>	<b>1,049,640</b>	<b>247,872</b>	<b>1,818,950</b>	<b>2,068,950</b>	<b>250,000</b>
<b>Expenses</b>						
Employee Costs	1,757,619	1,750,343	(7,276)	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	874,223	778,500	(95,723)	1,244,460	1,344,460	(100,000)
Other Expenses	133,795	117,280	(16,515)	194,400	194,400	0
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>2,765,636</b>	<b>2,646,123</b>	<b>(119,513)</b>	<b>4,269,949</b>	<b>4,369,949</b>	<b>(100,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(1,468,124)</b>	<b>(1,596,483)</b>	<b>128,359</b>	<b>(2,450,999)</b>	<b>(2,300,999)</b>	<b>150,000</b>
Depreciation	550,568	584,010	33,442	1,001,200	1,001,200	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,018,693)</b>	<b>(2,180,493)</b>	<b>161,801</b>	<b>(3,452,199)</b>	<b>(3,302,199)</b>	<b>150,000</b>
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
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(2,018,693)</b>	<b>(2,180,493)</b>	<b>161,801</b>	<b>(3,452,199)</b>	<b>(3,302,199)</b>	<b>150,000</b>
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
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(2,018,693)</b>	<b>(2,180,493)</b>	<b>161,801</b>	<b>(3,452,199)</b>	<b>(3,302,199)</b>	<b>150,000</b>
<b>TOTAL CASH GENERATED</b>	<b>(1,468,124)</b>	<b>(1,596,483)</b>	<b>195,242</b>	<b>(2,450,999)</b>	<b>(2,300,999)</b>	<b>150,000</b>

## KINGBOROUGH COUNCIL - July 2021

## Summary Operating Statement Environment, Development &amp; Community Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	965,568	1,076,600	(111,032)	1,845,500	1,845,500	0
User Fees	89,617	57,610	32,007	98,700	98,700	0
Grants Recurrent	139,206	122,060	17,146	145,000	245,000	100,000
Contributions - Cash	27,270	46,690	(19,420)	80,000	80,000	0
Reimbursements	0	0	0	0	0	0
Other Income	21,268	26,040	(4,772)	44,700	44,700	0
Internal Charges Income	0	0	0	0	0	0
<b>Total Income</b>	<b>1,242,928</b>	<b>1,329,000</b>	<b>(86,072)</b>	<b>2,213,900</b>	<b>2,313,900</b>	<b>100,000</b>
<b>Expenses</b>						
Employee Costs	3,004,466	3,008,968	4,501	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	339,329	615,250	275,921	1,021,000	1,121,000	(100,000)
Other Expenses	215,653	215,460	(193)	357,300	357,300	0
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>3,586,718</b>	<b>3,839,678</b>	<b>252,960</b>	<b>6,243,386</b>	<b>6,343,386</b>	<b>(100,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,343,790)</b>	<b>(2,510,678)</b>	<b>166,888</b>	<b>(4,029,486)</b>	<b>(4,029,486)</b>	<b>0</b>
Depreciation	96,618	100,940	4,322	173,000	173,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,440,408)</b>	<b>(2,611,618)</b>	<b>171,210</b>	<b>(4,202,486)</b>	<b>(4,202,486)</b>	<b>0</b>
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
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(2,440,408)</b>	<b>(2,611,618)</b>	<b>171,210</b>	<b>(4,202,486)</b>	<b>(4,202,486)</b>	<b>0</b>
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
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(2,440,408)</b>	<b>(2,611,618)</b>	<b>171,210</b>	<b>(4,202,486)</b>	<b>(4,202,486)</b>	<b>0</b>
<b>TOTAL CASH GENERATED</b>	<b>(2,343,790)</b>	<b>(2,510,678)</b>	<b>166,888</b>	<b>(4,029,486)</b>	<b>(4,029,486)</b>	<b>0</b>

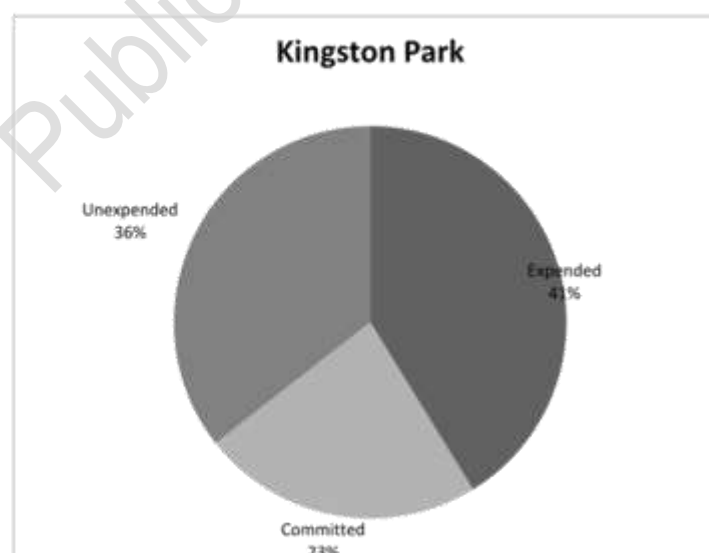
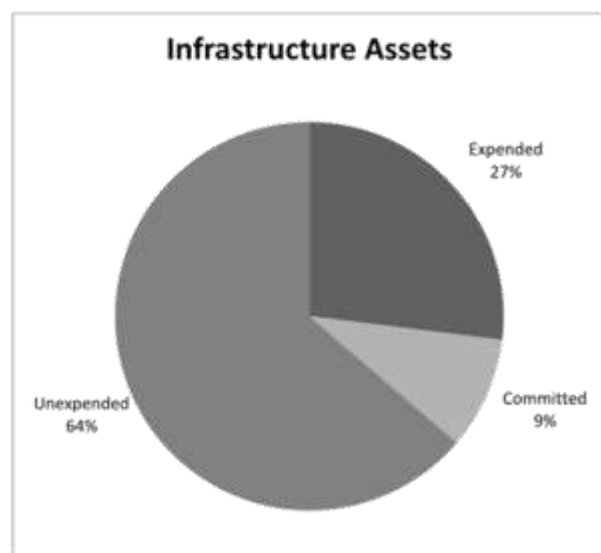
## KINGBOROUGH COUNCIL - January 2022

## Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	5,697,136	5,562,364	134,772	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	58,582	38,570	20,012	66,200	66,200	0
Grants Recurrent	196,252	0	196,252	0	200,000	200,000
Contributions - Cash	2,864	1,190	1,674	2,000	2,000	0
Reimbursements	0	0	0	0	0	0
Other Income	573,079	354,200	218,879	644,200	794,200	150,000
Internal Charges Income	40,831	40,810	21	70,000	70,000	0
<b>Total Income</b>	<b>6,568,744</b>	<b>5,997,134</b>	<b>571,610</b>	<b>6,361,400</b>	<b>6,711,400</b>	<b>350,000</b>
<b>Expenses</b>						
Employee Costs	3,409,272	3,522,890	113,618	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	5,308,097	4,297,705	(1,010,392)	7,279,743	7,629,743	(350,000)
Other Expenses	115,892	111,180	(4,712)	155,000	155,000	0
Internal Charges Expense	128,331	128,310	(21)	220,000	220,000	0
<b>Total Expenses</b>	<b>8,961,592</b>	<b>8,060,085</b>	<b>(901,507)</b>	<b>12,533,466</b>	<b>12,883,466</b>	<b>(350,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,392,848)</b>	<b>(2,062,951)</b>	<b>(329,897)</b>	<b>(6,172,066)</b>	<b>(6,172,066)</b>	<b>0</b>
Depreciation	6,052,320	6,090,560	38,240	10,441,000	10,441,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(8,445,169)</b>	<b>(8,153,511)</b>	<b>(291,658)</b>	<b>(16,613,066)</b>	<b>(16,613,066)</b>	<b>0</b>
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
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(8,445,169)</b>	<b>(8,153,511)</b>	<b>(291,658)</b>	<b>(16,613,066)</b>	<b>(16,613,066)</b>	<b>0</b>
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
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(8,445,169)</b>	<b>(8,153,511)</b>	<b>(291,658)</b>	<b>(16,613,066)</b>	<b>(16,613,066)</b>	<b>0</b>
<b>TOTAL CASH GENERATED</b>	<b>(14,497,489)</b>	<b>(14,244,071)</b>	<b>(253,418)</b>	<b>(6,172,066)</b>	<b>(6,172,066)</b>	<b>0</b>

**KINGBOROUGH COUNCIL  
CAPITAL EXPENDITURE TO 31/01/2022**

	Budget					Actual			
	Carry Forward	2020/21	Grants Received	IMG Adjustments	Total	Actual	Commitments	Total	Remaining
EXPENDITURE BY ASSET TYPE									
Roads	2,501,057	6,981,000	510,000	90,000	10,082,057	2,999,314	641,165	3,640,479	6,441,578
Stormwater	1,040,360	1,720,710	-	211,800	2,972,870	961,981	573,926	1,535,907	1,436,963
Property	661,905	3,085,500	1,112,539	116,000	4,975,944	756,360	425,565	1,181,925	3,794,019
Other	547,571	-	-	(425,950)	121,621	173,468	55,446	228,914	(107,293)
Sub total	4,750,893	11,787,210	1,622,539	(8,150)	18,152,492	4,891,123	1,696,102	6,587,225	11,565,267
Kingston Park	5,396,437	-	-	-	5,396,437	2,224,556	1,252,960	3,477,516	1,918,921
Bruny Island Tourism	1,256,220	-	-	-	1,256,220	790,581	44,942	835,523	420,697
City Deal Funding	1,495,618	-	-	0	1,495,618	-	-	-	1,495,618
Local Roads and Community Infrastructure to Operational Expenditure	(296,606)		203,197	8,150	(85,259)	78,938	-	78,938	(164,197)
Grand Total	12,602,562	11,787,210	1,825,736	-	26,215,508	7,985,198	2,994,004	10,979,202	15,236,307



**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 31/01/2022**

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	-	-	-	52,343
5	FALSE C00691	KP Open Space Design (Playstreet)	Kingston Park	New	41,311	-		-		41,311	5,920	46,420	52,340	(11,029)
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	TRUE C01618	Boulevard Construction Stage 1A	Kingston Park	New	318,096	-		-		318,096	322,489	98,650	421,139	(103,043)
9	FALSE C01627	KP Site - Land Release Strategy	Kingston Park	New	(51,227)	-		-		(51,227)	22,480	-	22,480	(73,707)
10	FALSE C01628	KP Site - General Expenditure	Kingston Park	New	32,863	-		-		32,863	85,790	9,240	95,029	(62,166)
11	TRUE C03068	Kingston Park Operational Expenditure	Kingston Park	New	6,489	-		-		6,489	-	-	-	6,489
12	FALSE C03069	KP Community Hub Construction	Kingston Park	New	63,324	-		-		63,324	5,065	142,973	148,039	(84,715)
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	355,082	353,584	708,666	(377,380)
15	FALSE C03277	KP Public Open Space - Stage 2	Kingston Park	New	2,522,815	-		-		2,522,815	583,814	482,081	1,065,894	1,456,921
16		KP Public Open Space - Stage 2 LRCI2	Kingston Park	New	-	-		-		-	-	-	-	-
17		KP Public Open Space - Stage 3 LRCI3	Kingston Park	New	-	-		-		-	-	-	-	-
16	FALSE C03293	Pardalote Parade Northern Section (TIP)	Kingston Park	New	340,200	-		-		340,200	401,861	-	401,861	(61,661)
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)	4,134	-	4,134	(4,580)
19	FALSE C03279	KP Boulevard Construction Stage 1B	Kingston Park	New	(5,354)	-		-		(5,354)	64,784	-	64,784	(70,138)
20	FALSE C03306	KP Road F design and construct	Kingston Park	New	(362,183)	-		-		(362,183)	346,492	30,003	376,495	(738,678)
21	FALSE C03280	KP Stormwater wetlands	Kingston Park	New	(43,934)	-		-		(43,934)	26,647	-	26,647	(70,581)
22											-	-	-	-
23					5,396,437	-	-	-	-	5,396,437	2,224,556	1,252,960	3,477,516	1,918,921
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	473,335	41,528	514,863	(125,940)
29	FALSE C03283	Dennes Point public toilets - BI Tourism Grant	Bruny Tourism	Upgrade	94,012			-		94,012	142,206	3,415	145,621	(51,609)
30	FALSE C03284	Adventure Bay Road road safety measures - BI Tourism Grant	Bruny Tourism	New	113,623			-		113,623	6,598	-	6,598	107,025
31	FALSE C03285	Waste disposal sites - BI Tourism Grant	Bruny Tourism	New	43,676			-		43,676	3,262	-	3,262	40,414
32	FALSE C03286	Visitor information - BI Tourism Grant	Bruny Tourism	New	105,830			-		105,830	92,363	-	92,363	13,468
33	TRUE C03287	Mavista Falls Track and picnic area - BI Tourism Grant	Bruny Tourism	New	290,520			-		290,520	-	-	-	290,520
34	FALSE C03288	Nebraska Road road safety measures - BI Tourism Grant	Bruny Tourism	New	69,636			-		69,636	72,817	-	72,817	(3,181)
35														
36					1,256,220	-	-	-	-	1,256,220	790,581	44,942	835,523	420,697
37														



