

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the
Kingborough Council will be held on
Monday, 7 March 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. 4 to be held on Monday, 7 March 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, 1 March 2022

Public Copy

Table of Contents

Item	Page No.
Open Session	
1 Audio Recording	1
2 Acknowledgement of Traditional Custodians	1
3 Attendees	1
4 Apologies	1
5 Confirmation of Minutes	1
6 Workshops held since Last Council Meeting	1
7 Declarations of Interest	2
8 Transfer of Agenda Items	2
9 Questions Without Notice from the Public	2
10 Questions on Notice from the Public	2
10.1 Organisational Development	2
10.2 Significant Tree Registry	3
10.3 Leslie Vale Cricket Ground	4
11 Questions Without Notice from Councillors	4
12 Questions on Notice from Councillors	4
12.1 South Bruny National Park Management Plan	4
12.2 Sale of Land at Pearl Place	5
12.3 Covid-19 Data	5
13 Officers Reports to Planning Authority	6
13.1 DA-2021-651 Development Application for Upgrading of Dennes Point Lane and associated works between Bruny Island Main Road and chainage 115 at Dennes Point Lane, North Bruny (CT 22067/1, CT 148618/5, CT 155780/1)	6
14 Petitions still being Actioned	39
15 Petitions Received in Last Period	39
16 Officers Reports to Council	39
16.1 Planning Authority Delegations Policy 1.1A	39
16.2 Policy 6.6 - Bonding of Works	61
16.3 Review of Sports Ground User Fees	83
16.4 Sports Ground User Policy	88
16.5 LGAT General Meeting Motions	94
17 Notices of Motion	103
17.1 Installation of a Fourth Flagpole	103
18 Confirmation of Items to be Dealt with in Closed Session	104

Table of Contents

Item	Page No.
------	----------

Appendix

A	Disability Inclusion & Access Advisory Committee Minutes February 2022	107
B	General Manager's Diary 24 January 2022 to 25 February 2022	113
C	Current and Ongoing Minute Resolutions (Open Session)	114
D	Current and Ongoing Minute Resolutions (Closed Session)	117
E	Development Services Quarterly Report	118

Public Copy

GUIDELINES FOR PUBLIC QUESTIONS

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

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

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

Questions on Notice

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

Questions Without Notice

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council
Monday, 7 March 2022 at 5.30pm

1 AUDIO RECORDING

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

Mayor Councillor P Wriedt
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

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.3 held on 21 February 2022 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

28 February - Transform Kingston

7 DECLARATIONS OF INTEREST

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

8 TRANSFER OF AGENDA ITEMS

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

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Organisational Development

Roger and Gail Tonge submitted the following question on notice:

Our reference is to the Organisational Development Quarterly Report to Council on 7 February 2022.

The report advises that during the reporting period 26 employees departed and 19 new employees recruited.

- 1) Could Council please advise if any Exit interviews were conducted with departing staff?*
- 2) If there were not, could Council explain why and if there were, even allowing for Covid was there any particular reason for leaving, for example Council's salary structure.*

Officer's Response:

Exit interviews were undertaken for 17 employees. Two other employees chose not to attend an interview (participating in exit interviews is voluntary).

Of the remaining employees, formal interviews were not conducted as the employees were not at work or had left their employment (e.g., they were casual/temporary, were involved in a disciplinary process, had moved interstate or were on extended leave at the time of their resignation). However, in most cases, informal discussions had been held with the employee by their manager around their decision to leave the organisation.

For those employees who left Council to take up other employment, there were varied and often multiple reasons why they chose to resign. These can be divided into factors that are internal (within an organisation's control), and those that are external (outside of the organisation's control).

The main internal factors that were raised during the exit interviews included:

1. Working conditions – high workload levels, particularly in the professional areas, e.g., Statutory Planning.

2. Interpersonal issues – including conflict with other employees or customers and stress associated with public contact roles.
3. Career opportunities – perceived lack of development and progression, the job not being suited to their skill set or career goals, as well as compensation/salary issues.

It should be noted that employees were not resigning to take up other positions in Tasmanian local government. Most of the other employment was into the Federal or State Government or private enterprise and was often associated with a significant increase in salary and opportunities for career progression.

The main external factors influencing decisions to resign included:

1. Retirement – due to age or ill health or other drivers, such as hobbies and outside interests.
2. Family and personal health reasons
3. Interstate moves – often associated with greater career opportunities, the high cost of housing being experienced in Tasmania, or the need to be closer to family during the current pandemic.

Pene Hughes, Executive Manager Organisational Development

10.2 Significant Tree Registry

Roger and Gail Tonge submitted the following question on notice:

Item 6 of the proposed registry relates to nineteen trees which line the Kingston Beach Esplanade. The trees are aesthetically attractive and provide shade to folk using the Esplanade, indeed the view of a Blue Gum from our home in Victoria Street is just wonderful. However, if one looks to the base of the trees there is in most cases massive root penetration of the pavement surface indeed the walkway itself is becoming difficult for those with limited mobility.

- 1) *If the trees are to be retained, what plan does Council have to rectify the current pavement root penetration and preclude its future occurrence?*
- 2) *Assuming Council does have a plan to address the root penetration, could an estimate of the costs be provided.*
- 3) *Bearing in mind the above, will Council allocate additional funds, or is it the intent to fund the work from the funds already allocated in the capital budget?*
- 4) *To minimise costs in the longer term, would Council consider a replacement program using native species already identified by Council staff as being more appropriate?*

Officer's Response:

The current intention of Council is to maintain the trees on Kingston Beach Esplanade. No work is currently planned in relation to the pavement. As with any of our infrastructure around trees, it is expected that pavement cracking/lifting will occur and this is treated on a case by case basis following a risk assessment. It is unlikely there would be a specific allocation in the capital budget as this will generally fall under maintenance. Council has identified two trees for replacement - one opposite Victoria Avenue and the other opposite 7 Osborne Avenue and Council Officers will provide advice on the most appropriate species.

Dr Katrena Stephenson, Director Environment, Development & Community Services

10.3 Leslie Vale Cricket Ground

Mr Stuart Clark submitted the following question on notice:

It was announced on the front page of the Kingborough Chronicle 15/2/2022 this week, of the redevelopment of the dilapidated Leslie Vale cricket ground for the City based Intercultural Cricket Sports League and City based players. This ground is roughly mowed very occasionally and will require considerably more mowing and maintenance to be used for sport. As per Councillor Glade Wright's motion previously carried regarding the blocking of the second turf wicket at the Twin Ovals regarding ongoing maintenance costs, what will the ongoing maintenance costs be for this ground? What Council labour will be involved in the redevelopment and at what cost will it be? Are the recurrent maintenance costs going to be put through the council budget process first and tested against other competing priorities?

Officer's Response:

The capital cost of upgrading the ground (including any Council labour utilised) will be funded externally via a grant from the State Government and a contribution from Cricket Tasmania. Council estimates the ongoing maintenance costs for the new ground to be \$10,000. This amount has been listed for consideration in the 2022/23 operational budget and will be subject to the same assessment process as any other recurrent maintenance cost.

Daniel Smee, Director Governance, Recreation & Property Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 South Bruny National Park Management Plan

At the Council meeting on 21 February 2022, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

A question was raised at the Bruny Island Community Association that I attended with Cr Grace and Cr Bastone in regards to the South Bruny National Park Management Plan and the concerns there for Cloudy Bay Beach access and the camping area. The association made reference that it hasn't been updated for quite a while and it would be good to look at revisiting that in regards to the high amount of usage around the beach and beach access and the behaviour sometimes not so great at the camping area. Are staff aware if Council are involved in any discussions regarding this?

Officer's Response:

Ultimately the South Bruny National Park Management Plan and compliance in the Park is a matter for the Parks and Wildlife Service. Officers in the Natural Areas and Biodiversity team have had several discussions over the years advocating for improved management of vehicle access to Cloud Beach with particular reference to shorebird impacts. The difficulty for P&W is resourcing compliance action but it is noted there have been a number of education initiatives undertaken including signage and through the Discovery Ranger program.

Dr Katrena Stephenson, Director Environment, Development & Community Services

12.2 Sale of Land at Pearl Place

At the Council meeting on 21 February 2022, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I have received a number of enquiries regarding Council selling some land at 27 Pearl Place. Regarding the power outages on Friday 28 January and a further outage on Sunday 30 January as to a power cable that was damaged by the construction of the new wall that Council approved on Council land. Who will be paying for the replacement of the cable?

Officer's Response:

Council has not sold land at 27 Pearl Place, Blackmans Bay. Replacement of the cable is a matter for TasNetworks and does not involve Council.

Gary Arnold, General Manager

12.3 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. .

Kingborough LGA Case numbers and testing rates 15 December 2021 to 12 February 2022

Table. Number of cases and number of PCR tests with LGA of residence reported as Kingborough, and rates per 1000 population, for each of the last 4 weeks and in total since 15 Dec 2021.

	16 Jan to 22 Jan 2022	23 Jan to 29 Jan 2022	30 Jan to 05 Feb 2022	06 Feb to 12 Feb 2022	Total 15 Dec 2021 to 12 Feb 2022
Cases (n)	309	232	201	178	1926
Cases (rate per 1000)	8	6	5	5	50
Diagnosis by RAT (n)	157 (51%)	117 (50%)	115 (57%)	115 (65%)	804 (42%)
Diagnosis by PCR (n)	152 (49%)	115 (50%)	86 (43%)	63 (35%)	1122 (58%)
Total PCR tests* (n)	931	834	762	482	9069
Total PCR tests (rate per 1000)	24	22	20	12	235

**Note that the number of PCR tests includes both positive and negative tests, and repeat tests on the same individuals*

Daniel Smee, Director Governance, Recreation & Property Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DA-2021-651 DEVELOPMENT APPLICATION FOR UPGRADING OF DENNES POINT LANE AND ASSOCIATED WORKS BETWEEN BRUNY ISLAND MAIN ROAD AND CHAINAGE 115 AT DENNES POINT LANE, NORTH BRUNY (CT 22067/1, CT 148618/5, CT 155780/1)

File Number: DA-2021-651

Author: Darshini Bangaru, Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Mr A G Traill
Owner:	Kingborough Council
Subject Site:	Dennes Point Lane, North Bruny (CT 22067/1, CT 148618/5, CT 155780/1) (CT 22067/1)
Proposal:	Upgrading of Dennes Point Lane and associated works between Bruny Island Main Road and chainage 115 of the lane
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Rural Resource
Codes:	E1.0 Bushfire Prone Areas E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection E15.0 Inundation Prone Areas E16.0 Coastal Erosion Hazard
Use Class/Category:	Residential / Single Dwelling (Access)
Discretions:	Clause 26.3.3 Discretionary use; Clause 26.4.2 Setback; Clause E6.7.3 Vehicular passing areas along an access; Clause E6.7.6 Surface treatment of parking areas; and Clause E11.7.1 Buildings and works.
Public Notification:	Public advertising was undertaken between 19 January 2022 and 2 February 2022 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Five (5) representations were received against the proposal. The representations raised the following grounds: <ul style="list-style-type: none"> - Council-owned land, private developer; - 'Pinch Point' width and encroachment into private property; - Stormwater runoff and sag point at chainage 68 - First bend – non-compliance with bushfire requirements; - Junction with Bruny Island Main Road;

	<ul style="list-style-type: none"> - Power poles; - Impact on Heritage Values – Heritage Trail & “Woodlands” property; - Maintenance of the lane; - Restricting laneway usage; - Turning circle for vehicles; - Traffic Management Plan; and - Other issues relating to implementation of conditions, consultation with other property owners, site at 21 Dennes Point Lane.
Recommendation:	Approval with conditions

1. PROPOSAL

1.1 Description of Proposal

The subject application is seeking approval for upgrades to Dennes Point Lane at North Bruny for the section between Bruny Island Main Road and chainage 115. The laneway upgrades are associated with the residential development approved under DA-2015-122, which was granted under the direction of the Resource Management Planning Appeal Tribunal (RMPAT), now known as Tasmanian Civil and Administrative Tribunal (TASCAT). DA-2015-122 allowed a single dwelling at 21 Dennes Point Lane, North Bruny and associated access works over Council land containing Dennes Point Lane from chainage 115 to chainage 360. The background information including existing approvals for 21 Dennes Point Lane and the requirement for the subject DA is discussed below, under the ‘background’ section of this report.

The laneway upgrade works are proposed to provide a compliant access with the bushfire requirements. Note, the access works under the current DA are only the first section of Dennes Point Lane between Bruny Island Main Road and chainage 115. Access works beyond chainage 115 have already approved as part of the dwelling approval. Engineering drawings have been submitted for the proposed access works, showing the works would be fully contained within Council’s Road reservation. The General Manager’s consent to the lodgement of this development application has been provided with the application in accordance with section 52(1B) of the *Land Use Planning and Approvals Act 1993*. An extract of the site plan, showing the scope of the proposed works is below under *Figure 1*.

The laneway design has been finalised in consultation with Council and Aboriginal Heritage Tasmania.



Figure 1: Proposed access works within Dennes Point Lane, shown in yellow

1.2 Description of Site

The proposal is within Council land containing Dennes Point Lane, which includes three titles – CT 22067/1, CT 148618/5 and CT 155780/1. Aerial image of the lane, showing the respective title boundaries and the private property at 21 Dennes Point Lane is overleaf under *Figure 2*.

Currently there is a gravel driveway within Dennes Point Lane, which is utilised by the residents along the lane, and the general public. This gravel driveway is not up to the current standards for bushfire purposes and requires to be upgraded as a requirement for the new dwelling.

The land containing Dennes Point Lane is zoned Rural Resource under the Kingborough Interim Planning Scheme 2015 (the Scheme), like the adjoining private lands to the east and west of the laneway. The Bushfire-Prone Areas, Parking and Access, Stormwater Management, Biodiversity, Waterway and Coastal Protection (class 1), Inundation Prone Areas and Coastal Erosion Hazard Codes apply to the land.

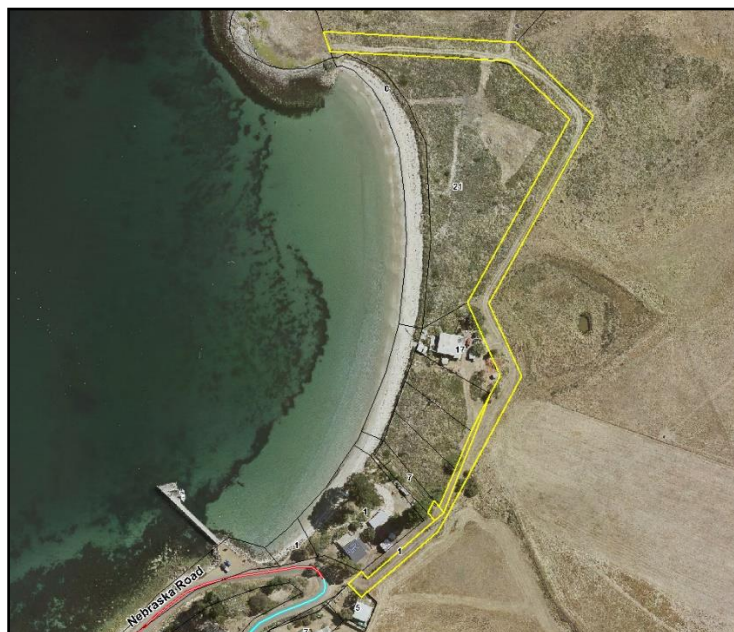


Figure 2: Aerial image of the site within the surrounding context

1.3 Background

An application for a planning permit for a dwelling at 21 Dennes Point Lane, North Bruny, and associated access works within Council land known as Dennes Point Lane (CT22067/1, CT148618/5, CT155780/1) was submitted in 2015 under DA-2015-122. A total of 24 representations (including 2 in support) were received during the public exhibition period. The application was recommended for approval with conditions by the Delegated Authority, however Council refused the development proposal at its meeting on 23 November 2015. The applicant appealed the Council's decision and at the direction of the Resource Management and Planning Appeal Tribunal, a planning permit was subsequently issued on 30th September 2016.

At the time of the assessment of DA-2015-122, the subject land was zoned Primary Industries under the Kingborough Planning Scheme 2000. This was because the application was submitted prior to April 2015, before Council adopted the Kingborough Interim Planning Scheme 2015 (current Scheme).

The planning permit issued under DA-2015-122 included several conditions, one of which explicitly excluded access upgrade works between Bruny Island Main Road and

chainage 115 of Dennes Point Lane, as the standard of the existing laneway was deemed to be acceptable during the time of the planning assessment. An extension of time to act on the permit issued under DA-2015-122 was later approved within the statutory timeframe, allowing for the permit to be active until 30 September 2020.

Subsequently, building and plumbing permits were issued for the approved dwelling at 21 Dennes Point Lane under BA-22-2020 and PA-11-2020. The standards at the time of the building application required for the first section of the laneway between Bruny Island Main Road and chainage 115 of Dennes Point Lane to be upgraded to comply with the bushfire requirements. As the planning permit issued under DA-2015-122 explicitly indicated that there are to be no works within Dennes Point Lane up to chainage 115 except for those required to transition to the proposed pavement between Bruny Island Main Road and chainage 115, i.e. a sealed crossover across approximately the first 10m of Bruny Island Main Road reserve to the start of Dennes Point Lane, the current application has been lodged specifically seeking approval for this.

Note, as this condition was imposed by RMPAT, a minor amendment to the planning permit under section 56 of the *Land Use Planning and Approvals Act 1993* could not be considered for the subject access upgrades up to chainage 115, thereby requiring a new development application.

Substantial commencement of the development approved under DA-2015-122 occurred in September 2020, thereby making this planning permit valid and active.

It is worth noting, that the permit issued under DA-2015-122 had an advice clause relating to the likely presence of Aboriginal Heritage relics in the area, and that works should cease immediately if Aboriginal heritage is suspected to be present on the site and further advice relating to the Unanticipated Discovery Plan.

Plans that were originally submitted under the current application were amended because of some of the issues raised during the public notification period (discussed further below in this report). The applicant was requested to provide an amended design as per the advice of Council's Development Engineer, so that the proposed works would be fully contained within Council's Road reservation. Given the minor design changes, these amended plans have not been re-advertised.

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:

- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

- 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.
- 26.1.1.6 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 North Bruny area.