**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 31/01/2022**

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 to come \$5.9m - paid 2020/21 \$2.0m, 2021/22 \$2m, 2022/23			954,322			-	(3,058,703)	(2,104,381)	-	-	-	(2,104,381)
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		Whitewater Creek Track - construct			-			-	250,000	250,000	-	-	-	250,000
45		Channel Highway - Design			-			-	50,000	50,000	-	-	-	50,000
46		Channel Highway - Construct			-			-	600,000	600,000	-	-	-	600,000
47		Pardalote Parade Walkway - design			-			-	50,000	50,000	-	-	-	50,000
48		Bus interchange - design			-			-	250,000	250,000	-	-	-	250,000
49		John Street Roundabout			-			-	600,000	600,000	-	-	-	600,000
50		Property Purchase			-			-	1,000,000	1,000,000	-	-	-	1,000,000
51	G80001	Transform Kingston Program		in Operational expenditure	(253,715)			-	253,715	(0)	in Operational expenditure			
52	G80002	Kingborough Bicycle Plan		in Operational expenditure	(4,989)			-	4,989	(0)	in Operational expenditure			
53					-			-		-	-	-	-	-
54					1,495,618	-	-	-	0	1,495,618	-	-	-	1,495,619
55														
56	LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 1													
57														
58	G10036	Total grant \$598,102, \$80,420 funds still to come			(283,617)		203,197	-		(80,420)	-	-	-	(80,420)
59	OpExp	Kingborough Community Facility maintenance (Act 5030)			(125,272)			-		(125,272)	-	-	-	(125,272)
60	FALSE C03409	Jenkins St, pedestrian refuge			62,722			-		62,722	56,896	-	56,896	5,826
61	TRUE C03410	Morris Ave pedestrian crossing and refuge			(1,045)			-		(1,045)	-	-	-	(1,045)
62	FALSE C03412	Tower Court reconstruction			51,699			-		51,699	13,891	-	13,891	37,808
63	TRUE C03413	Woodbridge Hall, replace roof and front porch			(1,093)			-	8,150	7,057	8,150	-	8,150	(1,093)
64														
65					(296,606)	-	203,197	-	8,150	(85,259)	78,938	-	78,938	(164,197)
66														
67	LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 2													
68														
69	G10044	Grant for \$1,404,450			-			-	-	-	-	-	-	-
70	LRCI2	Expenditure in C03277 in Kingston Park above			-			-	-	-	-	-	-	-
71														
72					-	-	-	-	-	-	-	-	-	-
73														
74	FALSE C03222	Wash down facility for twin ovals workshop	Property	New	43,276	-		-	-	43,276	67,980	922	68,902	(25,626)
75	FALSE C03265	Cat holding facility Bruny Island fit out	Property	Renewal	6,466	-		-	-	6,466	-	-	-	6,466
76	FALSE C02373	Kettering Hall Disability Access	Property	Upgrade	7,000	-		-	(7,000)	-	-	-	-	-
77	FALSE C03335	Public Recycling & Waste Enclosures	Property	New	-	-		-	-	-	6,841	-	6,841	(6,841)
77	FALSE C03429	Dru Point slide renewal	Property	Renewal	34,230	-		-	-	34,230	36,985	-	36,985	(2,755)
78	FALSE C03324	Civic Centre - Office Accommodation Design	Property	Upgrade	7,699	110,000		-	-	117,699	17,028	43,555	60,582	57,117
79	FALSE C03325	Kettering Community Hall Public Toilets Upgrade	Property	Upgrade	45,000	160,000		-	7,000	212,000	7,929	2,500	10,429	201,571
80	TRUE C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	98,999	-	360,000	-	-	458,999	-	-	-	458,999
81	FALSE C03329	Light Wood Park 2 Female Changerooms	Property	Upgrade	200,000	-		-	-	200,000	200,212	-	200,212	(212)
82	FALSE C03331	Light Wood Park 3 training lights	Property	Renewal	25,268	-		-	-	25,268	10,353	-	10,353	14,915
83	FALSE C03332	Light Wood Park 3 Fencing	Property	New	10,000	-		-	-	10,000	14,022	-	14,022	(4,022)
84	FALSE C03314	Silverwater Park Upgrade	Property	Upgrade	-	-		-	-	-	13,378	-	13,378	(13,378)
85	TRUE C03330	Light Wood Park 2 cricket nets	Property	Upgrade	-	-	34,639	-	-	34,639	31,833	-	31,833	2,806
85	FALSE C03340	Christopher Johnson Park Toilet Upgrade	Property	Upgrade	10,000	200,000		-	-	210,000	3,123	-	3,123	206,877

**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 31/01/2022**

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
86	FALSE	C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	110,000	-	-	-	-	110,000	1,778	118,182	119,960	(9,960)
87	FALSE	C03420	Suncoast track protection works investigation	Property	New	6,107	20,000	-	-	-	26,107	1,328	-	1,328	24,779
88	FALSE	C03421	Conningham to Snug Shared path feasibility	Property	New	29,860	-	-	-	-	29,860	14,077	5,043	19,120	10,740
89	FALSE	C03422	Park Furniture upgrade	Property	Renewal	-	-	-	-	-	-	343	-	343	(343)
90	FALSE	C03430	Demolition of old Conningham Beach Toilet Block	Property	Renewal	28,000	-	-	-	-	28,000	2,124	24,712	26,836	1,164
91	FALSE	C03432	Kingston Beach Oval Lighting major repair	Property	Renewal	-	-	42,500	-	-	42,500	47,500	-	47,500	(5,000)
92	FALSE	C03454	Adventure Bay Hall Electrical Upgrade	Property	Upgrade	-	11,000	-	-	-	11,000	675	-	675	10,325
93	TRUE	C03455	Alamo Close Play Space and Parkland Works	Property	New	-	220,000	-	-	-	220,000	-	-	-	220,000
94	FALSE	C03456	Boronia Beach Track Refurbishment	Property	Renewal	-	116,000	-	-	-	116,000	12,804	-	12,804	103,196
95	FALSE	C03457	Kingston Hub Auditorium Mechanical Curtian	Property	New	-	40,000	-	-	26,000	66,000	240	-	240	65,760
96	FALSE	C03458	Works Depot Toilet & Washroom Facilities	Property	Renewal	-	10,000	-	-	-	10,000	570	-	570	9,430
97	TRUE	C03459	Donohoe Gardens Playground Upgrade	Property	Upgrade	-	275,000	-	-	-	275,000	-	-	-	275,000
98	FALSE	C03460	Dru Point Playground Upgrade	Property	Upgrade	-	495,000	-	-	-	495,000	-	-	-	495,000
99	FALSE	C03461	Kelvedon Oval Fencing	Property	New	-	27,500	-	-	-	27,500	-	-	-	27,500
100	FALSE	C03462	Kingston to Margate Shared Path Feasibility Study	Property	New	-	40,000	-	-	-	40,000	-	-	-	40,000
101	FALSE	C03463	KSC Solar PhotoVoltaic and Battery System	Property	New	-	232,000	-	-	-	232,000	109,412	124,947	234,359	(2,359)
102	FALSE	C03464	Leslie Vale Oval Clubroom Demolition	Property	New	-	20,000	-	-	-	20,000	2,064	12,752	14,816	5,184
103	FALSE	C03465	Longley Hall Upgrade	Property	Upgrade	-	20,000	-	-	-	20,000	-	-	-	20,000
104	FALSE	C03466	Louise Hinsby Park Playground Upgrade	Property	Upgrade	-	125,000	-	-	-	125,000	5,326	29,230	34,556	90,444
105	FALSE	C03467	Margate Clubrooms Plumbing	Property	Renewal	-	60,000	-	-	(52,000)	8,000	2,518	-	2,518	5,483
106	FALSE	C03468	Margate Hall Disability Toilet	Property	Upgrade	-	110,000	-	-	-	110,000	-	-	-	110,000
107	FALSE	C03469	Margate Hall Access Ramp	Property	New	-	16,000	-	-	-	16,000	-	-	-	16,000
108	FALSE	C03470	North West Bay River Multi-Use Trail - Stage 1	Property	New	-	188,000	-	-	-	188,000	14,531	-	14,531	173,469
109	FALSE	C03471	Reserves furniture up cycling project	Property	Upgrade	-	45,000	-	-	-	45,000	5,930	111	6,041	38,959
110	FALSE	C03472	Taroona Hall Upgrade	Property	Upgrade	-	110,000	-	-	-	110,000	5,750	-	5,750	104,250
111	FALSE	C03473	Taroona Foreshore Toilet Upgrade - Design Only	Property	Upgrade	-	25,000	-	-	-	25,000	3,000	-	3,000	22,000
112	FALSE	C03474	Twin Ovals Carpet Replacement	Property	Renewal	-	67,500	-	-	-	67,500	28,909	-	28,909	38,591
113	FALSE	C03475	Willowbend Park Playground Upgrade	Property	Upgrade	-	137,500	-	-	-	137,500	-	-	-	137,500
114	FALSE	C03476	Public Place Recyling - Blackmans Bay Beach	Property	Upgrade	-	45,000	-	-	-	45,000	35,630	-	35,630	9,370
115	FALSE	C03425	Whitewater Creek Track Rehabilitation - Stage 1	Property	Renewal	-	150,000	455,400	-	-	605,400	14,839	-	14,839	590,561
116	FALSE	C03477	Margate Oval Fence Extension	Property	New	-	10,000	-	-	-	10,000	-	-	-	10,000
117	FALSE	C03506	Middleton Hall Upgrade	Property	Renewal	-	-	20,000	-	-	20,000	37,248	-	37,248	(17,248)
115	FALSE	C03514	Sandfly Hall Roof Renewal	Property	Renewal	-	-	-	-	52,000	52,000	80	-	80	51,920
116	FALSE	C03515	Kettering Hall - Floor Renewal	Property	Renewal	-	-	-	-	45,000	45,000	-	36,000	36,000	9,000
117	FALSE	C03516	Kettering Hall - Lower Level Roof Renewal	Property	Renewal	-	-	-	-	45,000	45,000	-	27,612	27,612	17,388
117	FALSE	C03520	Snug Oval Changerooms	Property	Upgrade	-	-	150,000	-	-	150,000	-	-	-	150,000
118	FALSE	C03521	Leslie Oval Ground Upgrade	Property	Upgrade	-	-	50,000	-	-	50,000	-	-	-	50,000
116						-	-	-	-	-	-	-	-	-	-
117															
118						661,905	3,085,500	1,112,539	-	116,000	4,975,944	756,360	425,565	1,181,925	3,794,019
119															
117	FALSE	C03130	Multi-function devices - CC, Depot, KSC etc	IT	New	66,720	-	-	-	-	66,720	-	-	-	66,720
118	FALSE	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	-	31,621	44,373	75,994	(75,994)
119	FALSE	C00672	Digital Local Government Program	IT	New	60,406	-	-	-	-	60,406	-	-	-	60,406
120	FALSE	C01602	Financial Systems Replacement	IT	Renewal	163,962	-	-	-	-	163,962	-	-	-	163,962
121	FALSE	C03070	Desktop PC Replacement	IT	Renewal	-	-	-	-	-	-	-	1,273	1,273	(1,273)
122	FALSE	C03403	Replace two way system in vehicles	IT	Renewal	130,000	-	-	-	-	130,000	-	-	-	130,000
123	FALSE	C03404	Core Server replacement	IT	Renewal	68,000	-	-	-	-	68,000	96,448	-	96,448	(28,448)
124	FALSE	C03405	Wireless networking	IT	Renewal	26,763	-	-	-	-	26,763	7,415	9,800	17,215	9,548
125															
126						515,851	-	-	-	-	515,851	135,484	55,446	190,930	324,921