Response: The proposal is for the upgrades to the first section of Dennes Point Lane up to chainage 115, with upgrades to a large section of the laneway already approved under DA-2015-122. As such no new use is proposed that would impede existing or potential uses in the area. The upgrades to the laneway will provide a compliant access meeting the relevant bushfire standard. The access will not only serve 21 Dennes Point Lane, but also the other lots currently utilising this laneway as their primary access.

2.3 Statutory Planning

While the works proposed are for a roadway which would normally fall under the “utilities” use class, the proposed upgrade works are explicitly associated to facilitate the residential development at 21 Dennes Point Lane. Therefore, the use is categorised as Residential (Single Dwelling) under the Scheme.

Residential (Single Dwelling) use is ‘permitted’ under the Rural Resource zone only if for an extension or replacement of an existing dwelling. While substantial commencement of the dwelling approved under DA-2015-122 has occurred, the dwelling is not ‘existing’. Therefore, the Residential (Single Dwelling) use requires discretionary assessment in the Rural Resource Zone.

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:

Clause 26.3.3 Discretionary use

Acceptable Solution
A1 No acceptable solution.
Performance Criteria
P1 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"> (a) the characteristics of the proposed non-agricultural use;

<ul style="list-style-type: none"> (b) the characteristics of the existing or likely agricultural use; (c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use; (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.
Proposal
The proposed laneway upgrade works relate to the residential (single dwelling) use. As discussed in the previous section, as there is no “existing” dwelling, the residential (single dwelling) use is categorised as Discretionary.

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

- A single residential dwelling has been approved at the site at 21 Dennes Point Lane under DA-2015-122, which has been acted upon and substantial commencement of the permit has occurred. The upgrades to the laneway from chainage 115 to 360 (access point into 21 Dennes Point Lane) have been approved under DA-2015-122. The subject application has been submitted as the first section of the laneway is required to be upgraded to meet the current bushfire standards, as per the building permit issued for 21 Dennes Point Lane under BA-22-2020. As such, no new use is proposed under the current application.
- The proposal is for road upgrades to provide a compliant access to the lot at 21 Dennes Point Lane, which will also be utilised by other lots along the lane. Noting that approval for the laneway upgrades beyond chainage 115 have already been granted, it is highly unlikely that the proposed development under the current application will impact on any existing or potential agricultural activities in the vicinity of the proposed development.
- The proposed access works would be fully contained within Council's Road reservation, as shown in the amended plans that were submitted post the advertising period. Therefore, it is considered the proposed access upgrades would not conflict with or fetter agricultural use on the site or adjoining land.

Clause 26.4.2 Setback

Acceptable Solution
A4 Buildings and works must be setback from land zoned Environmental Management no less than: 100 m.
Performance Criteria
P4 Buildings and works must be setback from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following: <ul style="list-style-type: none"> (a) the size of the site; (b) the potential for the spread of weeds or soil pathogens; (c) the potential for contamination or sedimentation from water runoff; (d) any alternatives for development.

Proposal

The proposed works are within 100m from land zoned Environmental Management, the proposal must be assessed against the performance criteria.

The application was referred to Council's Environmental Planner who has advised that the proposed works minimise unreasonable impact from development on environmental values as follows:

- The entire access strip is located within 100m of land zoned Environmental Management and there are no alternative alignments of locations for this access.
- The potential for the spread of weeds or soil pathogens can be managed through development and implementation of weed and hygiene management measures as part of a construction environmental management plan (CEMP).
- The potential for contamination or sedimentation from water runoff is best managed during the construction phase through the implementation of soil and water management measures as part of a CEMP.

Therefore, the proposed variation can be supported pursuant to this Performance Criteria of the Zone. A condition is recommended for inclusion in any permit issued requiring development and implementation of a CEMP, including weed and hygiene management and soil and water management measures.

E6.0 Parking and Access Code**Clause E6.7.3 Vehicular passing areas along an access****Acceptable Solution****A1**

Vehicular passing areas must:

- be provided if any of the following applies to an access:
 - it serves more than 5 car parking spaces;
 - is more than 30 m long;
 - it meets a road serving more than 6000 vehicles per day
- be 6 m long, 5.5 m wide, and taper to the width of the driveway;
- it meets a road serving more than 6000 vehicles per day;
- have the first passing area constructed at the kerb;
- be at intervals of no more than 30 m along the access.

Performance Criteria**P1**

Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:

- avoidance of conflicts between users including vehicles, cyclists and pedestrians;
- avoidance of unreasonable interference with the flow of traffic on adjoining roads;
- suitability for the type and volume of traffic likely to be generated by the use or development;
- ease of accessibility and recognition for users.

Proposal

The proposed laneway upgrades are for a section greater than 30m long, and passing bays are not proposed at every 30m intervals.

Council's Development Engineer has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- Although no passing bays are proposed at 30m intervals, a bushfire compliant access will be constructed meeting the bushfire standards.
- There will be minimum traffic generation as the access will serve properties with residential (single dwelling) use in a rural area. The area does not have significant traffic flow and lesser rates of road users.
- There is an existing vehicular access within Dennes Point Lane currently being utilised by the residents and the public. As the location is existing, it will be easily accessible and recognised by users. Given the 4m width of the driveway there would be no unreasonable conflicts between users including vehicles, cyclists and pedestrians.

Therefore, the access will be safe, efficient, convenient and there will be no/less conflict between users and no effect on traffic flow along Bruny Island Main Road.

E6.0 Parking and Access Code**Clause E6.7.6 Surface treatment of parking areas****Acceptable Solution****A1**

Parking spaces and vehicle circulation roadways must be in accordance with all of the following;

- (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;
- (b) drained to an approved stormwater system,
- (c) unless the road from which access is provided to the property is unsealed.

Performance Criteria**P1**

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

- (a) the suitability of the surface treatment;
- (b) the characteristics of the use or development;
- (c) measures to mitigate mud or dust generation or sediment transport.

Proposal

Bruny Island Main Road is a sealed road, however the proposed laneway upgrades within Dennes Point Lane would be of compacted gravel.

Council's Development Engineer has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The first section of the laneway (approximately 10m), that connects to the junction at Bruny Island Main Road, has been approved under DA-2015-122 to be sealed in bituminous surface treatment. While this was not clearly indicated in the plans

that were advertised, upon Council's Development Engineer's direction, amended plans were submitted after the advertising period clearly showing this detail.

- The rest of the access, approximately after chainage 10 to 115, will be a bushfire compliant all-weather gravel access. The access beyond chainage 115 has also been approved to be of gravel under DA-2015-122.
- A number of minor roads in this area, off Bruny Island Main Road, also have similar surface treatments. Note, there is an existing gravel driveway within Dennes Point Lane currently being utilised by the residents and public.
- Given the context, it is considered the access driveway would not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment.

E11.0 Waterway and Coastal Protection Code

Clause E11.7.1 Buildings and works

Acceptable Solution
<p>A1</p> <p>Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>
Performance Criteria
<p>P1</p> <p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.
Proposal
<p>Council's Environmental Planner has advised that the beginning of the proposed access traverses a Waterway and Coastal Protection Area.</p> <p>These works are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria.</p>

Council's Environmental Planner has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The works are within a highly modified area containing exotics and weeds. Therefore, there will be no impacts on natural values.

- Adverse erosion, sedimentation and runoff impacts on natural values will be limited to the construction phase. This is most appropriately addressed through implementation of a soil and water management plan.
- Littoral vegetation will not be impacted by the proposal.
- Natural streambank and streambed condition will not be impacted by the proposal.
- In-stream natural habitat will not be impacted by the proposal.
- The development will not impede natural flow and drainage.
- Fish passage will not be impacted by the proposal.
- No landfilling of wetlands is proposed.
- This proposal complies with this criterion providing a condition is included in the permit requiring works are undertaken in accordance with a CEMP.

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 19 January 2022 to 2 February 2022). Five (5) representations against the proposal were received during the public exhibition period. The following issues were raised by the representors:

2.5.1 Council-owned land, private developer

One representation pointed that the development is proposed on council owned road reservation, and as such the engineering and design should be Council's responsibility and not left to a private developer. Another representation indicated that Council has to decide, as the owner of Dennes Point Lane (DPL) since transfer from the Crown some years ago, whether it is going to allow roadwork to be done on its land by the developer, and if so of what kind. Concerns were raised relating to the design of the road, discussed further below.

Response: Council's Property Services Officer has advised that Council as landowner has no need for the upgrade of DPL. Rather the requirement for the upgrade is to ensure an approved residential development has a compliant driveway meeting bushfire requirements. As a consequence, the engineering design is a function of the bushfire specification, not Council requirements. Notwithstanding, as the land is owned by Council, any works on this land need to comply with the requirements of Council as well as the requirements of the Planning Scheme. The engineering design has been finalised in consultation with Council as landowner. Furthermore, in addition to requiring a development application, the proposed driveway requires a road works permit under Council's Roads and Parking By-law No. 4 of 2021. This permit process will enable Council as landowner to impose any additional conditions where necessary.

2.5.2 'Pinch Point' width and encroachment into private property

All the representors pointed the width of the Dennes Point Lane Road reserve at the "pinch point" (approximately chainage 70) is 4.31m wide, as identified in the survey conducted in 2016 for the Tribunal submission. The current plans show at chainage 70 the works are proposed to be 5.52m wide, in excess of the available public land within the road reservation. Adjacent landowners

either side of DPL have indicated strong objection to road works spilling into their lands.

One representation specifically noted that this encroachment cannot be authorised without the consent of the owners of that land. Compliance with s52(1) of the *Land Use Planning and Approvals Act 1993* has been questioned.

Response: Council Development Engineer has advised as result of this issue being raised during the public notification period that the design has been amended to include a small rock boulder retaining wall (0.3m) high under the edge of the driveway at the 'pinch point'. This removes the fill batter in this location and contains all the works within the road reservation. Any damage to fencing that occurs during construction must be rectified by the contractor. This will form part of the road works permit.

Furthermore, as the works are now proposed to be entirely contained within the Council's Road reservation, the adjoining private land is not required to form part of the application.

2.5.3 Stormwater run off and sag point at chainage 68

Two representors noted from chainage 20 to 70 the road is a natural surface of approximately 5m width and no drainage, and this narrows to 4.3m wide at chainage 70 "pinch point", a low point forming a natural water course in wet weather. Concerns were raised regarding the excess flow traversing over the road surface, inundating adjoining properties and causing the pavement to be eroded and washed into these properties. One representor pointed the discharge of runoff onto the lower land caused by the roadworks will be without any legal right to do so. The proposed works do not include any mitigation works to prevent siltation and erosion of the downstream property. Concerns were also raised that the works did include any mitigation measures to prevent siltation and erosion of the downstream property. One representor noted that soakage and drainage points as per RMPAT conditions under DA-2015-122 (which approved the dwelling at 21 Dennes Point Lane) must apply to this DA to mitigate the roadway materials ending up on private property.

Response: Council Development Engineer has advised that the low point is a natural feature, and the driveway will not change the location of the current flow of water when the ground is saturated. The driveway is to be constructed of compacted gravel pavement to maintain the life of the road. This is the same with any gravel road and this will minimise impacts on adjacent properties.

2.5.4 First bend – Bushfire

Two representors raised concerns relating to the first bend on DPL, after it leaves the main road, which needs to have a minimum inner radius of 10m to comply with the construction requirements of Table 4.1 of Director's Determination – Requirements for Building in Bushfire-Prone Areas (transitional), applicable under s20 of the *Building Act 2016*. The bend currently seems to be non-compliant.

Response: Council Development Engineer has advised the radius is restricted by the property boundary and has been checked as being approximately 10m. Fire vehicles will not be restricted in travelling around this short bend.

2.5.5 Junction with Bruny Island Main Road

The first 10m (approx.) of roadworks is within the State Growth controlled road reserve of Bruny Island Main Road. Three representors specifically pointed out that the junction would be required to be sealed back to the gate to meet State Growth specifications. The main road turns steeply at this point. The advertised plans show a gravel junction - this creates the risk of the laneway spilling onto the main road and create a very significant hazard. Sealing this section will improve vehicular access of the lane which is also the start of the Heritage Trail (discussed below) and eliminate the ponding which occurs after rainfall. As the first part of DPL forms part of the road reserve attaching to the main road, and the Department of State Growth will need to be consulted.

Response: Council's Development Engineer has advised that the design has been amended to include the sealing of the first 10m, as was originally approved. Note, this section does not form part of the subject application as approval has been granted for it under DA-2015-122. The applicant will be required to obtain a permit for this work by the Department of State Growth as this section of road is the responsibility of this Department, not Council.

2.5.6 Power poles

Two representations noted that there is an existing pole within the proposed road pavement. The plans do not address this pole's location in the way, close to the pinch point. One of these representations noted that TasNetworks may be proposing to install more poles as part of a potential submarine cable project. TasNetworks should be consulted to ensure the roadworks are compatible with their assets.

Response: Council's Development Engineer has advised that TasNetworks have been consulted with regards to the driveway construction. TasNetworks indicated a new pole may be installed to remove the existing pole on the edge of the driveway.

2.5.7 Heritage Trail

Dennes Point Lane is the principal access point to the Heritage trail installed by the "Friends of North Bruny", in consultation with Council, which provides visitors detail of the early Aboriginal and Colonial history. One representation pointed out that so many members of the public enjoy exploring the extraordinary history of the area and its natural beauty, and the representors wish to see the current values of the Walk and the whole area protected to the greatest extent possible, both during any construction phase and beyond.

Two of the representations also pointed out that Sign No. 2 on the Heritage Trail will need relocation if the proposed works proceed. This needs to be indicated on the plans.

Response: It is believed that the upgrades to Dennes Point Lane proposed under this application up to chainage 115, and the approved upgrades beyond chainage 115, will improve the accessibility of the laneway, including better disabled access, thereby enhancing the overall experience of the Heritage Trail. The proposed works, will not in any form, impede the usage of the laneway or the heritage trail.

Council as landowner will impose conditions in the road works permit relating to the signage associated with the heritage trail that may be impacted by the proposed works. This will require for the signage to be relocated to a suitable location in consultation with Council.

2.5.8 Laneway immediately adjoins State listed Heritage property “Woodlands”

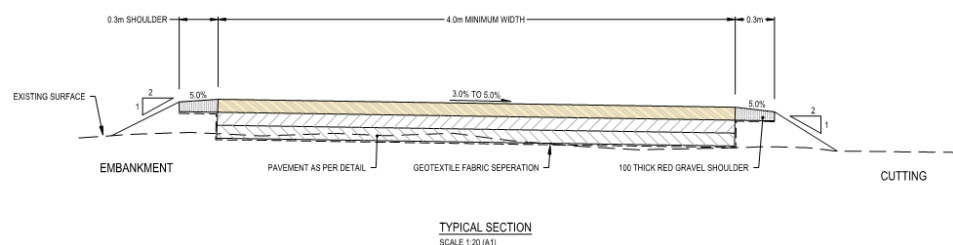
The landowner of the property known as “Woodlands” advised part of the property abuts Dennes Point Lane and that currently it is a working farm, with areas listed as of Heritage significance in the Tasmanian Heritage Register. There are concerns about how any subsequent construction may affect the livelihood of this property, fencing and introduction of pathogens and weeds, and runoff into the Bottom Lagoon. All areas referred to in this matter are Heritage Listed and impacts into a Heritage listed property will need discussion with Heritage Tasmania.

Response: As no works are proposed within this property, referral to the Heritage Council in accordance with section 36 of the Historic Cultural Heritage Act 1995, was not required. Other issues are discussed below.

The issues raised by this representor are:

- **Fencing:** The existing boundary fencing that abuts the laneway was built to meet the current levels, not a variation of 0.3m in height variation on the roadway. The fencing is to deter the ingress of animals and humans, from entering the property. To effectively diminish the fence height by 300mm along the fence line will make it too easy for dogs and people to climb over the fence. The representor suggested that the maintenance of the 1.1m fence height from the road is to be a condition, if the DA is to be granted approval, at no expense to them.

Response: This issue is outside the scope of the planning approval. A typical section of the proposed laneway is below.



Further cross sections of the lane at the various chainages are provided in the engineering drawing set, showing varying road elevation heights from the existing surface. As noted in the typical cross section above, the existing ground surface at the boundary will be predominately maintained, except near the ‘pinch point’ where a small retaining wall is proposed to prevent encroachment into adjoining private land. Any impacts to the existing fencing, and its height reduction, are not planning matters and these issues will be considered and mitigated under the road works permit.

- **Introduction of pathogens and weeds:** As this property operates as a registered Meat & Livestock Association, standards relating to Biosecurity apply, and so the introduction of new materials onto the property is a concern. At the “pinch point” there may be incursion of materials or weeds coming through the fence, and runoff along any other point of the laneway.

Response: Council’s Environmental Planner has advised that a condition is recommended for inclusion in any permit issued requiring all machinery to 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. In addition, any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

- Run off in the Bottom Lagoon: The representor advised when there is sufficient rain, the natural gully runs and puts water onto Dennes Point Lane before it goes into the Lagoon on the property. Currently the grass and sandy roadway cope with the water entering the lagoon being clean. With the roadway construction without soakage pits and appropriate engineering to contain the road material, the materials may end up in the Lagoon which is wholly detrimental to the Heritage Values of the site and the Heritage significance of the Lagoon. Engineers will need to be very careful to construct the road and water passage, so it does not impact the current sandy/ grassy bottom of the lagoon. Gully outflow is within the area covered by this DA. The representor suggested that soakage pits and culvert construction should be engineered to push water away from the Lagoon as new gravel roadway will wash out. Discussions are to occur with Aboriginal Heritage to seek solutions which may have the agreement of the above. The representor pointed that there is no legal right for materials from Council's property to enter this property.

Response: As can be noted in the aerial image above, the lagoon is not in proximity of the proposed scope of works under the current application which is up to chainage 115 only. Council's Development Engineer has advised that therefore this issue is not relevant to this DA, but it will be addressed as part of the road works permit for the works beyond chainage 115.

2.5.9 Heritage Management

One representor pointed out that the designers and constructors of the road should be cognisant of the fact that it shares a boundary with Heritage listed property "Woodlands", the Bottom Lagoon and the Cape De La Sortie Conservation Area for its entire length. It is also the route of the Dennes Point Heritage Walking Trail.

Response: The access has been designed to ensure the works are contained within DPL and do not encroach into the Heritage listed property "Woodlands", the Bottom Lagoon or the Cape De La Sortie Conservation Area. The access also takes into account the route of the Dennes Point Heritage Walking Trail to the extent possible and does not prevent the use of this trail, although it will invariably alter the nature of it for the length of the upgrade.