**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 31/01/2022**

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
127															
128	TRUE	C90003	Design/survey for future works	Design		-	100,000	-	-	(9,900)	90,100	-	-	-	90,100
126	FALSE	C03517	Nierinna Road Walking Track Bridge 28604 Repla	Design						3,500	3,500	-	-	-	3,500
127	FALSE	C03518	Nierinna Road Walking Track Bridge 28605 Repla	Design						3,500	3,500	-	-	-	3,500
128	FALSE	C03519	Bridge 28599 Summerleas Road Safety Barrier U	Design						2,900	2,900	-	-	-	2,900
129				Design						-	-	-	-	-	-
130						-	100,000	-	-	-	100,000	-	-	-	100,000
131															
132	FALSE	C03453	Taroona Park 12 new seats	Reserves	New	31,720	-	-	-	-	31,720	32,580	-	32,580	(860)
133											-	-	-	-	-
134						31,720	-	-	-	-	31,720	32,580	-	32,580	(860)
135															
136	FALSE	C03107	Channel Highway John St to Hutchins St	Roads	Upgrade	-	-	-	-	-	-	10,388	-	10,388	(10,388)
137	TRUE	C03205	Leslie Road widening	Roads	Renewal	-	-	-	-	-	-	14,444	-	14,444	(14,444)
138	FALSE	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	-	-	-	-	-	-	37,714	4,826	42,540	(42,540)
139	FALSE	C03342	Pelverata Road (vic 609) Reconstruction - Design	Roads	Upgrade	-	-	-	-	-	-	1,580	-	1,580	(1,580)
140	FALSE	C03096	Adventure Bay Road (vic 334) Realignment	Roads	Upgrade	132,617	-	-	-	-	132,617	86,807	3,885	90,692	41,925
141	TRUE	C03193	Barnes Bay Jetty Replacement	Roads	50% R / 50% N	-	-	-	-	-	-	504	-	504	(504)
142	FALSE	C01183	Beach Road (vic 2-14)Footpath	Roads	Renewal	51,284	-	-	-	-	51,284	28,679	6,720	35,399	15,885
143	TRUE	C03344	Browns-Proctors Road Sealing of Approaches to Brov	Roads	New	2,823	-	-	-	-	2,823	-	-	-	2,823
144	FALSE	C03311	Browns Road (vic 1 -51) Rehabilitation - Stage 1 Desi	Roads	New	84,740	710,000	-	-	-	794,740	21,101	13,835	34,935	759,805
145	FALSE	C03312	Groombridges Road (vic Oxleys Rd--99) Sealing	Roads	Renewal	981,145	-	-	-	-	981,145	895,775	-	895,775	85,370
146	FALSE	C03315	Kingston Beach Sailing Club Carpark Upgrade	Roads	new	241,583	-	-	-	-	241,583	161,745	47,593	209,339	32,244
147	FALSE	C03313	Margate Oval Carpark Upgrade	Roads	New	65,096	-	-	-	60,000	125,096	135,683	1,380	137,064	(11,968)
148	FALSE	C03349	Nubeena Crescent Pedestrian Refuge	Roads	New	60,953	-	-	-	-	60,953	59,002	-	59,002	1,951
149	FALSE	C03316	Osborne Esplanade (vic 25a) Pedestrian Crossing	Roads	Renewal	260,635	-	-	-	-	260,635	239,507	14,003	253,510	7,125
150	TRUE	C03416	Kaoota Tramway Track Parking	Roads	New	14,354	-	-	-	-	14,354	-	-	-	14,354
151	FALSE	C03418	Missionary Road coastal works	Property	New	297,209	-	-	-	-	297,209	212,182	52,586	264,768	32,441
152	FALSE	C03427	Beach Road Footpath - Church St to Roslyn Ave	Roads	New	62,280	-	340,000	-	-	402,280	404,423	-	404,423	(2,143)
153	FALSE	C03489	Adventure Bay Road Upgrade vicinity No. 290	Roads	Upgrade	-	535,000	-	-	-	535,000	4,237	-	4,237	530,763
154	FALSE	C03490	Allens Rivulet Road Sealing of Approaches to Platypu	Roads	New	-	30,000	-	-	-	30,000	-	-	-	30,000
155	FALSE	C03491	Burwood Drive Gravel Footpath	Roads	Upgrade	-	180,000	-	-	-	180,000	4,242	12,416	16,658	163,342
156	FALSE	C03492	Cades Drive Rehabilitation	Roads	Upgrade	-	165,000	-	-	-	165,000	2,993	6,457	9,450	155,550
157	FALSE	C03493	Endeavour Place Junction Sealing	Roads	New	-	62,000	-	-	-	62,000	32	-	32	61,968
158	FALSE	C03494	Harvey Road Sealing	Roads	New	-	280,000	-	-	-	280,000	5,551	-	5,551	274,449
159	FALSE	C03495	Lockleys Road Junction Resealing	Roads	Renewal	-	62,000	-	-	-	62,000	-	-	-	62,000
160	FALSE	C03417	Snug River Pedestrian Bridge Replacement	Roads	Renewal	-	227,000	-	-	-	227,000	23,010	166,234	189,244	37,756
161	FALSE	C03199	Snug Tiers Road Reconstruction vic 42-120	Roads	Renewal	-	1,100,000	-	-	-	1,100,000	41,698	10,746	52,444	1,047,556
162	FALSE	C03496	Taroona Crescent Footpath Replacement No. 1 to 58	Roads	Renewal	-	160,000	-	-	-	160,000	5,421	115,160	120,581	39,419
163	FALSE	C03497	Village Drive Entrance Reconstruction	Roads	Renewal	-	100,000	-	-	-	100,000	2,436	-	2,436	97,564
164	FALSE	C03498	Wells Parade Reconstruction between Carinya Street	Roads	Renewal	-	370,000	-	-	-	370,000	15,109	8,917	24,026	345,974
165	FALSE	C03499	Wyburton Place and Clare Street Reconstruction	Roads	Renewal	-	35,000	-	-	-	35,000	170	-	170	34,830
166	FALSE	C03431	Gemalla Road Reconstruction	Roads	Renewal	-	1,230,000	-	-	-	1,230,000	64,962	41,710	106,673	1,123,327
167	FALSE	C03501	Van Morey Road Safety Improvements	Roads	New	-	-	170,000	-	-	170,000	171,393	6,742	178,134	(8,134)
167	FALSE	C03508	Pelverata Road Slope Failure Repair	Roads	New	-	-	-	-	30,000	30,000	-	-	-	30,000
168				Roads		-	-	-	-	-	-	-	-	-	-
169	TRUE	C90006	Access ramps	Roads	New	-	20,000	-	-	-	20,000	-	-	-	20,000
170															
171	TRUE	C90002	2020/21 Resheeting Program	Roads	Renewal	-	615,000	-	-	(615,000)	-	-	-	-	-
172	FALSE	C03398	Old Bernies Road - Resheet	Roads	Renewal	70,028	-	-	-	-	70,028	3,105	-	3,105	66,923
173	TRUE	C03399	Snug Falls Road -- Resheet	Roads	Renewal	-	-	-	-	-	-	1,841	-	1,841	(1,841)

**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 31/01/2022**

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
174	TRUE	C03400	Dulcia Road - Resheet	Roads	Renewal	22,696	-	-	-	-	22,696	-	-	-	22,696
175	FALSE	C03484	Lawless Road - resheet	Roads	Renewal	-	-	-	-	107,000	107,000	6,217	34,434	40,651	66,349
176	FALSE	C03485	Moodys Road - resheet	Roads	Renewal	-	-	-	-	74,000	74,000	10,872	22,956	33,828	40,172
177	FALSE	C03486	Thompsons Road - resheet	Roads	Renewal	-	-	-	-	76,000	76,000	8,628	22,956	31,584	44,416
178	FALSE	C03487	Cox Road - resheet	Roads	Renewal	-	-	-	-	125,000	125,000	15,828	40,173	56,001	68,999
179	FALSE	C03488	Whittons Road - resheet	Roads	Renewal	-	-	-	-	233,000	233,000	89,437	3,287	92,723	140,277
180				Roads	Renewal	-	-	-	-	-	-	-	-	-	-
181															
182	TRUE	C90001	2020/21 Resealing Program	Roads	Renewal	-	1,000,000	-	-	(1,000,000)	-	-	-	-	-
183	TRUE	C03392	Sandfly Road - Huon Hwy to Allens Rivulet Rd	Roads	Renewal	-	-	-	-	-	-	811	-	811	(811)
184	FALSE	C03478	Channel Hwy - Orana Place to HN 227 - reseal	Roads	Renewal	-	-	-	-	32,000	32,000	3,372	-	3,372	28,628
185	FALSE	C03434	Kunama Drive - Jindabyne Rd to Dorset Drive	Roads	Renewal	16,206	-	-	-	33,508	49,714	63,285	4,012	67,297	(17,583)
186	FALSE	C03433	Nolan Cres - Freesia Crt to Willow Bend Rd	Roads	Renewal	15,217	-	-	-	99,783	115,000	20,300	-	20,300	94,700
187	FALSE	C03479	Willowbend Rd - Summerleas Rd to Olivia Crt - re	Roads	Renewal	-	-	-	-	200,000	200,000	-	-	-	200,000
188	FALSE	C03480	Foley Road - reseal	Roads	Renewal	-	-	-	-	51,000	51,000	-	-	-	51,000
189	FALSE	C03435	Hutchins St - Auburn Rd to Dorset Drive	Roads	Renewal	5,000	-	-	-	85,000	90,000	11,124	-	11,124	78,876
190	FALSE	C03481	Wells Parade - Roslyn Ave to Derwent Ave - reseal	Roads	Renewal	-	-	-	-	96,000	96,000	-	-	-	96,000
191	FALSE	C03482	Wells Parade - Persall Ave to Nyuna Rd - reseal	Roads	Renewal	-	-	-	-	122,000	122,000	17,630	-	17,630	104,370
192	FALSE	C03509	Welbor Road junction sealing - reseal	Roads	Renewal	-	-	-	-	10,000	10,000	9,584	-	9,584	416
193	FALSE	C03436	Dayspring Drive - Van Morey to No. 19	Roads	Renewal	(388)	-	-	-	42,388	42,000	46,599	-	46,599	(4,599)
193	FALSE	C03502	Parkdale Drive - Leslie Rd to HN 49 - reseal	Roads	Renewal	-	-	-	-	58,000	58,000	-	-	-	58,000
194	TRUE	C03437	Culbara Rd	Roads	Renewal	(4,921)	-	-	-	37,921	33,000	-	-	-	33,000
195	FALSE	C03438	Slattery's Rd Junction	Roads	Renewal	9,000	-	-	-	14,000	23,000	10,036	100	10,136	12,865
196	FALSE	C03483	Manuka Road - reseal	Roads	Renewal	-	-	-	-	64,000	64,000	14,779	-	14,779	49,221
197	FALSE	C03439	Dulcia Road	Roads	Renewal	33,000	-	-	-	13,000	46,000	15,075	38	15,113	30,887
198	FALSE	C03510	Honeys Road junction sealing - reseal	Roads	Renewal	-	-	-	-	2,400	2,400	-	-	-	2,400
199	FALSE	C03511	Rainbirds Road junction sealing - reseal	Roads	Renewal	-	-	-	-	2,600	2,600	-	-	-	2,600
200	FALSE	C03512	Risby Road junction sealing - reseal	Roads	Renewal	-	-	-	-	3,400	3,400	-	-	-	3,400
201				Roads	Renewal	-	-	-	-	-	-	-	-	-	-
202	FALSE	C03395	Prep works 2021/22	Roads	Renewal	80,500	-	-	-	-	80,500	-	-	-	80,500
203	TRUE	C90015	Various heavy patching and junction sealing - res	Roads	Renewal	-	-	-	-	33,000	33,000	-	-	-	33,000
204															
205						2,501,057	6,881,000	510,000	-	90,000	9,982,057	2,999,314	641,165	3,640,479	6,341,578
206															
207	FALSE	C03161	Community Road Safety Grant - Driving Simulator	Other	Renewal	-	-	-	-	-	-	5,404	-	5,404	(5,404)
208												-	-	-	-
209						-	-	-	-	-	-	5,404	-	5,404	(5,404)
210															
211	TRUE	C03026	Algona Road Stage 1 SW Upgrade	Stormwater	50% R / 50% U	-	-	-	-	-	-	145	-	145	(145)
212	TRUE	C03163	Stormwater Regional Flood Gauge Network	Stormwater	New	-	-	Funding to come from GCC			-	21,847	-	21,847	(21,847)
213	FALSE	C03241	Burwood Drive stormwater upgrade	Stormwater	50% N / 50% R	38,786	-	-	-	-	38,786	182	-	182	38,604
214	TRUE	C03242	Leslie Road Stormwater Upgrade	Stormwater	New	79,801	-	-	-	-	79,801	2,753	-	2,753	77,048
215	TRUE	C03250	Algona Road Stage 2 SW Upgrade-design only	Stormwater	50% N / 50% R	12,842	-	-	-	-	12,842	-	-	-	12,842
216	FALSE	C03251	Hillside Drive Stormwater Upgrade	Stormwater	50% N / 50% R	15,562	235,000	-	-	-	250,562	11,367	-	11,367	239,195
217	TRUE	C03354	Pit replacement & upgrade 2020/21	Stormwater	50% N / 50% R	-	-	-	-	-	-	1,163	-	1,163	(1,163)
218	FALSE	C03513	Pit replacement & upgrade 2021/22	Stormwater	50% N / 50% R	-	50,000	-	-	-	50,000	4,354	-	4,354	45,646
219	FALSE	C03355	Algona Road Stage 2 Stormwater Upgrade - Reline	Stormwater	Renewal	378,411	-	-	-	-	378,411	223,125	64,853	287,979	90,432
220	FALSE	C03357	Boronia-Sherburd-CBD Stormwater Survey	Stormwater	New	54,416	-	-	-	5,800	60,216	43,929	2,620	46,549	13,667
221	FALSE	C03361	Flinders Esp Stormwater EXTENSION	Stormwater	New	21,903	-	-	-	-	21,903	607	15,510	16,117	5,786
222	FALSE	C03362	Flowerpot Outlet Improvements	Stormwater	New	-	26,000	-	-	-	26,000	-	-	-	26,000
223	FALSE	C03363	Harpers Road Stormwater Upgrade - ROAD ONLY	Stormwater	New	146,362	-	-	-	-	146,362	135,376	2,228	137,605	8,757