2.5.10 Maintenance of the lane

Three of the representors pointed out it is their understanding that the Developer, and not Council, is responsible for the maintenance of the roadway and the issues associated with this. The road will deteriorate over time due to the heavier traffic that it will attract, and the damage that will be done over time by inundation by heavy weather. This will create risks to public safety, on the Heritage Trail that the public is being invited to use. It will also create a risk of erosion, with environmental consequences for the sensitive area around the lagoon. These risks are most appropriately addressed by the Council, as the responsible public authority, experienced in road maintenance and with the necessary equipment and personnel, not by private citizens.

Response: While DPL is notated as a road and therefore the public has rights of access, the required standard of this road is only a driveway standard for the purposes of compliant access to adjacent private development. Therefore,

it is the responsibility of those reliant on this access to ensure the access is maintained in a compliant manner.

Council's Property Services Officer has advised Council would have no intention of developing or maintaining this road, if it was not for the private residential use it is proposed to serve, as it would be of low use to be a formal road.

2.5.11 Restricting laneway usage

Two of the representations suggested that it would seem sensible to put a boom/barrier gate at the junction with Bruny Main Road to discourage excessive vehicle use. The representors also noted that the residents desire to keep out unrestricted vehicular access and maintain DPL as a pedestrian precinct for the safety of people enjoying the Heritage Trail, including disabled access. Motor vehicles should be restricted from using this walkway.

Response: Council's Property Officer has advised that DPL is notated as a road not a walkway and while the standard of construction for this land is determined by the requirements of the adjacent development, it is not possible to restrict public vehicular access. A condition is recommended in any permit issued requiring the road to be unrestricted for public usage at all times.

2.5.12 Turning circle for vehicles

A couple of representations noted that for the vehicles that use the road there is no turning circle at the end for vehicles to turn and return. This is essential to avoid damage to the fragile dunes.

Response: Council's Development Engineer has advised that this is not relevant to this DA. Notwithstanding, Council intends to investigate the use of bollards or other barriers and signage to prevent vehicle access beyond access to private land, noting there are no available turning or parking areas and no intention to provide these at this point. This issue will be addressed as part of the works permit for the works past chainage 115.

2.5.13 Traffic Management Plan

Two representations pointed that a Traffic Management Plan is required to protect the safety of pedestrians using the Heritage Trail during the course of construction period of the road.

Response: A Traffic Management Plan will be required to be submitted for approval as part of any roadworks permit. This is required prior to approval to commence works.

2.5.14 Conditions on the permit

One representor noted, the Resource Management and Planning Tribunal (RMPAT) decision on 21 Dennes Point Lane (DA-2015-122) left a number of conditions to the development of Dennes Point Lane from chainage 115 and that it is expected all these conditions will be applied to this development up to chainage 115.

Response: Council's Development Engineer has advised that all the relevant conditions applicable to the DA2015-122 will be included in this application conditions.

2.5.15 Council to amend standards for the laneway:

One representor pointed out that the latest development issue has come about after building permits were issued (for development at 21 Dennes Point Lane) without a condition of developing the lane and that Council is now demanding the developer upgrade the lane to a standard that cannot be achieved. If Council is to continue to insist on the standard of road as set out in this application, which is impossible to achieve, Council will either need to cancel the building permit (of 21 Dennes Point Lane) and face the legal and financial issues that would follow or Council needs to change the standards required so that all issues confronting adjoining landowners can be addressed. If Council chooses to amend the standards required for this development, the adjacent landowners and all other interested parties need to be comprehensively consulted prior to any request for the developer to lodge a fresh development application. A meeting between the Council, the applicant and adjoining land owners to negotiate mutual grounds to proceed would be beneficial.

Response: Council is not demanding the developer upgrade DPL. Rather, complying with the building permit relies upon an upgrade to the lane. The full extent of the upgrade was not covered by the planning permit for the dwelling. Therefore, separate planning approval is required for the upgrade and to enable the development to meet the requirements of the building permit. The plans submitted demonstrate compliance with the standards required under the building permit.

2.5.16 Consultation with private property owners also using the lane

One representor noted that Dennes Point Lane is the access to their home, and that they would appreciate consultation on the final design and during any works.

Response: The laneway has been proposed to be upgraded to meet the bushfire requirements of development approved at 21 Dennes Point Lane. The access has been designed in consultation with Council, as landowner, and in accordance with the requirements of the Scheme and Aboriginal Heritage. The works will be fully contained within the public road reservation. Any further consultation with adjoining landowners is a private matter, separate to the planning permit process, and must be directly discussed by the individual parties.

2.5.17 Site at 21 Dennes Point Lane:

One representation suggested that Council negotiate the purchase of the building site at 21 Dennes Point Lane from the current owner.

One other representation noted that it would normally be acceptable to provide access to a building site approved by Council, but this is no ordinary building site. Council approved a development in the middle of the sand dunes without giving any thought to access. A good indication of the environmental sensitivity of this proposal would be to enquire if the initial development would be approved today.

Response: This is not relevant to the subject application for laneway upgrades. Nevertheless, Council's Property Services Officer has advised that requiring/purchasing this land is not in the Kingborough Open Space Strategy 2019. Council does not have available funds for purchasing land of this value.

Furthermore, as discussed in the 'Background' section of this report, the development was approved under the direction of the Resource Management

Planning Appeal Tribunal in 2016, after Council's decision to refuse the development was appealed. Substantial commencement of the development has occurred, making the permit active, irrespective of whether the development would be approved under the current standards or not.

2.5.18 Seek alternate access to the site:

One of the representations proposed that the subject DA be refused, and the applicant seek access to the building site from the sea, over Jetty Beach. There is substantial merit in this proposal as any disturbance caused to Jetty Beach could be quickly and cheaply remediated and the owner would still have vehicle access to the property via Dennes Point Lane in its present condition.

Response: The property at 21 Dennes Point Lane, including a few other lots along this laneway, have their sole access via Dennes Point Lane. As per the current standards for bushfire, the laneway is required to be upgraded, which would also be beneficial to other lots using this lane. Given the upgrades to the lane beyond chainage 115 up to chainage 360 (at 21 Dennes Point Lane) have already been approved under DA-2015-122, it is unreasonable to refuse upgrade works proposed to this laneway on the first section up to chainage 115. The proposed works meet the relevant Council requirements, planning scheme and bushfire standards. Sea access cannot be considered as primary access to the site.

2.6 Other Matters

Aboriginal Heritage

The application was referred to Aboriginal Heritage Tasmania, who advised the following:

"There are no Aboriginal heritage sites recorded within the Dennes Point Lane corridor. The surrounding landscape however (being close to a coastal region that is a culturally rich area) is conducive to Aboriginal heritage. Therefore, the absence of previously recorded sites cannot be taken as an indication that there are no Aboriginal sites present as the area has never been surveyed. Due to the high probability of Aboriginal heritage, an Aboriginal heritage assessment is required to identify whether the proposed project will impact on any Aboriginal heritage and to offer mitigation advice. This assessment must be undertaken jointly by a Consulting Archaeologist and Aboriginal Heritage Officer."

Council forwarded this advice to the applicant and recommended the applicant resolve any Aboriginal Heritage requirements in accordance *Aboriginal Heritage Act 1975* prior the lodgement of the subject development application, noting that Aboriginal Heritage is not protected/ regulated under the *Land Use Planning and Approvals Act 1993*.

The landowner commissioned an Aboriginal Heritage Assessment Report, which provided recommendations for the design of the laneway. This report was submitted to Aboriginal Heritage Tasmania for review and advice has been provided to the applicant directly. The design recommendations in the Aboriginal Heritage Assessment were adopted in the design of the laneway that has been submitted under the subject DA.

An advice clause is recommended in any permit issued that the recommendations made in the Aboriginal Heritage Assessment Report, Version 2, October 2021, must be adopted. Advice or any relevant approvals must be sought from Aboriginal Heritage Tasmania prior to commencing any on-site works. All works personnel and contractors should be suitably briefed about and understand the process outlined in the Unanticipated Discovery Plan. 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. Under the Act there is a requirement to report Aboriginal heritage, and not to impact Aboriginal heritage without a permit granted by the Minister.

Title restrictions

The titles have the following easements/ covenants:

- Fencing provision;
- Burdening ROW appurtenant to Lots 1 and 2 on P148618 and Lot 10 on P148618;
- Burdening ROW in favour of Aurora Energy Pty Ltd over the land marked ABCDEFGH shown on Diagram 22067;
- Burdening ROW appurtenant to Lot 11 on Plan 148618 and Lot 1 on Plan 132132 over the whole of the said land;
- Burdening ROW appurtenant to Lot 16 on SP 36753 and Lots 1-3 on P157026.

Response: These ROW easements/ fencing provision would not be impacted by the proposed upgrades to the laneway.

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 minor impacts on the adjacent properties, these impacts would not be unreasonable. The upgrades to the public laneway are required to meet the current bushfire standards, which will be beneficial to not only 21 Dennes Point Lane, but all other properties along the lane that utilise this access. 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 Upgrading of Dennes Point Lane and associated works between Bruny Island Main Road and chainage 115 at Dennes Point Lane, North Bruny (CT 22067/1, CT 148618/5, CT 155780/1) for Mr A G Traill 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-2021-651 and Council Plan Reference No. P2 submitted on 10 February 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. Prior to the commencement of on-site works a Construction Environmental Management Plan (CEMP) must be submitted to Council for approval. The plan must be to the satisfaction of the Manager Development Services and:
 - (a) be consistent with the CEMP endorsed under DA-2015-122 (Pitt and Sherry, August 2016), including:
 - (i) delineating the access alignment;
 - (ii) requiring pre-disturbance photos;

- (iii) detail sediment and erosion control measures; and
- (b) include but not necessarily be limited to the following:
 - (i) ensuring the access works do not compromise the Heritage Trail alignment (as determined by Council);
 - (ii) ensuring all works are undertaken in accordance with the Aboriginal Heritage Assessment Report;
 - (iii) detailing stockpiling locations;
 - (iv) providing for a site inspection by Council prior to use of the land for construction purposes including delivery of materials, heavy vehicle use etc;
 - (v) detailing the construction methodology;
 - (vi) minimising removal of grass vegetation cover to minimise erosion;
 - (vii) minimising soil disturbance;
 - (viii) rehabilitating disturbed areas – smoothed surface, sow native coastal grass mix;
 - (ix) detailing weed, pest and hygiene measures in accordance with Condition 8 below;
 - (x) detailing traffic and pedestrian management measures;
 - (xi) demonstrating the location of parking areas for construction and sub-contractors' vehicles, the location of any site sheds, on-site amenities, building waste storage and the like are contained within 21 Dennes Point Lane and are not located on Dennes Point Lane;
 - (xii) providing timeframes for undertaking and completing of access works;
 - (xiii) avoiding construction in wet conditions; and
 - (xiv) including monitoring of rehabilitation works within 12 months of access works being completed.

A site inspection of the implemented plan by the Council's Development Inspector and Council's Environmental Planner or delegates must be satisfactorily undertaken with the principal contractor prior to the commencement of on-site works and issue of start of works.

Once endorsed, the Plan will form part of the permit and must be implemented and maintained throughout construction of the development to the satisfaction of the Manager Development Services.

3. 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 Manager Development Services and comply with:

- Tasmanian Standard Drawings

The Plans must include, but are not limited to:

- (a) Detailed vehicular access road design, 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 passing bays
 - (iv) Pavement construction

Once endorsed the plans will form part of the permit.

4. Prior to the commencement of works within the Bruny Island Main Road Reserve (Ch 0 – 12m approximately), the applicant must obtain a works permit from the Department of State Growth. A copy of the work permit must be provided to Council.
5. Prior to the commencement of works within the Road Reserve, the applicant must obtain a roadworks permit from Council. All conditions of the roadworks permit must be complied with as approved.
6. 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. During the construction phase the developer must not prevent access to the lane without approval from Council.
7. Stormwater runoff from the development must be either contained within the property or discharged to an approved discharge point to the satisfaction of Council's Executive Manager - Engineering Services. Any onsite stormwater management required for the development must be designed by a suitably qualified person to ensure that it does not cause environmental harm or nuisance.
8. 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.
9. All works must be fully contained within Council land.
10. As the laneway is within a public road reservation, no physical barriers or signage restricting public usage of the road is permitted. The lane must be unrestricted for public usage at all times.

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 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.

- C. The recommendations made in the Aboriginal Heritage Assessment Report, Version 2, October 2021, by Consulting Archaeologist, Alan Hay, and Aboriginal Heritage Officer, Caleb Pedder, must be adopted. Advice or any relevant approvals must be sought from Aboriginal Heritage Tasmania prior to commencing any on-site works. All works personnel and contractors should be suitably briefed about and understand the process outlined in the Unanticipated Discovery Plan. 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. Under the Act there is a requirement to report Aboriginal heritage, and not to impact Aboriginal heritage without a permit granted by the Minister.

ATTACHMENTS

1. **Proposal Plans**
2. **Assessment Checklist**

Public Copy

CIVIL DRAWINGS
PROPOSED ACCESS UPGRADE
21 DENNES POINT LANE
NORTH BRUNY TAS 7150
DA2021-651 (CH. 0.00 TO CH. 115)

SHEET	DRAWING	ISSUE	DATE
C0.01	COVER SHEET	D	9/02/2021
C0.02	NOTES AND OVERALL PLAN	D	9/02/2021
C1.01	OVERALL LAYOUT PLAN	D	9/02/2021
C1.02	DETAIL LAYOUT PLAN - SHEET 1	D	9/02/2021
C2.01	LONG SECTIONS	D	9/02/2021
C2.02	CROSS SECTIONS - SHEET 1	D	9/02/2021
C2.03	CROSS SECTIONS - SHEET 2	D	9/02/2021
C3.01	DETAILS	D	9/02/2021

Public Copy

THESE DRAWINGS SHALL BE APPROVED BY
RELEVANT AUTHORITIES (INC. COUNCIL &
TASWATER) PRIOR TO CONSTRUCTION

		DRAWN	DE
1	DEVELOPMENT APPROVAL - DA2021-651	9/02/2022	DRAWING CHECK: NM
2	PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED: DE
3	PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK: NM
4	PRELIMINARY	26/03/2021	CERTIFIED: -



CLIENT:	ANDREW TRAILL	PROJECT:	PROPOSED ACCESS UPGRADE	SHEET:	COVER SHEET
ADDRESS:	21 DENNES POINT LANE NORTH BRUNY TAS 7150	ISSUE:	DEVELOPMENT APPROVAL	STAGE:	DA2021-651
		SCALE:		TOTAL SHEETS:	8
				SHEET No:	C0.01
				REV No:	D

GENERAL NOTES:

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, HYDRAULIC AND STRUCTURAL DRAWINGS AND SPECIFICATIONS. STANDARDS REFERENCED ARE TO BE THE MOST CURRENT VERSION.
2. THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION UNLESS ENDORSED FOR CONSTRUCTION AND AUTHORISED FOR ISSUE ACCORDINGLY.
3. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH IPWEA/AT STANDARD DRAWINGS AND SPECIFICATIONS, AUSTRALIAN STANDARDS, (NSW) SEWERAGE CODE OF AUSTRALIA & WATER SUPPLY CODE OF AUSTRALIA) AND TO THE SATISFACTION OF COUNCIL'S DEVELOPMENT ENGINEER.
4. IPWEA/AT STANDARD DRAWINGS TO BE READ IN CONJUNCTION WITH COUNCIL EXCLUSION SHEETS TSD0201-V1 & TSD0201-V2.
5. ALL WORKS ARE TO BE MAINTAINED IN A SAFE CONDITION.
6. CONFIRM ALL LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
7. CONTRACTOR TO OBTAIN APPROVALS, SERVICE CLEARANCES AND COORDINATE WORK WITH ALL RELEVANT AUTHORITIES PRIOR TO COMMENCEMENT.
8. A "START OF WORKS NOTICE" MUST BE OBTAINED FROM COUNCIL PRIOR TO ANY WORKS COMMENCING.
9. SURVEY DATA UNDERTAKEN AND PROVIDED BY REGGISON AND BIRCH SURVEYORS.

WORKPLACE HEALTH & SAFETY NOTES:

- BEFORE THE CONTRACTOR COMMENCES WORK, THE CONTRACTOR SHALL UNDERTAKE A SITE SPECIFIC PROJECT PRE-START HAZARD ANALYSIS (JOB SAFETY ANALYSIS (JSA)) WHICH SHALL IDENTIFY IN DOCUMENTED FORM:
- THE TYPE OF WORK.
 - HAZARDS AND RISKS TO HEALTH AND SAFETY.
 - THE CONTROLS TO BE APPLIED IN ORDER TO ELIMINATE OR MINIMIZE THE RISK POSED BY THE IDENTIFIED HAZARDS.
 - THE MANNER IN WHICH THE RISK CONTROL MEASURES ARE TO BE IMPLEMENTED.

THESE ARE TO BE SUBMITTED TO THE SUPERINTENDENT AND/OR OTHER RELEVANT WORKPLACE SAFETY OFFICERS.

FOR THIS PROJECT POSSIBLE HAZARDS INCLUDE (BUT ARE NOT LIMITED TO):

- EXCAVATION OF ANY TYPE & DEPTHS
- CONTAMINATED SOILS
- CONSTRUCTION IN GROUND WITH HIGH WATER TABLE
- FELLING/CLIPPING AND REMOVAL OF EXISTING TREES/VEGETATION
- UNDERGROUND STRUCTURES (MANHOLES/SUMPS/ETC)
- CONFINED SPACES
- OVERHEAD POWER LINES
- UNDERGROUND STORMWATER, WATER AND SEWER PIPES
- TELECOMMUNICATION CABLES - BOTH UNDERGROUND & OVERHEAD
- ELECTRICAL POWER CABLES - BOTH UNDERGROUND & OVERHEAD
- WORKING AT HEIGHTS
- WORKING WITH ASBESTOS CONTAINING MATERIALS
- TRAFFIC MANAGEMENT

EARTHWORKS & DRIVEWAY NOTES:

1. ALL EARTHWORKS SHALL BE IN ACCORDANCE WITH ASSUMED "GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT".
2. ALL VEGETATION AND TOPSOIL SHALL BE STRIPPED AND GRUBBED IN THE AREA OF PROPOSED WORKS.
3. NEW OR MODIFIED DRIVEWAY CROSSINGS SHALL BE IN ACCORDANCE WITH IPWEA STANDARD DRAWING TSD0301-V1 AND MUST BE INSPECTED AND APPROVED BY COUNCIL.
4. EXCAVATED AND IMPORTED MATERIAL, USED AS FILL IS TO BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION.
5. FILL MATERIAL SHALL BE WELL DRAINED AND FREE OF SOULERS OR CORBLES EXCEEDING 150mm IN DIAMETER UNLESS APPROVED TO BE OTHERWISE.
6. FILL REQUIRED TO SUPPORT DRIVEWAYS INCLUDING FILL IN EMBANKMENTS THAT SUPPORT DRIVEWAYS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
 - TOP SOIL AND ORGANIC MATTER SHALL BE STRIPPED TO A MINIMUM OF 150mm.
 - THE SUB GRADE SHALL HAVE A MINIMUM BEARING CAPACITY OF 100 kPa.
 - FILL IN EMBANKMENTS SHALL BE KEPT 150mm INTO NATURAL GROUND.
 - THE FILL SHALL BE COMPACTED IN HORIZONTAL LAYERS OF NOT MORE THAN 200mm.
 - EACH LAYER SHALL BE COMPACTED TO A MINIMUM DENSITY RATIO OF 95% STD. IT IS THE BUILDERS RESPONSIBILITY TO ENSURE THAT THIS IS ACHIEVED.
7. WHERE THE ABOVE REQUIREMENTS CANNOT BE ACHIEVED THE ENGINEER SHALL BE CONSULTED AND THE FORMATION SHALL BE PROOF ROLLED (UNDER SUPERVISION OF THE ENGINEER) TO CONFIRM AN APPROVED BASE.
8. CONCRETE PAVEMENTS SHALL BE CURED FOR A MINIMUM OF 3 DAYS USING A CURRENT BEST PRACTICE METHOD.
9. SLOPE CONTROL JOINTS SHALL BE CONSTRUCTED AS SOON AS POSSIBLE WITHOUT TRAVELLING THE JOINT. GENERALLY THIS SHALL BE WITHIN 24 HOURS.
10. BATTERS SHALL BE SET TO A SAFE ANGLE OF REPOSE IN ACCORDANCE WITH THE BCA VOL. 2 AS INDICATED BELOW.

SOIL TYPE (* REFER BCA 3.2.4)	EMBANKMENT SLOPES H:L	
	COMPACTED FILL	CUT
STABLE ROCK (R)	2:3	8:1
SAND (S)	1:2	1:1
SILT (P)	1:4	1:4
CLAY	FIRM CLAY	1:2
	SOFT CLAY	NOT SUITABLE
SOFT SOILS (P)	NOT SUITABLE	NOT SUITABLE

NOTE: WHERE SITE CONDITIONS ARE UNSUITABLE FOR A BATTERED BANK, CONSULT THE ENGINEER FOR A SUITABLE RETAINING WALL DESIGN. EMBANKMENTS THAT ARE TO BE LEFT EXPOSED MUST BE STABILISED BY VEGETATION OR SIMILAR WORKS TO PREVENT SOIL EROSION.

DRAINAGE AND SERVICES NOTES:

1. ALL WORKS ASSOCIATED WITH PUBLIC STORMWATER INFRASTRUCTURE IS TO BE CARRIED OUT IN ACCORDANCE WITH IPWEA (TAS) LIAISON STANDARD DRAWINGS AND SPECIFICATION AND TO THE SATISFACTION OF COUNCIL.
2. ALL WORKS ASSOCIATED WITH PUBLIC SEWER AND WATER IS TO BE CARRIED OUT IN ACCORDANCE WITH THE WSA PARTS 02 & 03 (WATER AND SEWERAGE CODES OF AUSTRALIA). TABWATER SUPPLEMENTS TO THE SAME, AND TO THE SATISFACTION OF TABWATER. ALL CONNECTIONS TO EXISTING MAINS TO BE CARRIED OUT BY THE REGULATING AUTHORITY AT COST TO BUILDER UNLESS APPROVED OTHERWISE.
3. HYDRAULIC LAYOUT TO BE COORDINATED WITH OTHER SERVICES. HYDRAULIC LAYOUT AS SHOWN IS NOTIONAL. LAYOUT TO BE CONFIRMED ON SITE.
4. ALL EXISTING SERVICES TO BE LOCATED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
5. GENERAL MATERIALS, INSTALLATION & TESTING SHALL COMPLY WITH AS3000 AND THE NCC VOLUME 3 (PCA).
6. INSTALL ALL SUB-SOIL DRAINS TO THE REQUIREMENTS OF AS3000, PART 3.1.3 OF THE NCC 2019 - VOLUME 2 AND PART FFD OF THE NCC 2019 - VOLUME 1.
7. PAVEMENT AND HARDSTAND AREAS SHALL FALL AT A MINIMUM OF 1% (1:100) TOWARD AN APPROVED DISCHARGE POINT.
8. ALL PIPE WORK UNDER TRAFFICABLE AREAS, INCLUDING DRIVEWAYS, IS TO BE BACKFILLED WITH COMPACTED FILL.
9. DRAINAGE PIPES TO BE MIN. 400mm CLASS S40 PIPES UNDER TRAFFICABLE AREAS TO BE S40 UN-D.
10. MINIMUM GRADES FOR PRIVATE DRAINAGE PIPES SHALL BE 1% FOR STORMWATER AND 1.6% FOR SEWER UN-D.
11. MINIMUM COVER FOR PRIVATE DRAINAGE PIPES SHALL BE 300mm FOR STORMWATER AND 500mm FOR SEWER UN-D.
12. TABWATER SEWER MAINS TO BE MINIMUM 400mm CLASS S40 UN-D OR 450mm CLASS S40 UN-D TO PROPERTY CONNECTIONS.
13. STORMWATER MAINS TO BE MINIMUM 400mm CLASS S40 UN-D OR APPROVED EQUIVALENT UNLESS NOTED OTHERWISE.
14. WATER PIPES TO BE MIN. 400mm POLY PROP AND FITTINGS TO BE MIN. CLASS 15 UN-D.
15. WATER CONNECTIONS SHALL BE PROVIDED WITH WATERAGE AND BACKFLOW PREVENTION AS PER TABWATER STANDARD DRAWING TSD040002.
16. ALL WORKS TO BE INSPECTED BY COUNCIL PRIOR TO BACKFILL.
17. PIT DIMENSIONS SHOWN HAVE BEEN DESIGNED BY PIT CAPACITY TABLES. THESE PITS MAY NEED TO BE INCREASED IN MINIMUM INTERNAL SIZE DUE TO THE DEPTH AS PER AS3500.3 AS PER TABLE BELOW WHICH IS THE CONTRACTORS RESPONSIBILITY TO ENSURE COMPLIANCE TO AS3500.

DEPTH TO INLET OF OUTLET	MINIMUM INTERNAL DIMENSIONS mm	
	WIDTH	LENGTH
0-600	450	450
600-900	600	600
900-1200	600	900
>1200	900	900

CIVIL INSPECTIONS / HOLD POINTS:

- THE BUILDER IS TO ALLOW TO ENGAGE ALDANMARK ENGINEERS TO UNDERTAKE INSPECTIONS AT THE FOLLOWING HOLD POINTS OF A CIVIL WORKS NATURE:
1. SUBGRADE FORMATION LEVEL OF DRIVEWAY PAVEMENT INCLUSIVE OF PROOF ROLL.
 2. BASE OF ROAD PAVEMENT INCLUSIVE OF PROOF ROLL.



SITE PLAN
SCALE 1:1000 (A1)

THESE DRAWINGS SHALL BE APPROVED BY
RELEVANT AUTHORITIES (INC. COUNCIL &
TABWATER) PRIOR TO CONSTRUCTION.

	DATE	DESIGNED	CHECKED
DEVELOPMENT APPROVAL - DA2021-651	3/12/2022	DE	NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DE	DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DE	NM
PRELIMINARY	26/03/2021	DE	DE



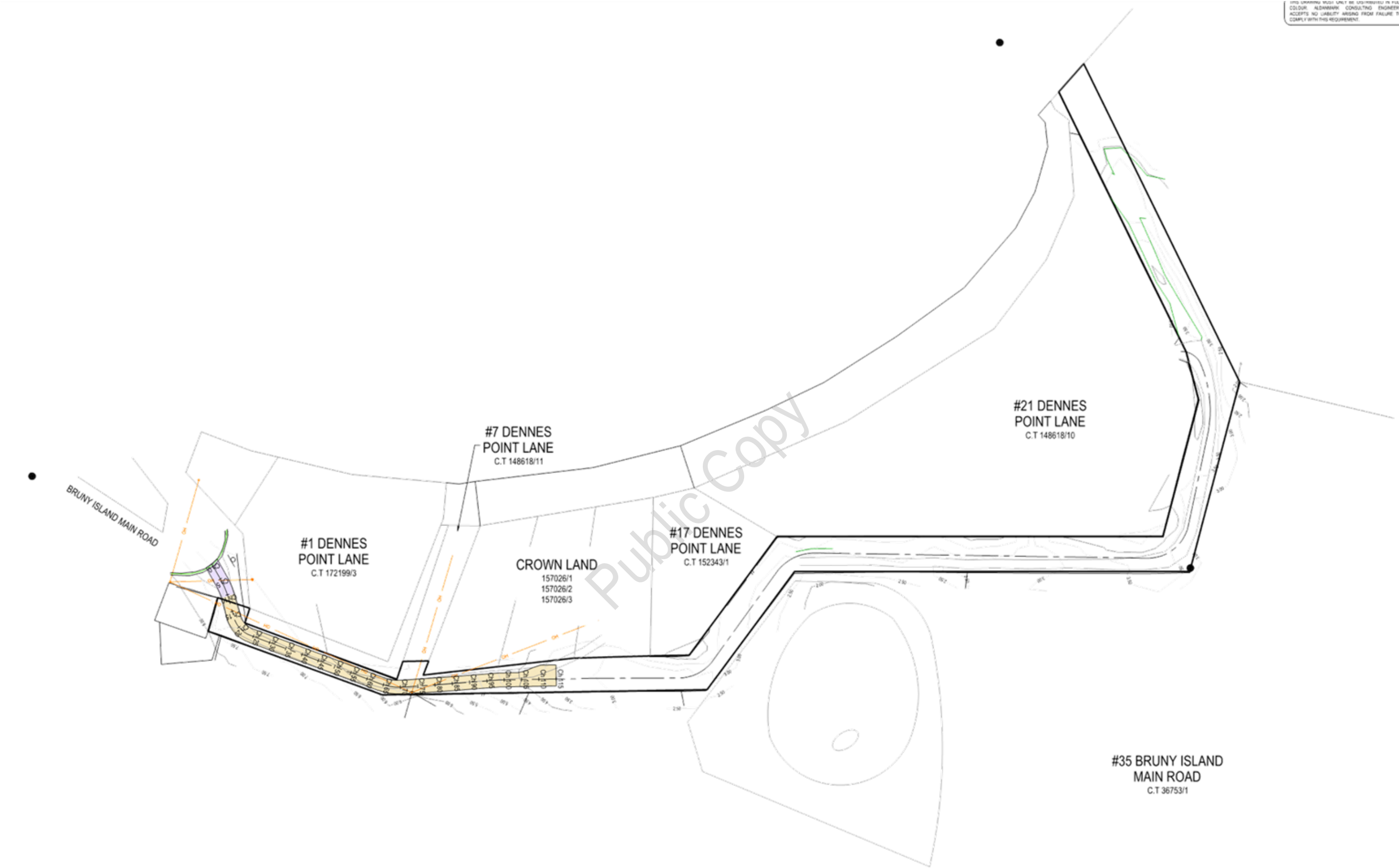
CLIENT: ANDREW TRAILL
ADDRESS: 21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT	PROPOSED ACCESS UPGRADE
ISSUE	DEVELOPMENT APPROVAL
SCALE	1:1000

SHEET	SITE PLAN AND NOTES
STAGE	DA2021-651
TOTAL SHEETS	8
SHEET No.	02 OF 08



BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDER GROUND SERVICES ARE
APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE
PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO
GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.



THIS DRAWING MUST ONLY BE USED/REPRODUCED IN FULL COLOUR. ALDANMARK CONSULTING ENGINEERS ACCEPTS NO LIABILITY ARISING FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.

THESE DRAWINGS SHALL BE APPROVED BY RELEVANT AUTHORITIES (INC. COUNCIL & TARIFF) PRIOR TO CONSTRUCTION

		DRAWN	DE
DEVELOPMENT APPROVAL - DA2021-651	3/02/2022	DRAWING CHECK	NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED	DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK	NM
PRELIMINARY	26/03/2021	CERTIFIED	-



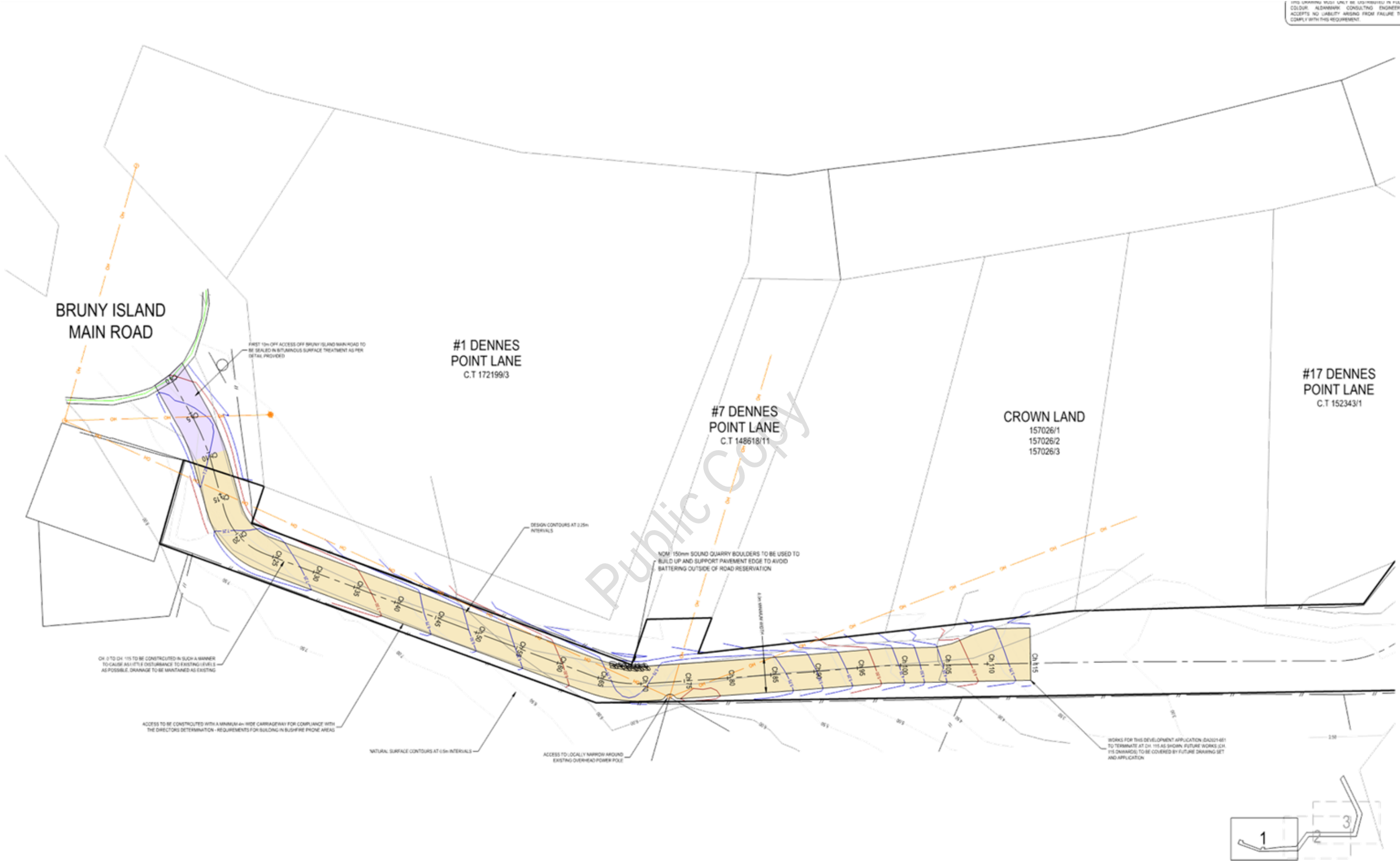
Lower Ground
199 Macquarie Street
Hobart TAS 7000
03 6294 8888
mail@aldanmark.com.au

CLIENT:
ANDREW TRAILL
ADDRESS:
21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT:
PROPOSED ACCESS UPGRADE
ISSUE:
DEVELOPMENT APPROVAL
SCALE:
0 5 10 20 30m
1:500

BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

OVERALL LAYOUT PLAN			
STAGE	DA2021-651	TOTAL SHEETS	8
PROJECT No.	20500-264	SHEET No.	04 of 04



THESE DRAWINGS SHALL BE APPROVED BY RELEVANT AUTHORITIES (INC. COUNCIL & TARIFFS) PRIOR TO CONSTRUCTION

		DE
DEVELOPMENT APPROVAL - DA2021-651	3/02/2022	DRAWING CHECK: NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED: DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK: NM
PRELIMINARY	26/03/2021	CERTIFIED: -



DETAIL LAYOUT PLAN - SHEET 1
SCALE 1:200 (A1)