**KINGBOROUGH COUNCIL  
CAPITAL EXPENDITURE TO 31/01/2022**

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
224	FALSE	C03364	Leslie Road (viz 48) Stormwater Upgrade	Stormwater	50% R / 50% U	61,029	-	-	-	-	61,029	62,892	4,650	67,542	(6,513)
225	TRUE	C03365	Margate Rivulet Hydraulic Assessment	Stormwater	New	37,017	-	-	-	-	37,017	17,451	-	17,451	19,566
226	FALSE	C03367	Pear Ridge, Margate Stormwater Upgrade	Stormwater	New	21,947	-	-	-	-	21,947	9,813	-	9,813	12,134
227	FALSE	C03374	Timbertop Drive Stormwater Upgrade	Stormwater	New	47,871	-	-	-	-	47,871	38,156	53,908	92,064	(44,193)
228	FALSE	C03419	Bishop Davies to Kingston Green Stormwater link	Stormwater	New	115,677	-	-	-	-	115,677	116,441	8,500	124,941	(9,264)
229	FALSE	C03451	Andersons Rd Culvert Upgrade (intersect with Huon	Stormwater	New	-	-	-	-	-	-	5,317	2,600	7,917	(7,917)
230	TRUE	C03452	Andersons Rd (vic 127) Culvert Upgrade	Stormwater	New	-	-	-	-	-	-	954	-	954	(954)
231	FALSE	C03442	Flinders Esplanade - vic 35_35A - Construct Only	Stormwater	New	1,000	51,000	-	-	-	52,000	17,146	-	17,146	34,854
232	FALSE	C03443	Bundalla Catchment Investigation	Stormwater	New	1,000	38,000	-	-	-	39,000	17,609	3,500	21,109	17,891
233	FALSE	C03450	Denison Street Wetlands Upgrade	Stormwater	Upgrade	736	30,000	-	-	-	30,736	722	-	722	30,014
234	FALSE	C03093	Garnett St Stg 1 SW Upgrade	Stormwater	Upgrade	-	374,000	-	-	206,000	580,000	172,195	397,492	569,687	10,313
235	FALSE	C03449	Kingston Depot Wash Down Bay	Stormwater	New	1,000	40,000	-	-	-	41,000	622	12,290	12,912	28,088
236	FALSE	C03448	Kingston Wetlands Upgrade	Stormwater	Upgrade	1,000	200,000	-	-	-	201,000	-	-	-	201,000
237	FALSE	C03424	Meath Avenue, Taroona SW Upgrade	Stormwater	Upgrade	-	468,000	-	-	-	468,000	42,069	5,774	47,843	420,157
238	FALSE	C03444	Roslyn-Pearsall-Wells Catchment Investigation	Stormwater	New	1,000	37,040	-	-	-	38,040	-	-	-	38,040
239	FALSE	C03445	Van Morey-Frosts Road	Stormwater	New	1,000	15,000	-	-	-	16,000	-	-	-	16,000
240	FALSE	C03446	Victoria Avenue Erosion Risk Assessment	Stormwater	New	1,000	35,000	-	-	-	36,000	149	-	149	35,851
241	FALSE	C03447	Woodlands-View-Hazell Catchment Invest incl Surve	Stormwater	New	1,000	76,670	-	-	-	77,670	14,910	-	14,910	62,760
242	FALSE	C03500	Allens Rivulet Road Footway Improvements	Stormwater	Upgrade	-	45,000	-	-	-	45,000	686	-	686	44,314
243				Stormwater		-	-	-	-	-	-	-	-	-	-
244											-	-	-	-	-
245						1,040,360	1,720,710	-	-	211,800	2,972,870	961,981	573,926	1,535,907	1,436,963
246		B00000	Capital Balancing Account	Other						(425,950)	(425,950)	-	-	-	(425,950)
247		OC	On costs on capital project							-	-				-
TOTAL CAPITAL EXPENDITURE						12,602,562	11,787,210	1,825,736	-	0	26,215,508	7,985,198	2,994,004	10,979,202	15,236,307

Transferred to Operational expenditure 383,976

	Budget	Actual incl Commitments
Renewal	8,541,898	3,024,685
Upgrade	5,059,141	1,233,536
New	4,551,453	2,329,003
	18,152,492	6,587,224
Kingston Park New	5,396,437	3,477,517
Bruny Island Tourism grant New	1,256,220	835,523
City Deal funding	1,495,618	-
Local Roads and Community Infrastructure	(85,259)	78,938
	26,215,508	10,979,202

NOTE: Classification is an estimate at the start of a project and may change on completion of job.



**KINGSTON PARK**  
**CAPITAL EXPENDITURE TO 31/01/2022**

	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	0	0	52,343
C00691 KP Open Space Design (Playstreet)	41,311	5,920	46,420	52,340	(11,029)
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	322,489	98,650	421,139	(103,043)
C01627 KP Site - Land Release Strategy	(51,227)	22,480	0	22,480	(73,707)
C01628 KP Site - General Expenditure	39,352	85,790	9,240	95,029	(55,677)
C03069 KP Community Hub Construction	63,324	5,065	142,973	148,039	(84,715)
C03175 KP Community Hub Plant & Equipment	(1,824)	0	3,837	3,837	(5,661)
C03173 KP Public Open Space - Playground	331,286	355,082	353,584	708,666	(377,380)
C03277 KP Public Open Space - Stage 2	2,522,815	583,814	482,081	1,065,894	1,456,921
C03293 Pardalote Parade Northern Section (TIP)	340,200	401,861	0	401,861	(61,661)
C03278 KP Perimeter shared footpath	0	0	0	0	0
C03174 KP Public Open Space - Hub link to Playground	(446)	4,134	0	4,134	(4,580)
C03279 KP Boulevard Construction Stage 1B	(5,354)	64,784	0	64,784	(70,138)
C03306 KP Road F design and construct	(362,183)	346,492	30,003	376,495	(738,678)
C03280 KP Stormwater wetlands	(43,934)	26,647	0	26,647	(70,581)
<b>Total</b>	<b>5,396,437</b>	<b>2,224,556</b>	<b>1,252,960</b>	<b>3,477,516</b>	<b>1,918,921</b>

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**17 NOTICES OF MOTION**

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At the time the Agenda was compiled there were no Notices of Motion received.

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**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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**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*

**Lawless Road extension and Kaoota Tramway Track Car Parking**

Regulation 15(2)(f) *proposals for the council to acquire land or an interest in the land or for the disposal of land.*

**Delegated Authority Rates**

Regulation 15(2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

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

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**OPEN SESSION ADJOURNS**

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## 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	
Lawless Road extension and Kaoota Tramway Track carParking	
Delegated Authority Rates	

### CLOSURE

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# APPENDIX

- A Mayor's Activities 22 December 2021 to 15 February 2022
- B Councillor Allowance and Expenses December 2021
- C Councillor Attendance at Meetings and Workshop 1 July 2021 - 31 December 2021
- D Donations to December 2021
- E Calendar
- F Forward Agenda

**A MAYOR'S ACTIVITIES 22 DECEMBER 2021 TO 15 FEBRUARY 2022**

<b>Date</b>	<b>Place</b>	<b>Meeting/Activity</b>
8 January	Kingston	Present 2022 Kingborough Awards
12 January	Online	Attended Kingston Revitalisation Steering Committee
14 January	Online	Met with Primary Health Tasmania representatives re lack of youth mental health services in Kingborough – with Dr Katrena Stephenson.
17 January	Civic Centre	Met with Red Cross to receive Kingborough Council Awards in the Blood Challenge
17 January	Online	Chaired Council Meeting
22 Jan – 30 Jan		Annual Leave
2 February	Glenorchy	Attended Greater Hobart Mayors Forum – with the General Manager, Gary Arnold.
2 February	Hobart	Met with Raj Chopra, Founder of the Intercultural Sports League (ICSL)
4 February	Civic Centre	Met with Sajini Sumar to discuss proposed event in Kingborough for International Womens Day in March 2022
4 February	Leslie Vale	Attended celebration event for announcement of Leslie Vale oval as home ground for the ICSL.
5 February	Margate	Welcomed participants in the Vietnam Veterans & Veterans Motorcycle Club to start of their fundraising car and bike rally from Dru Point through the Channel.
7 February	Online	Chaired Council Meeting
9 February	Civic Centre	Met with Penny McShane and Mark Drury of the Jetty Project with Deputy Mayor Cr Jo Westwood.
9 February	Civic Centre	Induction session for five new members of the Disability Inclusion and Access Advisory Committee
9 February	Civic Centre	Chaired Disability Inclusion and Access Advisory Committee