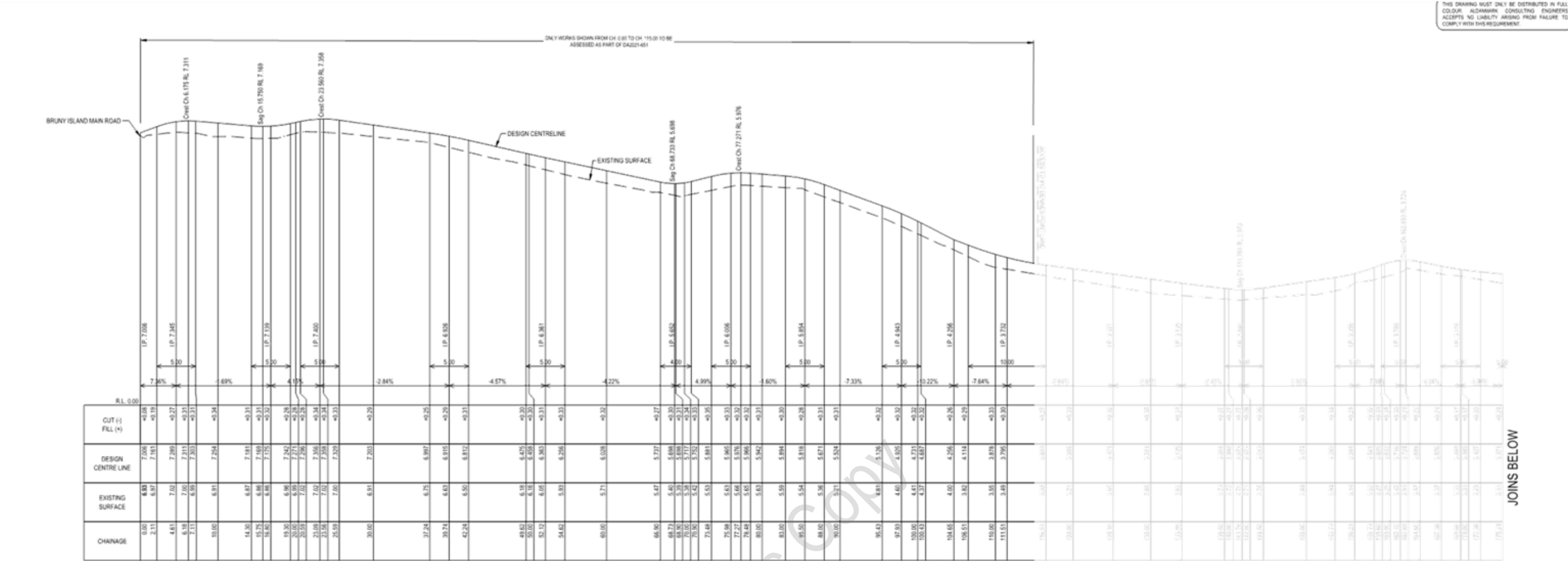
Lower Ground
199 Macquarie Street
Hobart TAS 7000
03 6234 1666
mail@aldanmark.com.au

CLIENT:
ANDREW TRAILL
ADDRESS:
21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT:
PROPOSED ACCESS UPGRADE
ISSUE:
DEVELOPMENT APPROVAL
SCALE:
0 2 4 6 8 10m 1:200

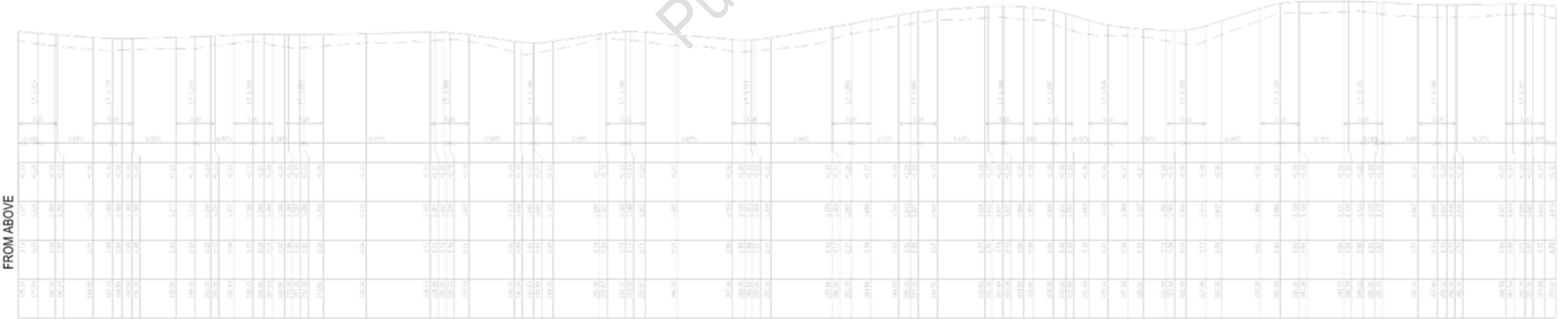
THE LOCATION OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE PROVIDED ON SITE BY THE RELEVANT AUTHORITIES. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

STAGE	DA2021-651	TOTAL SHEETS	8	SIZE	
PROJECT No.	DA2021-651	SHEET No.	04 OF 08	REV No.	0



CENTRELINE ALIGNMENT CL-1

LONG SECTION CL-1: CH.0 TO CH. 175.24
SCALE 1:250 (A1) HORIZ
SCALE 1:50 (A1) VERT



CENTRELINE ALIGNMENT CL-1

LONG SECTION CL-1: CH.175.24 TO CH. 373.02
SCALE 1:250 (A1) HORIZ
SCALE 1:50 (A1) VERT

THESE DRAWINGS SHALL BE APPROVED BY
RELEVANT AUTHORITIES (INC. COUNCIL &
TASWATER) PRIOR TO CONSTRUCTION

REMARKS OF UNDERGROUND SERVICES
THE LOCATION OF UNDER GROUND SERVICES ARE
APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE
PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO
GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

	DATE	DRAWN	DE
DEVELOPMENT APPROVAL - DA2021-651	9/02/2022	DRAWING CHECK	NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED	DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK	NM
PRELIMINARY	26/03/2021	CHECKED	-

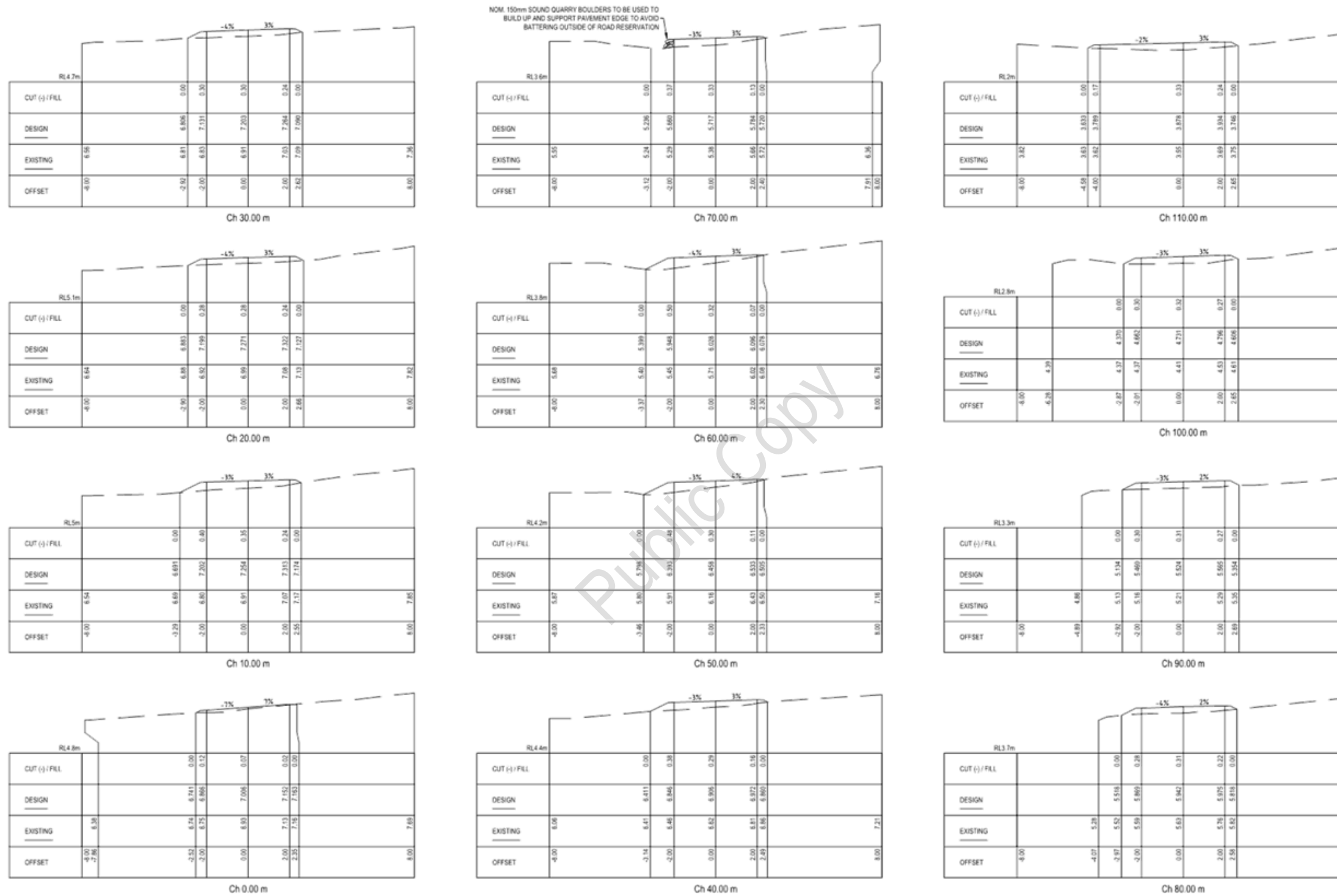


CLIENT: ANDREW TRAILL
ADDRESS: 21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT: PROPOSED ACCESS UPGRADE
ISSUE: DEVELOPMENT APPROVAL
SCALE: 1:250

SHEET: LONG SECTIONS	
STAGE: DA2021-651	TOTAL SHEETS: 8
PROJECT No: 20500 264	SHEET No: 02 OF 04

THIS DRAWING MUST ONLY BE DISTRIBUTED IN FULL COLOUR. ALDANMARK CONSULTING ENGINEERS ACCEPTS NO LIABILITY ARISING FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.



CROSS SECTIONS CL-1: CH.0 TO CH. 110

SCALE 1:100 (A1) HORIZ
SCALE 1:100 (A1) VERT

THESE DRAWINGS SHALL BE APPROVED BY RELEVANT AUTHORITIES (INC. COUNCIL & TABERNER) PRIOR TO CONSTRUCTION

	DATE	DRAWN	DE
DEVELOPMENT APPROVAL - DA2021-651	3/02/2022	DRAWING CHECK	NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED	DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK	NM
PRELIMINARY	26/03/2021	CHECKED	-



Lower Ground
199 Macquarie Street
Hobart TAS 7500
03 6204 1666
mail@aldanmark.com.au

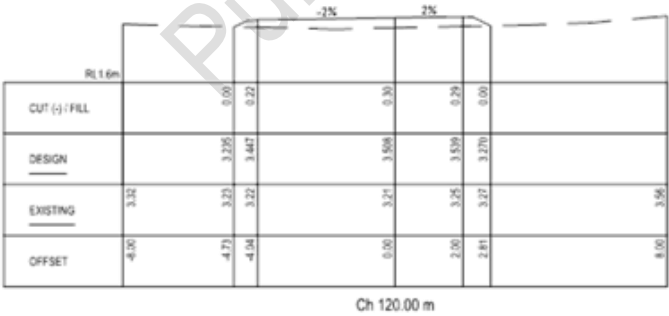
CLIENT:
ANDREW TRAILL
ADDRESS:
21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT:
PROPOSED ACCESS UPGRADE
ISSUE:
DEVELOPMENT APPROVAL
SCALE:
0 1 2 3 4 5m
H1:100

BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

CROSS SECTIONS - SHEET 1			
STAGE	DA2021-651	TOTAL SHEETS	8
PROJECT No.	DA2021-651	SHEET No.	03 OF 08
REV No.			

THIS DRAWING MUST ONLY BE DISTRIBUTED IN FULL
COLOUR. ALDANMARK CONSULTING ENGINEERS
ACCEPTS NO LIABILITY ARISING FROM FAILURE TO
COMPLY WITH THIS REQUIREMENT.



NOTE:
CROSS SECTION CH. 120 TO BE USED FOR SET OUT
PURPOSES ONLY, ALL CONSTRUCTION TO STOP AT
CH.115 FOR THIS DA APPLICATION (DA2021-165)

CROSS SECTIONS CL-1: CH.120 TO CH. 230
SCALE 1:100 (A1) HORIZ
SCALE 1:100 (A1) VERT

THESE DRAWINGS SHALL BE APPROVED BY
RELEVANT AUTHORITIES (INC. COUNCIL &
TASWATER) PRIOR TO CONSTRUCTION

		DRAWN:	DE
DEVELOPMENT APPROVAL - DA2021-651	3/02/2022	DRAWING CHECK:	NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED:	DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK:	NM
PRELIMINARY	26/03/2021	CERTIFIED:	-

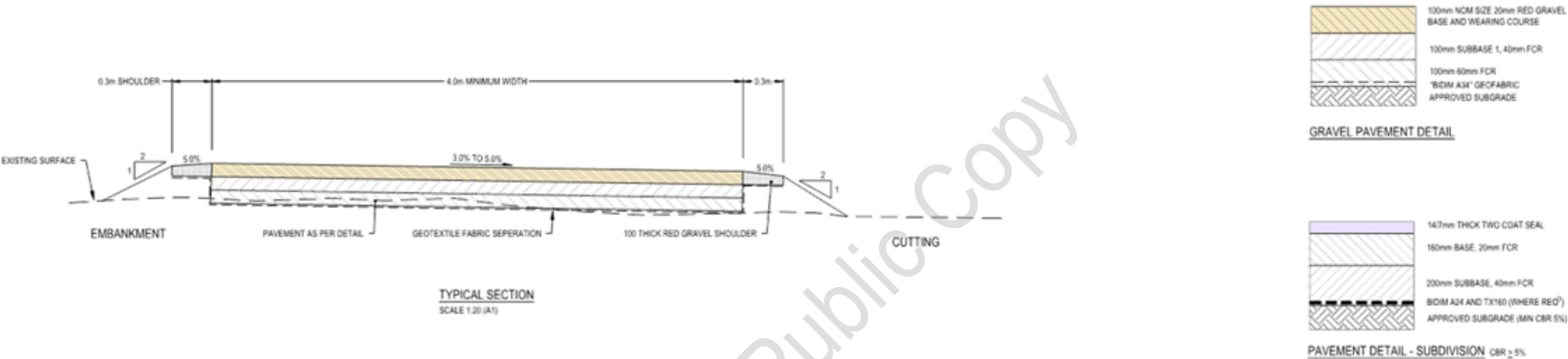


CLIENT:
ANDREW TRAILL
ADDRESS:
21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT:
PROPOSED ACCESS UPGRADE
ISSUE:
DEVELOPMENT APPROVAL
SCALE:
0 1 2 3 4 5m
H1:100

BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDER GROUND SERVICES ARE
APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE
PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO
GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

CROSS SECTIONS - SHEET 2		
STAGE	DA2021-651	TOTAL SHEETS 8
PROJECT No.	20200 264	SHEET No. 02 02
REV No.		



THESE DRAWINGS SHALL BE APPROVED BY
RELEVANT AUTHORITIES (COUNCIL &
TASWATER) PRIOR TO CONSTRUCTION

		DRAWN	DE
DEVELOPMENT APPROVAL - DA2021-651	3/02/2022	DRAWING CHECK	NM
PRELIMINARY - AMR REDESIGN	27/09/2021	DESIGNED	DE
PRELIMINARY - COUNCIL COMMENTS	3/05/2021	DESIGN CHECK	NM
PRELIMINARY	26/03/2021	CERTIFIED	-



Lower Ground
199 Macquarie Street
Hobart TAS 7000
03 4204 1666
mail@aldanmark.com.au

CLIENT:
ANDREW TRAILL
ADDRESS:
21 DENNES POINT LANE
NORTH BRUNY TAS 7150

PROJECT:
PROPOSED ACCESS UPGRADE
ISSUE:
DEVELOPMENT APPROVAL
SCALE:
AS SHOWN

BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDERGROUND SERVICES ARE
APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE
PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO
GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

SHEET:	DETAILS
STAGE:	DA2021-651
TOTAL SHEETS:	8
PROJECT No:	20200 264
SHEET No:	02 01
REV No:	D

DEVELOPMENT APPLICATION NUMBER: DA-2021-651

KINGBOROUGH COUNCIL APPLICATION **ASSESSMENT CHECKLIST**

WORKS ASSOCIATED WITH SINGLE DWELLINGS IN THE RURAL RESOURCE ZONE

ZONE PROVISIONS

CLAUSE	COMMENTS
Clause 26.3 Use Standards	
Sensitive Use (Cl.26.3.1) <ul style="list-style-type: none"> 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 	A1 – n/a- the proposal is for laneway upgrades relating to the dwelling (sensitive use) approved and substantially commenced at 21 Dennes Point Lane as per DA-2015-122. Given the proposal is for access works within public land only, it is not considered to be sensitive.
Discretionary Use (Cl.26.3.3) <ul style="list-style-type: none"> A1 – Discretionary non-agricultural uses 	A1 – does not comply - the proposed laneway upgrade works relate to the residential (single dwelling). Residential (single dwelling) use is permitted under the zone only if for an extension or replacement of an <u>existing</u> dwelling. While substantial commencement of the development approved under DA-2015-122 has occurred, the dwelling is not 'existing'. Therefore the residential (single dwelling) use is discretionary.
Clause 26.4 Development Standards for Buildings and Works	
Building height (Cl.26.4.1) <ul style="list-style-type: none"> A1 – Building height no more than 8.5m for residential, 10m otherwise 	A1 – n/a- the proposal is for laneway upgrades to the existing approved single dwelling. No buildings are proposed under the subject application.
Setback (Cl. 26.4.2) <ul style="list-style-type: none"> A1 – Building setback from frontage no less than 20m A2 – Building setback from side and rear boundaries no less than 50m A3 – Building for sensitive use setback 	A1 – n/a- the proposal is for laneway upgrades to the existing approved single dwelling. No buildings are proposed under the subject application. A2 – n/a- the proposal is for laneway upgrades to the existing approved single dwelling. No buildings are proposed under the subject application. A3 – n/a- the proposal is for laneway upgrades to the existing approved single dwelling. No

DEVELOPMENT APPLICATION NUMBER: DA-2021-651

<p>(a) 100m separation from plantation forest, Private Timber Reserve or State Forest</p> <p>(b) 200m separation from land zoned Significant Agriculture</p> <ul style="list-style-type: none"> A4 – Buildings and works setback from land zoned Environmental Management no less than 100m 	<p>buildings are proposed under the subject application.</p> <p>A4 – does not comply – as the proposed works are within 100m from land zoned Environmental Management, the proposal must be assessed against the performance criteria.</p>
<p>Design (Cl. 26.4.3)</p> <ul style="list-style-type: none"> A1 – Location of buildings and works complies with any of the following – <ul style="list-style-type: none"> (a) Located within a building area, if provided on the title (b) Is an addition or alteration to an existing building (c) Is located in an area that does not require the clearing of native vegetation and is not on a skyline or ridgeline A2 – Exterior building surfaces coloured using colours with a light reflectance value not greater than 40 per cent A3 – Depth of fill and excavation is no more than 2m from natural ground level, except where required for building foundations 	<p>A1 – complies- as the works do not involve the removal of any native vegetation and are not located on a skyline or ridgeline, the proposal complies with the acceptable solution.</p> <p>A2 – n/a- the proposal is for laneway upgrades to the existing approved single dwelling. No buildings are proposed under the subject application.</p> <p>A3 – complies- no cut is proposed and fill does not exceed 2m from natural ground level. Therefore, the proposal complies with the acceptable solution.</p>
<p>Plantation Forestry (Cl. 26.4.4)</p> <ul style="list-style-type: none"> A1 – Plantation forestry, including establishment and harvesting, must comply with a certified Forest Practices Plan 	<p>A1 – n/a no plantation forestry is proposed under the subject application.</p>

CODE PROVISIONS

ISSUE	COMPLIANCE/COMMENTS
E1.0 Bushfire-Prone Areas Code	
<p>The proposal 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 residential use class. Notwithstanding, the access upgrade is required to comply with bushfire access requirements at the building approval stage. No other bushfire measures are applicable to the application.</p>	

DEVELOPMENT APPLICATION NUMBER: DA-2021-651

E6.0 Parking and Access Code	
Use standards – number of car parking spaces (CI.E6.6.1) <ul style="list-style-type: none"> A1 - Number of on-site car parking spaces complies with table 	A1 – n/a to the subject application. Parking has been assessed and approved for the dwelling at 21 Dennes Point Lane under DA-2015-122.
Number of vehicular accesses (CI.E6.7.1) <ul style="list-style-type: none"> A1 – Number of vehicle access points complies 	A1 – n/a to the subject application. Access has been assessed and approved for the dwelling at 21 Dennes Point Lane under DA-2015-122.
Design of vehicular accesses (CI.E6.7.2) <ul style="list-style-type: none"> A1 – Design of vehicle access points complies 	A1 – n/a to the subject application. Access point has been assessed and approved for the dwelling at 21 Dennes Point Lane under DA-2015-122.
Vehicular passing areas along an access (CI.E6.7.3) <ul style="list-style-type: none"> A1 – Vehicular passing areas comply 	A1 – does not comply - the proposed laneway upgrades for a section greater than 30m long, and passing bays are not proposed at every 30m intervals.
Layout of parking areas (CI.E6.7.5) <ul style="list-style-type: none"> A1 – Layout and compliance with Australian Standard 	A1 – n/a to the subject application. Layout of parking areas have been assessed and approved for the dwelling at 21 Dennes Point Lane under DA-2015-122.
Surface treatment of parking areas (CI.E6.7.6) <ul style="list-style-type: none"> A1 – Parking spaces and vehicular circulation surfaces provided 	A1 – does not comply - Bruny Island Main Road is a sealed road, however the proposed laneway upgrades within Dennes Point Lane would be of compacted gravel.
Access to a road (CI.6.7.14) <ul style="list-style-type: none"> A1 – Access to a road meets road authority requirements 	A1 – n/a to the subject application. Access to Bruny Island Main Road from Dennes Point Land has been assessed and approved under DA-2015-122.
E7.0 Stormwater Management Code	
The proposal is for access upgrades within an existing laneway on public land. No new impervious surfaces are proposed under the subject application. Therefore Code E7.0 does not apply.	
E10.0 Biodiversity Code	
Council's Environmental Planner has advised that while the proposed development is within a Biodiversity Protection Area, no native vegetation subject to the Code will be impacted by the building and works, therefore Code E10.0 is not applicable.	
E11.0 Waterway and Coastal Protection Code	

DEVELOPMENT APPLICATION NUMBER: DA-2021-651

<p>Buildings and works (Cl.E11.7.1)</p> <ul style="list-style-type: none"> • A1 - Buildings and works within a building area on subdivision plan approved under this Scheme • A2 – Coastal refugia area • A3 – Potable water supply area • A4 – Development does not involve new stormwater point discharge into watercourse, wetland or lake 	<p>A1 – does not comply- the beginning of the proposed access traverses a Waterway and Coastal Protection Area.</p> <p>These works are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria.</p> <p>A2 – N/A</p> <p>A3 – N/A</p> <p>A4 – N/A</p>
E15.0 Inundation Prone Areas Code	
Council's Environmental Planner has advised that the site is partially within a Coastal Inundation Hazard Area, however the proposal will not impact this area and is not subject to coastal inundation. Therefore Code E15.0 is not	
E16.0 Coastal Erosion Hazard Code	
Council's Environmental Planner has advised that while part of the site is within a Coastal Erosion Hazard Area, no development is located within this area. Therefore Code E16.0 is not applicable.	

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

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

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

16 OFFICERS REPORTS TO COUNCIL

16.1 PLANNING AUTHORITY DELEGATIONS POLICY 1.1A

File Number: 12.71

Author: Tasha Tyler-Moore, Manager Development Services

Authoriser: Dr Katrena Stephenson, Director Environment, Development & Community Services

Strategic Plan Reference

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

Strategic Outcome: 3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.

1. PURPOSE

- 1.1 The purpose of this report is to reflect changes in delegation as part of the new team structure by:
- including the position 'Team Leader Development Services' in the delegations policy;
 - altering delegation level for the Coordinator Statutory Planning.

2. BACKGROUND

- 2.1 The Policy was last updated and endorsed by Council on 20 December 2020.
- 2.2 On 4 January 2022, a new structure within the Planning Department came into effect. The new structure introduced a new role 'Team Leader Statutory Planning'. This role sits below the Coordinator Statutory Planning and above the Senior Planner roles. Part of the function of the role is authority to approve the recommendations of Planners for a decision to be made as the Planning Authority.
- 2.3 The 'planning authority' is defined in the *Land Use Planning and Approvals Act 1993* (the Act) as a Council. Sec.6(1) of the Act states 'a planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority'.

3. STATUTORY REQUIREMENTS

- 3.1 Council has a statutory requirement to administer, uphold and enforce the Planning Scheme, the Act and other associated statutory requirements.

4. DISCUSSION

- 4.1 It is considered that the new Team Leader Statutory Planning role should hold the same delegations that the Senior Planner positions currently hold, noting that currently not all delegations are exercised by the Senior Planner but will be by the Team Leader Statutory Planning. The key functions and delegations are the ability to sign off approvals as the Planning Authority where there are no representations made.
- 4.2 In the current policy, only the Manager Development Services and positions above that can approve an application that has received one and two opposing representations (s57-58). It is considered appropriate that the delegation be extended to the Coordinator Statutory Planning, given the intent of the restructure to streamline processes. The delegation would not extend to a decision to refuse an application (57-58); the delegations would remain the same in that instance.
- 4.3 As the policy is proposed to be amended, it is an opportune time to update the policy to reflect the name change of the appeals tribunal from Resource Management and Planning Appeals Tribunal (RMPAT) to the Tasmanian Administrative and Civil Appeals Tribunal (TASCAT).
- 4.4 Some minor clerical/typographical errors have been corrected within the Policy document.

5. FINANCE

- 5.1 It is considered unlikely that there will be any financial implications because of these Policy amendments.

6. ENVIRONMENT

- 6.1 There will be no environmental impacts because of these Policy amendments.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Policy will be made available on Council's website.

8. RISK

- 8.1 There are no anticipated risks associated with the changes proposed.

9. CONCLUSION

- 9.1 The proposed changes to the policy to appropriately reflect the roles and functions of the Planning Authority.

10. RECOMMENDATION

That Council endorse the revised Planning Authority Delegations Policy 1.1A.

ATTACHMENTS

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

EXISTING POLICY WITH TRACK CHANGES



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: 6.07.0

Planning Authority Delegations Policy

POLICY STATEMENT:	1.1 To provide details on the delegations provided by the Council acting in its role as the Planning Authority to the General Manager, Director Environment, Development & Community, Manager Development Services, Coordinator Statutory Planning and Senior Planning Officers and other officers in accordance with Acts where reference is made to the 'Planning Authority'.																
DEFINITIONS:	2.1 In accordance with relevant legislation.																
OBJECTIVE:	3.1 To outline the delegations to Council officers acting in the capacity of the statutory 'Planning Authority'.																
SCOPE:	4.1 The delegations are made by the authority provided in Section 6 of the <i>Land Use Planning and Approvals Act, 1993</i> and other Acts that make reference to the 'Planning Authority'.																
PROCEDURE: (POLICY DETAIL)	<p>5.1 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the General Manager (or an officer acting in that capacity):</p> <table border="1"> <thead> <tr> <th>Section</th><th>Details</th></tr> </thead> <tbody> <tr> <td></td><td>Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td></tr> <tr> <td></td><td>Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td></tr> <tr> <td></td><td>Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal TASCAT or any other body of competent jurisdiction.</td></tr> <tr> <td>30IA (former provisions)</td><td>Make a submission to the Tasmanian Planning Commission for an urgent amendment.</td></tr> <tr> <td>33A&43E (former provisions)</td><td>Make a request for further information in respect of a planning scheme amendment application where required.</td></tr> <tr> <td>33(5) (former provisions)</td><td>Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.</td></tr> <tr> <td>39(2) (former provisions)</td><td> <p>(a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.</p> <p>(i) No representations have been received, with the exception of TasWater; and</p> </td></tr> </tbody> </table>	Section	Details		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal TASCAT or any other body of competent jurisdiction.	30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.	33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required.	33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.	39(2) (former provisions)	<p>(a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.</p> <p>(i) No representations have been received, with the exception of TasWater; and</p>
Section	Details																
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable																
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable																
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal TASCAT or any other body of competent jurisdiction.																
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.																
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required.																
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.																
39(2) (former provisions)	<p>(a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.</p> <p>(i) No representations have been received, with the exception of TasWater; and</p>																



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: 6.97.0

	(iii)• No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) (former provisions)	Agree to the extension of time of a Sec.43A permit.
43J (former provisions)	Correct a mistake in a Sec.43A permit.
43K (former provisions)	Make minor amendments to a Sec.43A permit.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted in accordance with this section or refuse to amend the permit where there is insufficient time for Council to determine the application within the time stipulated in the Act in accordance with this section.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section.



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: ~~6.07.0~~

	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
		Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated in the Act, to determine the application.
5.2 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Director Environment, Development & Community (or an officer acting in that capacity) and to the Manager Development Services (or an officer acting in that capacity):		
	Section	Details
		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal TASCAT or any other body of competent jurisdiction.
	301A (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
	33A & 43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required.
	33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: 6.07.0

39(2) <i>(former provisions)</i>	<p>(b) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.</p> <p>(iii) No representations have been received, with the exception of TasWater; and</p> <p>(iv) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections</p>
37 <i>(former provisions)</i>	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>	Agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	Correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations received.
35I(1)	Request withdrawal of a draft Local Provision Schedule
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments
40I	Request an amendment to the Tasmanian Planning Commission
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48A	Issue a notice requiring the removal of a sign



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: ~~6.07.0~~

	53	To grant an extension of the period during which an approved use or development must be substantially commenced.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time. This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and: (a) three or less objections have been received, or (b) the General Manager has been advised of the intention to exercise the delegation no less than five full working days previously.
	57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: ~~6.07.0~~

	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
	5.3 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Coordinator Statutory Planning (or an officer acting in that capacity):	
	Section	Details
		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
	30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
	33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required
	33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
	39(2) (former provisions)	<p>(e) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.</p> <p>(v) No representations have been received, with the exception of TasWater; and</p> <p>(vi) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections</p>
	37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) (former provisions)	Agree to the extension of time of a Sec.43A permit.
	43J (former provisions)	Correct a mistake in a Sec.43A permit.



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: ~~6.07.0~~

43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations.
35I(1)	Request withdrawal of a draft Local Provision Schedule.
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments.
40I	Request an amendment to the Tasmanian Planning Commission.
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48 A	Issue a notice for the removal of a sign.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section. This delegation to only apply where the Senior Planner Officer exercising the delegation is not the planner responsible for the assessment of the development application.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57	<u>Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme</u>



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/23-2020~~ TBA
 ECM File No: 12.71
 Version: 6.07.0

		2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received. Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
58		Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)		Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
57(6) & 58(2)		Agree to the extension of consideration times for applications for permits.
60		Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61		Represent the Council in any appeals lodged against permit decisions.
63A		Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64		Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71		Enter into agreements under Part 5 of this Act.
75		Make amendments to agreements under Part 5 of this Act.
5.4 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Team Leader and Senior Planning Officers (or an officer acting in that capacity):		
Section	Details	
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.	
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.	
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required	
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.	



Policy No: 1.1A
 Approved by Council: ~~December 2020~~ March 2022
 Next Review Date: ~~May 2021~~ March 2027
 Responsible Officer: Manager Development Services

Minute No: ~~C728/22-2020~~ TBA
 ECM File No: 12.71
 Version: ~~6.07.0~~

39(2) (former provisions)	<p>(d) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.</p> <p>(vii) No representations have been received, with the exception of TasWater; and</p> <p>(viii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections</p>
37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) (former provisions)	Agree to the extension of time of a Sec.43A permit.
43J (former provisions)	Correct a mistake in a Sec.43A permit.
43K (former provisions)	Make minor amendments to a Sec.43A permit.
48 A	Issue a notice for the removal of a sign.
54	<p>Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.</p> <p>This delegation to only apply where the Senior Planner/Officer exercising the delegation is not the planner responsible for the assessment of the development application.</p>
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.
60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61	Represent the Council in any appeals lodged against permit decisions.



Policy No: 1.1A
 Approved by Council: [December 2020/March 2022](#)
 Next Review Date: [May 2024/March 2027](#)
 Responsible Officer: Manager Development Services

Minute No: [C728/23-2020TBA](#)
 ECM File No: 12.71
 Version: [6.07.0](#)

	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
	5.5 Pursuant to the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> , Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity) , Manager Development Services (or an officer acting in that capacity) , and to the Coordinator Statutory Planning and the Team Leader Statutory Planning (or an officer acting in the capacity of any of those positions) :	
	Section	Details
	89	Sign off Final Plans where they comply, ask for additional information if required and provide notice of the decision, in accordance with this section of the Act.
	5.6 Pursuant to Electricity Supply Industry Act 1995, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity) , Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning and to the Team Leader Statutory Planning and all Planners (or an officer acting in the capacity of any of those positions) :	
	Section	Details
	44	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.
	5.7 Pursuant to Water and Sewerage Industry Act 2008, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity) , Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning and to the Team Leader Statutory Planning and all Planners (or an officer acting in the capacity of any of those positions) :	
	Section	Details
	56	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.
GUIDELINES:	6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time. 6.2 No officer will approve a planning permit where they have undertaken the assessment of the associated development application.	
COMMUNICATION:	7.1 Council. 7.2 Kingborough Council Staff.	
LEGISLATION:	8.1 <i>Land Use Planning and Approvals Act 1993</i> 8.2 <i>Acts Interpretation Act 1931</i> 8.3 <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> 8.4 <i>Electricity Supply Industry Act 1995</i> 8.5 <i>Water and Sewerage Industry Act 2008</i>	
RELATED DOCUMENTS:	9.1 Nil	

UPDATED POLICY FOR APPROVAL



Planning Authority Delegations Policy

Policy No:	1.1A
Approved by Council:	March 2022
New Review Date:	March 2027
Minute No:	TBA
ECM File No:	12.71
Version:	7.0
Responsible Officer:	Manager Development Services
Strategic Plan Reference:	3.4 Best practice land use planning systems are in place to manage the current and future impacts



Planning Authority Delegations Policy 1.1A

1. POLICY STATEMENTS

- 1.1 To provide details on the delegations provided by the Council acting in its role as the Planning Authority to the General Manager, Director Environment, Development & Community, Manager Development Services, Coordinator Statutory Planning and Senior Planning Officers and other officers in accordance with Acts where reference is made to the 'Planning Authority'.

2. DEFINITIONS

- 2.1 In accordance with relevant legislation.

3. OBJECTIVE

- 3.1 To outline the delegations to Council officers acting in the capacity of the statutory 'Planning Authority'.

4. SCOPE

- 4.1 The delegations are made by the authority provided in Section 6 of the *Land Use Planning and Approvals Act, 1993* and other Acts that make reference to the 'Planning Authority'.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Pursuant to Section 6 of the *Land use Planning and Approvals Act 1993*, Council delegates the following powers and functions to the General Manager (or an officer acting in that capacity):

Section	Details
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before TASCAT or any other body of competent jurisdiction.
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required.
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)	Forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. <ul style="list-style-type: none"> No representations have been received, with the exception of TasWater; and No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections



Planning Authority Delegations Policy 1.1A

37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) (former provisions)	Agree to the extension of time of a Sec.43A permit.
43J (former provisions)	Correct a mistake in a Sec.43A permit.
43K (former provisions)	Make minor amendments to a Sec.43A permit.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted in accordance with this section or refuse to amend the permit where there is insufficient time for Council to determine the application within the time stipulated in the Act in accordance with this section.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section.
60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.



Planning Authority Delegations Policy 1.1A

	Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated in the Act, to determine the application.
--	---

- 5.2 Pursuant to Section 6 of the Land use Planning and Approvals Act 1993, Council delegates the following powers and functions to the Director Environment, Development & Community (or an officer acting in that capacity) and to the Manager Development Services (or an officer acting in that capacity):

Section	Details
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before TASCAT or any other body of competent jurisdiction.
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A & 43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required.
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)	Forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. <ul style="list-style-type: none"> No representations have been received, with the exception of TasWater; and No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) (former provisions)	Agree to the extension of time of a Sec.43A permit.
43J (former provisions)	Correct a mistake in a Sec.43A permit.
43K (former provisions)	Make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.



Planning Authority Delegations Policy 1.1A

35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations received.
35I(1)	Request withdrawal of a draft Local Provision Schedule
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments
40I	Request an amendment to the Tasmanian Planning Commission
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48A	Issue a notice requiring the removal of a sign
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57 – 58	<p>Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.</p> <p>This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and:</p> <ul style="list-style-type: none"> (a) three or less objections have been received, or (b) the General Manager has been advised of the intention to exercise the delegation no less than five full working days previously.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.