**B COUNCILLOR ALLOWANCES AND EXPENSES DECEMBER 2021**

Councillor	Mayoral Allowance \$	Deputy Mayoral Allowance \$	Councillor Allowance \$	Councillor Expenses						Total \$
				Mileage Claimed \$	Mayor's Vehicle Mileage \$	Bruny Ferry \$	Internet & Telephone \$	Conference & Meeting Attendance \$	Code of Conduct \$	
Mayor Cr Wriedt	40,224	-	18,163	-	1,196	76	-	847	-	\$ 60,506
Deputy Mayor Cr Westwood	-	12,452	17,920	-	-	-	171	-	-	\$ 30,543
Cr Bastone	-	-	17,920	-	-	-	-	-	-	\$ 17,920
Cr Cordover	-	-	17,920	-	-	-	-	-	-	\$ 17,920
Cr Fox	-	-	18,163	520	-	38	564	-	-	\$ 19,285
Cr Grace	-	-	18,163	1,176	-	76	480	-	-	\$ 19,895
Cr Midgley	-	-	17,738	-	-	-	-	-	-	\$ 17,738
Cr Street	-	-	17,738	-	-	-	-	-	-	\$ 17,738
Cr Wass	-	-	18,163	-	-	-	-	-	-	\$ 18,163
Cr Glade-Wright	-	-	16,090	-	-	-	-	-	-	\$ 16,090
Code of Conduct Complaints									316	\$ 316
<b>TOTAL</b>	<b>\$ 40,224</b>	<b>\$ 12,452</b>	<b>\$ 177,978</b>	<b>\$ 1,696</b>	<b>\$ 1,196</b>	<b>\$ 190</b>	<b>\$ 1,215</b>	<b>\$ 847</b>	<b>\$ 316</b>	<b>\$ 236,114</b>

Notes:

Cllrs Bastone, Cordover and Westwood declined the Nov 2020 Allowance increase in July to October but reverted to the full 2021/22 allowance in November.

Cllrs Midgley and Street declined the Nov 2020 Allowance increase, however accepted the Nov 2021 increase.

Cllr Glade-Wright joined Council during July and received a pro rata payment for that month.

Council Minute C390/14-12 determined that Councillor Allowances and Expenses paid under the "Payment of Councillors Expenses and Provision of Facilities" Policy be reported.

Bruny Ferry costs are also included as required in Minute GF101/6-12 Bruny Ferry = cost of fares at \$38 per trip from 01/11/2018

**NUMBER OF CODE OF CONDUCT COMPLAINTS DETERMINED**

	Number of Complaints			Cost of Complaints
	Number	Upheld	Dismissed	
2021/22	1		1	300

**C COUNCILLOR ATTENDANCE AT MEETINGS AND WORKSHOP 1 JULY 2021 - 31 DECEMBER 2021**

	Council		Special Meetings		Audit Panel		Workshops		Leave of Absence Approved during the period
	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	
Mayor Cr Paula Wriedt (wef 26/7/21)	14	14	1	1	3		12	11	22/1/2022 - 30/1/2022
Deputy Mayor Cr Jo Westwood	14	12	1		3		12	10	20/09/2021; 25/10/2021 - 5/11/2021; 3/1/2022 - 25/1/2022
Cr Sue Bastone	14	13	1	1	3		12	11	23/9/2021 - 1/10/2021; 2/10/2021 - 4/10/2021
Cr Gideon Cordover	14	14	1	1	3		12	12	
Cr Flora Fox *	14	13	1	1	3	2	12	11	
Cr Clare Glade-Wright (wef 26/7/21)	12	12	1	1	3		12	11	
Cr David Grace	14	8	1	1	3		12	5	22/9/2021 - 29/11/2021
Cr Amanda Midgley	14	12	1		3		12	12	8/7/2021 - 15/7/2021; 1/10/2021 - 7/10/2021; 15/1/2022 - 29/1/2022
Cr Christian Street *	14	13	1	1	3	2	12	11	
Cr Steve Wass	14	14	1		3		12	9	

\* Audit Panel Member

Note: Special Meetings also includes the Annual General Meeting

Council Minute C390/14-12 determined that Councillor Attendance and Approved Leave of Absences be reported.

**D DONATIONS TO DECEMBER 2021****Donations Table**

For period 1 July 2021 to 31 December 2021

**MAYORAL DONATIONS**

<u>Name</u>	<u>Amount</u>	<u>Description</u>
Taroona High School	\$100.00	Donation for Presentation Fee
Bruny Island Arts Inc	\$ 250.00	Contribution to Christmas Carols Event
	<u>\$ 350.00</u>	
Annual Budget	<u>\$ 3,300.00</u>	Budget reduced for revised policy moving Citizenship Awards to Donations

**COUNCIL POLICY DONATIONS**

<u>Name</u>	<u>Amount</u>	<u>Description</u>
Taroona High School	\$ 100.00	School Citizenship Award 2021
Woodbridge School	\$ 100.00	School Citizenship Award 2021
Margate Primary School	\$ 100.00	School Citizenship Award 2021
Blackmans Bay Primary School	\$ 100.00	School Citizenship Award 2021
Kingston High School	\$ 100.00	School Citizenship Award 2021
Southern Christian College	\$ 100.00	School Citizenship Award 2021
Illawarra Primary School	\$ 100.00	School Citizenship Award 2021
Calvin Christian School	\$ 100.00	School Citizenship Award 2021
Taroona Primary School	\$ 100.00	School Citizenship Award 2021
St Aloysius Catholic College	\$ 100.00	School Citizenship Award 2021
Bruny Island District School	\$ 100.00	School Citizenship Award 2021
St Aloysius Catholic Collete	\$ 100.00	School Citizenship Award 2021
Snug Primary School	\$ 100.00	School Citizenship Award 2021
Kingston Primary School	\$ 100.00	School Citizenship Award 2021
Channel Christian School	\$ 100.00	School Citizenship Award 2021
Calvin Christian School	\$ 100.00	School Citizenship Award 2021
	<u>\$ 1,600.00</u>	
Annual Budget	<u>\$ 11,700.00</u>	Budget increased for revised policy moving Citizenship Awards from Donations

- Council makes Donations under section 77 of the Local Government Act 1993 which states that "Council may make a Grant ... for any purpose it considers appropriate". "The details of any grant made ... are to be included in the annual report of the council " Section 77 (2).