Planning Authority Delegations Policy 1.1A

58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.

- 5.3 Pursuant to Section 6 of the Land Use Planning and Approvals Act 1993, Council delegates the following powers and functions to the Coordinator Statutory Planning (or an officer acting in that capacity):

Section	Details
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)	Forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. <ul style="list-style-type: none"> No representations have been received, with the exception of TasWater; and



Planning Authority Delegations Policy 1.1A

	<ul style="list-style-type: none"> No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 <i>(former provisions)</i>	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>	Agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	Correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations.
35I(1)	Request withdrawal of a draft Local Provision Schedule.
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments.
40I	Request an amendment to the Tasmanian Planning Commission.
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48 A	Issue a notice for the removal of a sign.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	<p>Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.</p> <p>This delegation to only apply where the Officer exercising the delegation is not the planner responsible for the assessment of the development application.</p>
55	Make corrections to a permit granted by Council in accordance with this section.



Planning Authority Delegations Policy 1.1A

56	Make minor amendments to permits granted by Council in accordance with this section.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.
60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61	Represent the Council in any appeals lodged against permit decisions.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.

- 5.4 Pursuant to Section 6 of the Land Use Planning and Approvals Act 1993, Council delegates the following powers and functions to the Team Leader and Senior Planning Officers (or an officer acting in that capacity):

Section	Details
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)	Forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. <ul style="list-style-type: none"> No representations have been received, with the exception of TasWater; and



Planning Authority Delegations Policy 1.1A

	<ul style="list-style-type: none"> No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 <i>(former provisions)</i>	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>	Agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	Correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
48 A	Issue a notice for the removal of a sign.
54	<p>Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.</p> <p>This delegation to only apply where the Officer exercising the delegation is not the planner responsible for the assessment of the development application.</p>
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.
60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61	Represent the Council in any appeals lodged against permit decisions.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.

- 5.5 Pursuant to the Local Government (Building and Miscellaneous Provisions) Act 1993, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community, Manager Development Services, Coordinator Statutory Planning and the Team Leader Statutory Planning (or an officer acting in the capacity of any of those positions):

Section	Details
89	Sign off Final Plans where they comply, ask for additional information if required and provide notice of the decision, in accordance with this section of the Act.



Planning Authority Delegations Policy 1.1A

- 5.6 Pursuant to Electricity Supply Industry Act 1995, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community, Manager Development Services, Coordinator Statutory Planning and to the Team Leader Statutory Planning and all Planners (or an officer acting in the capacity of any of those positions):

Section	Details
44	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.

- 5.7 Pursuant to Water and Sewerage Industry Act 2008, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community, Manager Development Services, Coordinator Statutory Planning and to the Team Leader Statutory Planning and all Planners (or an officer acting in the capacity of any of those positions):

Section	Details
56	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.

6. GUIDELINES

- 6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.
- 6.2 No officer will approve a planning permit where they have undertaken the assessment of the associated development application.

7. COMMUNICATION

- 7.1 Council.
- 7.2 Kingborough Council Staff.

8. LEGISLATION

- 8.1 *Land Use Planning and Approvals Act 1993*
- 8.2 *Acts Interpretation Act 1931*
- 8.3 *Local Government (Building and Miscellaneous Provisions) Act 1993*
- 8.4 *Electricity Supply Industry Act 1995*
- 8.5 *Water and Sewerage Industry Act 2008*

9. RELATED DOCUMENTS

- 9.1 Nil

10. AUDIENCE

- 10.1 Planning Permit applicants
- 10.2 Planning Authority

16.2 POLICY 6.6 - BONDING OF WORKS

File Number: 12.96

Author: Tasha Tyler-Moore, Manager Development Services

Authoriser: Dr Katrena Stephenson, Director Environment, Development & Community 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 updated Bonding of Development Works Policy 6.6 for Council approval and implementation.

2. BACKGROUND

- 2.1 The *Bonding Development Works Policy 6.6* was last amended in 2016. The purpose of the Policy is to set out the circumstances under which Council will accept security for completion of infrastructure and other works for development that is governed by a Planning Permit. It also provides the process for taking and releasing the bond.

3. STATUTORY REQUIREMENTS

- 3.1 Section 86 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Part 5 of the *Land Use Planning and Approvals Act 1993* enable Council to accept security by way of deposits or guarantees from financial institutions against works associated with development applications.

4. DISCUSSION

- 4.1 The process of bonding of development works allows owners to sell or otherwise deal with property prior to the completion of all works required as part of a development.
- 4.2 It is normally desirable for all works associated with a development to be completed prior to final sign off by Council. However, there are occasions where this is not practical, or the works required have an ongoing requirement.
- 4.3 The Policy is still relevant and is used. A review of the policy has revealed that the only minor changes are necessary including reference to the correct Planning Scheme. An updated version of the policy is attached and commentary is provided for changes in each section.

4.3.1 Objectives

Point 2.2(b) updated to reflect rehabilitation works potentially can be bonded as we have changed practices on that in recent times. Ensuring work is undertaken in the appropriate season or when it is less likely to be damage leads to better outcomes. Pool fencing has been removed as it is inappropriate from a risk perspective and contrary to the *Building Act 2016*.

4.3.2 Procedure (Policy Detail)

Point 4.1.2.2 (d) of the Policy has been amended to remove reference to reticulated water and sewer as that service and infrastructure is no longer the responsibility of Council.

Point 4.1.2.2 (g) of the Policy has been updated to correctly reflect where fees are stipulated for the developer.

Point 4.1.4.4 and Point 4.1.4.5 of the Policy have both been deleted on advice of Council's Chief Finance Officer. This method for bonds and security is not considered appropriate, being more complicated and onerous for both parties. It should be noted that in the past seven years there has only been one request for that method and in the end it was not used. The removal of the second part is that there is no legal obligation to return interest accrued; it very rarely comes up or is requested; and is very resource consuming to manage.

Point 4.1.5.1 of the Policy has amended the table to reflect the changes to the other sections later in the Policy.

Point 4.1.8 of the Policy have been broadened to encompass 'other minor works' as it is more reflective of what occurs in practice now. Several years ago, Council moved away from requiring a bond for every driveway that has been installed, therefore this section of the policy needed to be updated accordingly.

Section 4.2 of the Policy has separated works that were not associated with subdivision but still relate to works or infrastructure. This was seen as a gap in the policy and deemed appropriate to include in a single policy rather than two policies related to development associated with a Planning Permit.

Throughout the document reference to 'Infrastructure Agreement' has been changed to 'Security Agreement'. This is a result of an updated agreement document prepared externally by lawyers.

4.3.3 Legislation, Definitions and Related Documents

Only minor changes and clarity provided in these sections. The changes do not alter the scope or intent of the Policy.

5. FINANCE

- 5.1 Council is required to administer acceptance, retention and discharge of the bonds.
- 5.2 Bonds may be retained by Council where the applicant fails to complete the works in accordance with the agreement. The bond amount will be in excess of the amount required to complete the works, including contingencies and administration costs.

6. ENVIRONMENT

- 6.1 The proposed updates to the Policy will not have any environmental impacts.

7. COMMUNICATION AND CONSULTATION

- 7.1 If approved for implementation by Council, the amended policy would be provided to customers, displayed on Council's website and communicated to developers.

8. RISK

8.1 There are no expected risks in updating this policy.

9. CONCLUSION

9.1 The policy enables Council to control the acceptance and administration of bonds against unfinished development and subdivision works and is still relevant with minor changes.

10. RECOMMENDATION


That the amended Bonding of Development Works Policy 6.6 be approved and implemented.

ATTACHMENTS

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

Public Copy

EXISTING POLICY WITH TRACK CHANGES

 Kingborough	BONDING OF DEVELOPMENT WORKS	Policy Number 6.6		
		LAST REVIEW August 2016 September 2016 November 2019	NEXT REVIEW August 2020 September 2020 November 2025	MINUTE REF C388/18-19
POLICY STATEMENT:	<p>1.1 This policy will:</p> <ul style="list-style-type: none"> ensure procedural fairness and equity in Council's administrative processes in relation to development works, safeguard the community's interest in such undertakings, continue to facilitate and support economic development, and protect the public interest in the funds and resources that are applied by the Council to ensure completion of development works. <p>1.2 Section 86 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> and Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> provide the framework to enable Council to accept security by way of deposits or guarantees from financial institutions for these works.</p> <p>1.3 This process enables owners of land to obtain early release of titles and enter into contracts for the sale of lots requiring further development works, subject to meeting the Council's requirements.</p> <p>1.4 The Council may permit the approval of final plans of subdivision prior to the completion of some approved development works in the circumstance set out in this policy.</p>			
OBJECTIVE:	<p>2.1 The purpose of this policy is to set the circumstance under which the General Manager will accept security for completion of infrastructure and other works.</p> <p>2.2 The policy is designed to:</p> <ul style="list-style-type: none"> (a) provide security to the Council for the satisfactory completion of infrastructure works associated with development which Council has authorised; (b) provide security to Council for the satisfactory completion of other works associated with the requirements of a permit or other approval which Council has authorised and may be subject to a bond including maintenance, driveway crossings, landscaping, outstanding works, house removal, environment protection/rehabilitation, car parking, swimming pool fencing, and any other works; (c) enable security to be provided for infrastructure and other works so that sufficient funds are available for Council to complete any outstanding infrastructure or other works should the owner not carry out the works as required by Council; (d) enable the earlier sale of lots by an owner whilst protecting the interest of subsequent purchasers of these lots; and (e) protect the public interest. 			
SCOPE:	<p>3.1 This policy applies to all applications for development at properties within the Kingborough municipal area.</p>			
PROCEDURE: (POLICY DETAIL)	<p>4.1 PART A – BONDS FOR SUBDIVISION AND OTHER MAJOR DEVELOPMENT INFRASTRUCTURE WORKS</p> <p>4.1.1 Application of Part A</p> <p>4.1.1.1 The General Manager may, at his/her soletheir discretion, agree to a bond for infrastructure works to be provided by an owner prior to the issue of the certificate of practical completion if;</p> <ul style="list-style-type: none"> (a) requested by the owner; (b) the owner agrees that the works will be carried out as required by Council; 			

	<p>(c) the owner provides adequate security to Council in an acceptable form; and</p> <p>(d) the owner agrees that in default of part (b) of this clause, the General Manager may call upon the security to complete the works.</p> <p>4.1.2 Developments</p> <p>4.1.2.1 The General Manager will not approve a bond for infrastructure works prior to the completion where:</p> <p>(a) the construction work is valued at less than \$50,000, or</p> <p>(b) the number of additional lots created is two or less, unless the works comprise only of driveway works and meet the requirements of Clause 4.1.8.</p> <p>4.1.2.2 The General Manager may approve infrastructure works to be secured by a bond for the early release of title where the following criteria have been met:</p> <p>(a) a permit or other approval has been granted by the Council to the owner;</p> <p>(b) the proposed works are in conformity with the permit or other approval;</p> <p>(c) no less than 75% of infrastructure work has been completed. The extent of work completed (excluding the costs associated with telecommunications, electricity supply, the design and supervision of the works) is to be assessed and certified as complete by an engineer;</p> <p>(d) all issues pertinent to the interest of public safety and all essential services including reticulated water supply, sewerage and stormwater disposal have been finalised;</p> <p>(e) the owner has prepared and submitted to Council, engineering drawings and specifications in accordance with the Municipal Standard Drawings and other relevant requirements which are satisfactory to the General Manager, and in conformity with the permit or other approval conditions;</p> <p>(f) The owner has provided details of the full costs of the infrastructure works in a schedule ("Infrastructure Works Schedule") to the General Manager, including (if required):</p> <p>(i) a list of all infrastructure assets that are to be constructed and which are proposed to be taken over by Council on completion;</p> <p>(ii) the estimated cost of the proposed infrastructure works in accordance with the approved engineering drawings, including an appropriate contingency sum;</p> <p>(iii) certification from a suitably qualified engineer that the schedule of estimated costs and list of proposed infrastructure assets referred to in this section and set out in the Infrastructure Works Schedule are accurate assessments of the works to be carried out; and</p> <p>(iv) confirmation from the owner (in writing and detailing the schedule of works) that the proposed infrastructure works are scheduled for completion within three months of the date of the written approval by the General Manager, or other such time required by the General Manager;</p> <p>(g) the owner has provided payment of all fees required by the General Manager permit;</p> <p>(h) the General Manager is satisfied as to the accuracy of the Infrastructure Works Schedule;</p> <p>(i) the owner has agreed to meet all costs associated with the application, preparation of <u>a Security Agreement</u> the Infrastructure Agreement and bond;</p>
--	--

	<ul style="list-style-type: none"> (j) the owner has satisfied the General Manager that the proposed infrastructure works can be completed by the date required by General Manager; (k) the owner has entered into an Infrastructure AgreementSecurity Agreement with Council if required. The Infrastructure AgreementSecurity Agreement is an agreement between the owner and Council that: <ul style="list-style-type: none"> (i) requires the owner to complete the infrastructure works in accordance with the requirements of Council; (ii) enables Council or its agents to have access to the owner's land (if necessary) to complete the works. (iii) the owner agrees that in default of part (i) of this subclause, the General Manager may call upon the security to effect completion of the works; (iv) the owner agrees that the Infrastructure AgreementSecurity Agreement may, at the discretion of the General Manager, be registered on the owner's property title in accordance with the <i>Land Use Planning and Approvals Act 1993</i> until the works are completed, in which case the amounts payable under the agreement become a charge against the owner's land; (v) the owner agrees that if the title for the property is sold before the work is completed, Council may undertake the outstanding works and apply the costs against the bond. Additionally, Council will charge an administration fee of 20% of the total value of the works undertaken. (l) the owner has provided the required security for the completion of the proposed works in the form and manner required by the General Manager; (m) the owner satisfies any other requirements that the General Manager has in relation to the provision of the Infrastructure AgreementSecurity Agreement, including environmental and safety requirements, if required; (n) the owner acknowledges that the General Manager may insert a response within any Property Certificate requested in accordance with Section 337 of the Local Government Act 1993 to the effect that an agreement has been, or is being, entered into with the developer to obtain the early sealing of the plan of subdivision. This agreement acknowledges that the infrastructure works relative to this lot have not been completed at the date of Council signing and sealing the Plan of Subdivision and that the outstanding works have been bonded. <p>4.1.3 Refusal of Request</p> <p>4.1.3.1 The General Manager may refuse to approve a request to enter into an agreement for an infrastructure works bond or an Infrastructure AgreementSecurity Agreement where the owner has previously been required to carry out infrastructure or other works in accordance with a permit or other approval and has:</p> <ul style="list-style-type: none"> (a) failed to ensure the construction of the infrastructure or other works within the specified time or in accordance with Council's requirements; or (b) constructed infrastructure works to a standard not in accordance with Municipal Standard Drawings and other relevant Council requirements; or (c) constructed other works to a standard not in accordance with Council's requirements.
--	--

	<p>4.1.3.2 The General Manager may refuse to approve a request to enter into an arrangement to bond infrastructure works and/or enter into an Infrastructure Agreement:</p> <ul style="list-style-type: none"> (a) where the General Manager is not satisfied that the owner will be able to complete the proposed works in accordance with requirements; or (b) if it has been previously necessary for Council to require forfeiture of a bond, or have access to security provided by the owner in relation to infrastructure or other works; or (c) It is otherwise not in compliance with this Policy. <p>4.1.4 Security</p> <p>4.1.4.1 The security provided by the owner shall be acceptable to the General Manager, at his sole discretion.</p> <p>4.1.4.2 The security for the bond may be provided in the form of:</p> <ul style="list-style-type: none"> (a) a cash deposit provided for an amount required by the General Manager; or (b) an unconditional guarantee for an amount required by the General Manager from a bank, financial institution, insurance company or trading corporation approved by the General Manager; or (c) a deposit at an approved financial institution. <p>4.1.4.3 A guarantee provided by the owner must:</p> <ul style="list-style-type: none"> (a) be unconditional and irrevocable; (b) be in the name of the owner or other party approved by Council; (c) enable Council to have immediate access to the monies secured by the guarantee at any time where the General Manager is satisfied the owner is in breach of any requirements concerning the completion of the infrastructure works or any other requirement of the Infrastructure Agreement; and (d) not require the approval from the owner or any other party, for Council to access funds secured by the guarantee. <p>4.1.4.4 A deposit at an approved financial institution provided by the owner;</p> <ul style="list-style-type: none"> (a) will only be considered where the required value of the security is \$100,000 or greater; (b) must be without a fixed term, or otherwise must be for a minimum initial period of 6 months and thereafter provide for the automatic refixing of the term at the sole discretion of the General Manager; (c) may be in the name of the owner, but Council's approved signatories must be the sole authority to vary, withdraw or terminate the deposit; (d) any interest that accrues must be refixed until the deposit is terminated. <p>4.1.4.5 Unless otherwise specified in writing by the General Manager, the owner will be entitled to any interest accrued on a cash deposit.</p> <p>4.1.5 Assessment of amounts</p> <p>4.1.5.1 In assessing the amount of the security Council requires for infrastructure works for the early release of title, the following table will form the basis of the calculation.</p> <table border="1" data-bbox="762 1798 1412 1839"> <thead> <tr> <th>Value of works (\$)</th><th>Value of Security (\$)</th></tr> </thead> </table>	Value of works (\$)	Value of Security (\$)
Value of works (\$)	Value of Security (\$)		

		0 – \$50,000	No bonds for infrastructure works accepted unless the works are driveway works and meet the requirements set out in Section 8 of this policy.
		Works over \$50,000 All works	1.5 x the total value of works for the amount to be secured by the bond
		<p>4.1.5.2 The owner will be responsible for meeting all costs of the infrastructure works including any cost in excess of the value of the proposed works secured by the cash deposit or bank guarantee.</p>	
		<p>4.1.6 Completion of works</p>	
		<p>4.1.6.1 The General Manager will not release a bond until the owner demonstrates to the satisfaction of the General Manager that the infrastructure works have been completed as required.</p>	
		<p>4.1.6.2 The owner must, within the time required by the General Manager (and if no date is specified, then within three (3) months of the date of the written approval by the General Manager for a bond):</p>	
		<p>(a) complete the infrastructure works;</p>	
		<p>(b) arrange for a certificate of <u>Practical e</u>Completion to be provided to Council so that these works can be taken 'On-Maintenance' by Council;</p>	
		<p>(c) submit to Council final 'as-constructed' plans for the infrastructure works when required by the General Manager.</p>	
		<p>4.1.6.3 Following notification from the owner that the bonded works are completed, Council will inspect the works.</p>	
		<p>4.1.6.4 Council will provide a <u>Final Completion e</u>Certificate <u>in accordance with the Act</u> and release the bond if, in the opinion of the General Manager:</p>	
		<p>(a) the infrastructure works are completed and are suitable to be taken over by Council in accordance with the relevant legislation, and</p>	
		<p>(b) no other related works are outstanding and need to be completed by the owner.</p>	
		<p>4.1.6.5 Where the owner has fulfilled all the requirements of the permit or other approval, including the transfer to Council of any required open space, easements, road widening and the like, and has carried out the infrastructure works as required, the General Manager may:</p>	
		<p>(a) release the bond, less 10% to be held until the end of the maintenance period (unless otherwise stated, six months from the date of completion of the infrastructure works) and any amount due and owing to Council; and</p>	
		<p>(b) if the <u>Infrastructure Agreement</u><u>Security Agreement</u> has been registered on the owner's title, arrange for the cancellation of the Agreement.</p>	
		<p>4.1.7 Failure to Comply with Terms of an Infrastructure Agreement</p>	
		<p>4.1.7.1 The General Manager may, where the owner has failed to comply with the terms of the <u>Infrastructure Agreement</u><u>Security Agreement</u>, serve written notice on the owner requiring the owner to either:</p>	
		<p>(a) comply with the term of the Agreement, or</p>	
		<p>(b) show cause why Council shall not have access to the bond to complete the works within twenty-one (21) days (or other such period required by the General Manager) of the receipt of the notice.</p>	
		<p>4.1.7.2 Council may have immediate access to the bond security pursuant to the <u>Infrastructure Agreement</u><u>Security Agreement</u>, where:</p>	

	<p>(a) the owner has not complied with the requirements of the notice served pursuant to clause 4.1.7.1 to the satisfaction of the General Manager;</p> <p>(b) the owner has, in the reasonable opinion of the General Manager, failed to comply with the terms of the Infrastructure Agreement, notwithstanding that a written notice has been served pursuant to clause 4.1.7.1;</p> <p>(c) in the interest of public safety, certain works are required to be undertaken by Council prior to the expiration of the term of the Infrastructure Agreement;</p> <p>(d) the owner:</p> <ul style="list-style-type: none"> (i) is declared insolvent or bankrupt, or has entered into a creditors scheme of arrangement; (ii) in the case of a company or other corporate entity, is unable to pay its debts when required, or has a receiver, manager or administrator appointed to manage its business or assets in accordance with applicable legislation; (iii) ceases trading or carrying on its business (iv) is a company and there is a change in the shareholders of the company which in the reasonable opinion of the General Manager may affect the ability of the owner to complete the infrastructure or other works as required; or <p>(e) in any other circumstance considered reasonable by the General Manager to ensure that the infrastructure works are carried out as required, following notification to the owner.</p> <p>4.1.7.3 If, in the reasonable opinion of the General Manager, the works are only partially completed by the required completion date, or have not been completed in accordance with Council's requirements, the General Manager may;</p> <ul style="list-style-type: none"> (a) not release any of the bond security provided by the owner; (b) release part of the bond security provided by the owner; (c) extend the date by which the works are to be completed to another date specified by the General Manager; (d) carry out the works to ensure completion and apply the cost against the value of the security. <p>4.1.8 Driveway and other minor works Bonds for Small-Scale Subdivisions</p> <p>4.1.8.1 The General Manager may, at his/her<u>their</u> absolute discretion, consider bonding infrastructure works:</p> <ul style="list-style-type: none"> (a) valued at less than \$50,000, or (b) where the number of additional lots created is two or less, and (c) the works comprise only of driveway <u>or other agreed minor</u> works. <p>4.1.8.2 Such works may be bonded when the following conditions are met:</p> <ul style="list-style-type: none"> (a) the owner is undertaking building work on one of the newly created lots. (b) the owner has submitted a building application for the works proposed under sub-part (a). In these circumstances, consideration of a building permit would be held over, pending release of title. (c) the bond amount must be twice the agreed value of the work. (d) the form of the bond must be in accordance with this Policy. (e) the bond period is not to exceed the building permit period. (f) the owner agrees that if the title for the property being built upon is sold before the building work is completed, Council
--	---

may undertake the outstanding works and apply the costs against the bond. Additionally, Council will charge an administration fee of 20% of the total value of the works undertaken.

4.2 PART B – BONDS FOR ~~OTHER WORKS~~ DEVELOPMENT OTHER THAN SUBDIVISION

4.2.1 Application of Part B

4.2.1.1 The General Manager may, at ~~his/her~~their sole discretion, agree to a bond for other works to be provided by an owner prior to the issue of the Certificate of Practical Completion or occupancy if:

- (a) requested by the owner;
- (b) the owner agrees that the works will be carried out as required by Council;
- (c) the owner provides adequate security to Council in an acceptable form; and
- (d) the owner agrees that in default of part (b) of this clause, the General Manager may call upon the security to complete the works.

4.2.1.2 The following works may be bonded, subject to the General Manager's approval:

- (a) non-essential services (landscaping, fence, etc.);
- (b) works to be carried out under a license/permit issued by the Council.
- (c) Works associated with the construction and repair of footpaths, crossings, kerbs and gutters; or
- (d) Any other approved works.

4.2.2 Security

4.2.2.1 The security provided by the owner is to be approved by the General Manager and shall comply with the conditions specified in clause 4.1.4 of this Policy.

4.2.3 Assessment of amounts

4.2.3.1 In assessing the amount of security Council requires for other works, the following table will form the basis of the calculation.

Value of works(\$)	Value of security
All works	1.5 x the total value of works for the amount to be secured by the bond.

4.2.3.2 The owner will be responsible for meeting all costs of the works including and costs in excess of the value of the proposed works secured by the bond.

4.2.3.3 The owner has agreed to meet all costs associated with the application, preparation of the bond.

4.2.4 Completion of works

4.2.4.1 The General Manager is not required to release a bond until the owner demonstrates to the satisfaction of the General Manager that the works have been completed as required.

4.2.4.2 Following notification from the owner that the bonded works are completed, Council will inspect the works.

4.2.4.3 Where the owner has fulfilled all the requirements of the permit or other approval and has carried out the other works as required, then the General Manager may release the bond, less any amounts due and owing to the Council.

4.2.5 Failure to Comply with Terms of a Permit or Other Approval

	<p>4.2.5.1 The General Manager may, where the owner has failed to comply with the terms of a permit or other approval, serve written notice on the owner requiring the owner to:</p> <ul style="list-style-type: none"> (a) either comply with the term of the permit or other approval; or (b) show cause why Council shall not have access to the bond to complete the works within twenty-one (21) days (or such other time required by the General Manager) of receipt of the notice. <p>4.2.5.2 Council may have immediate access to the security (cash deposit or bank guarantee) pursuant to the implementation of all requirements of a permit or approval where:</p> <ul style="list-style-type: none"> (a) the owner has not complied to the satisfaction of the General Manager with the requirements of the notice served pursuant to clause 4.2.5.1; (b) the owner has, in the reasonable opinion of the General Manager, failed to comply with the terms of the permit or other approval notwithstanding that a written notice has been served pursuant to clause 4.2.5.1; (c) in the interest of public safety, certain works are required to be undertaken by Council prior to the expiration of the term of the permit or other approval; (d) the owner; <ul style="list-style-type: none"> (i) is declared insolvent or bankrupt, or has entered into a scheme of arrangement with creditors; (ii) in the case of a company or other corporate entity, is unable to pay its debts when required, or has a receiver, manager or administrator appointed to manage its business or assets in accordance with applicable legislation; (iii) cease trading or carrying on its business; (iv) is a company and there is a change in the shareholders of the company which in the reasonable opinion of the General Manager may affect the ability of the owner to complete the other works as required; or (e) in any other circumstance considered reasonable by the General Manager to ensure that the other works are carried out as required, following notification to the owner. <p>4.2.5.3 If in the reasonable opinion of the General Manager the works are only partially completed by the required completion date, or have not been completed in accordance with Council's requirements, the General Manager may:</p> <ul style="list-style-type: none"> (a) not release any of the bond security provided by the owner; (b) release part of the bond security provided by the owner; (c) extend the date by which the works are to be completed to another date specified by the General Manager; (d) carry out the works to ensure completion
GUIDELINES:	5.1 Development will be in accordance with Council's Standard Details.
COMMUNICATION:	6.1 This policy will be made available to the general public on the Council website and at the Customer Services counter.
LEGISLATION:	<p>7.1 The following legislative requirements should be considered in conjunction with this policy:</p> <ul style="list-style-type: none"> ▪ <i>Local Government (Building and Miscellaneous Provisions) Act 1993.</i> ▪ <i>Land Use Planning and Approvals Act 1993</i> ▪ <i>Kingborough Planning Scheme 2000.</i> ▪ <i>Kingborough Interim Planning Scheme 2015</i>

DEFINITIONS:	<p>"Acts" means the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> and the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>"Council" means the Kingborough Council.</p> <p>"General Manager" means the General Manager appointed by Council; a person acting in that capacity; or an officer with the delegated authority of the General Manager with respect to the operation of this Policy, acting as an agent for Council.</p> <p>"Infrastructure works" means works to be carried out as part of the requirements of a Planning Permit. Those works may include but not be limited to road construction, public facilities and stormwater.</p> <p>"Major Development" means a development project that is of significance such as an apartment building, mixed use development, major commercial or industrial development. The value would typically be greater than \$1,000,000.</p> <p>"Other Minor works" means works to be carried out as part of the requirements of a permit or other approval, including but not limited to:</p> <ul style="list-style-type: none"> (a) non-essential services (landscaping, fencing, etc.); (b) works to be carried out under a license/permit issued by the Council; (c) works associated with the construction and repair of footpaths, crossing, kerbs and gutters; or (d) any other approved works. <p>"On-Maintenance" refers to the 12-month maintenance period that follows the satisfactory inspection and issue of Practical Completion certificate; a maintenance bond is held for that period and only returned after Council is satisfied that any defects in the infrastructure have been rectified.</p>
RELATED DOCUMENTS:	<p>Kingborough Planning Scheme 2000</p> <p>Kingborough Interim Planning Scheme 2015 <u>and any subsequent Scheme</u></p>
AUDIENCE:	<p>The Bonding of development works Policy applies to all properties within the Kingborough Municipal Area.</p> <p>The policy is publicly accessible via Council's website.</p>

UPDATED POLICY FOR APPROVAL



Bonding of Works Policy

Policy No:	6.6
Approved by Council:	March 2022
New Review Date:	November 2026
Minute No:	TBA
ECM File No:	12.96
Version:	3.0
Responsible Officer:	Manager Development Services
Strategic Plan Reference:	3.4 Best practice land use planning systems are in place to manage the current and future impacts



Bonding of Works Policy 6.6

1. POLICY STATEMENTS

- 1.1 This policy will:
 - 1.1.1 ensure procedural fairness and equity in Council's administrative processes in relation to development works,
 - 1.1.2 safeguard the community's interest in such undertakings,
 - 1.1.3 continue to facilitate and support economic development, and
 - 1.1.4 protect the public interest in the funds and resources that are applied by the Council to ensure completion of development works.
- 1.2 Section 86 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Part 5 of the *Land Use Planning and Approvals Act 1993* provide the framework to enable Council to accept security by way of deposits or guarantees from financial institutions for these works.
- 1.3 This process enables owners of land to obtain early release of titles and enter into contracts for the sale of lots requiring further development works, subject to meeting the Council's requirements.
- 1.4 The Council may permit the approval of final plans of subdivision prior to the completion of some approved development works in the circumstance set out in this policy.

2. DEFINITIONS

- 2.1 **Acts** means the *Local Government (Building and Miscellaneous Provisions) Act 1993* and the *Land Use Planning and Approvals Act 1993*.
- 2.2 **Council** means the Kingborough Council.
- 2.3 **General Manager** means the General Manager appointed by Council; a person acting in that capacity; or an officer with the delegated authority of the General Manager with respect to the operation of this Policy, acting as an agent for Council.
- 2.4 **Infrastructure works** means works to be carried out as part of the requirements of a Planning Permit. Those works may include but not be limited to road construction, public facilities and stormwater.
- 2.5 **Major Development** means a development project that is of significance such as an apartment building, mixed use development, major commercial or industrial development. The value would typically be greater than \$1,000,000.
- 2.6 **Minor works** means works to be carried out as part of the requirements of a permit or other approval, including but not limited to:
 - 2.6.1 non-essential services (landscaping, fencing, etc.)
 - 2.6.2 works to be carried out under a license/permit issued by the Council
 - 2.6.3 works associated with the construction and repair of footpaths, crossing, kerbs and gutters
 - 2.6.4 any other approved works.
- 2.7 **On-Maintenance** refers to the 12-month maintenance period that follows the satisfactory inspection and issue of Practical Completion certificate; a maintenance bond is held for that period and only returned after Council is satisfied that any defects in the infrastructure have been rectified.

3. OBJECTIVE

- 3.1 The purpose of this policy is to set the circumstance under which the General Manager will accept security for completion of infrastructure and other works.



Bonding of Works Policy 6.6

3.2 The policy is designed to:

- 3.2.1 provide security to the Council for the satisfactory completion of infrastructure works associated with development which Council has authorised;
- 3.2.2 provide security to Council for the satisfactory completion of other works associated with the requirements of a permit or other approval which Council has authorised and may be subject to a bond including maintenance, driveway crossings, landscaping, outstanding works, house removal, environment protection/rehabilitation, car parking, , and any other works;
- 3.2.3 enable security to be provided for infrastructure and other works so that sufficient funds are available for Council to complete any outstanding infrastructure or other works should the owner not carry out the works as required by Council;
- 3.2.4 enable the earlier sale of lots by an owner whilst protecting the interest of subsequent purchasers of these lots; and
- 3.2.5 protect the public interest.

4. SCOPE

- 4.1 This policy applies to all applications for development at properties within the Kingborough municipal area.

5. PROCEDURE (POLICY DETAIL)

5.1 PART A – BONDS FOR SUBDIVISION AND OTHER MAJOR DEVELOPMENT

5.1.1 Application of Part A

- 5.1.1.1 The General Manager may, at their discretion, agree to a bond for infrastructure works to be provided by an owner prior to the issue of the certificate of practical completion if;
 - i. requested by the owner;
 - ii. the owner agrees that the works will be carried out as required by Council;
 - iii. the owner provides adequate security to Council in an acceptable form; and
 - iv. the owner agrees that in default of part (b) of this clause, the General Manager may call upon the security to complete the works.

5.1.2 Developments

- 5.1.2.1 The General Manager will not approve a bond for infrastructure works prior to the completion where:
 - i. the construction work is valued at less than \$50,000, or
 - ii. the number of additional lots created is two or less, unless the works comprise only of driveway works and meet the requirements of Clause 4.1.8.
- 5.1.2.2 The General Manager may approve infrastructure works to be secured by a bond for the early release of title where the following criteria have been met:
 - i. a permit or other approval has been granted by the Council to the owner;
 - ii. the proposed works are in conformity with the permit or other approval;
 - iii. no less than 75% of infrastructure work has been completed. The extent of work completed (excluding the costs associated with telecommunications,



Bonding of Works Policy 6.6

electricity supply, the design and supervision of the works) is to be assessed and certified as complete by an engineer;

- iv. all issues pertinent to the interest of public safety and all essential services including stormwater disposal have been finalised;
- v. the owner has prepared and submitted to Council, engineering drawings and specifications in accordance with the Municipal Standard Drawings and other relevant requirements which are satisfactory to the General Manager, and in conformity with the permit or other approval conditions;
- vi. The owner has provided details of the full costs of the infrastructure works in a schedule ("Infrastructure Works Schedule") to the General Manager, including (if required):
 - a list of all infrastructure assets that are to be constructed and which are proposed to be taken over by Council on completion;
 - the estimated cost of the proposed infrastructure works in accordance with the approved engineering drawings, including an appropriate contingency sum;
 - certification from a suitably qualified engineer that the schedule of estimated costs and list of proposed infrastructure assets referred to in this section and set out in the Infrastructure Works Schedule are accurate assessments of the works to be carried out; and
 - confirmation from the owner (in writing and detailing the schedule of works) that the proposed infrastructure works are scheduled for completion within three months of the date of the written approval by the General Manager, or other such time required by the General Manager;
- vii. the owner has provided payment of all fees required by the permit;
- viii. the General Manager is satisfied as to the accuracy of the Infrastructure Works Schedule;
- ix. the owner has agreed to meet all costs associated with the application, preparation of a Security Agreement and bond;
- x. the owner has satisfied the General Manager that the proposed infrastructure works can be completed by the date required by General Manager;
- xi. the owner has entered into an Security Agreement with Council if required. The Security Agreement is an agreement between the owner and Council that:
 - requires the owner to complete the infrastructure works in accordance with the requirements of Council;
 - enables Council or its agents to have access to the owner's land (if necessary) to complete the works.
 - the owner agrees that in default of part (i) of this subclause, the General Manager may call upon the security to effect completion of the works;
 - the owner agrees that the Security Agreement may, at the discretion of the General Manager, be registered on the owner's property title in accordance with the Land Use Planning and Approvals Act 1993 until the



Bonding of Works Policy 6.6

works are completed, in which case the amounts payable under the agreement become a charge against the owner's land;

- the owner agrees that if the title for the property is sold before the work is completed, Council may undertake the outstanding works and apply the costs against the bond. Additionally, Council will charge an administration fee of 20% of the total value of the works undertaken.
- xii. the owner has provided the required security for the completion of the proposed works in the form and manner required by the General Manager;
- xiii. the owner satisfies any other requirements that the General Manager has in relation to the provision of the Security Agreement, including environmental and safety requirements, if required;
- xiv. the owner acknowledges that the General Manager may insert a response within any Property Certificate requested in accordance with Section 337 of the Local Government Act 1993 to the effect that an agreement has been, or is being, entered into with the developer to obtain the early sealing of the plan of subdivision. This agreement acknowledges that the infrastructure works relative to this lot have not been completed at the date of Council signing and sealing the Plan of Subdivision and that the outstanding works have been bonded.

5.1.3 Refusal of Request

5.1.3.1 The General Manager may refuse to approve a request to enter into an agreement for an infrastructure works bond or an Security Agreement where the owner has previously been required to carry out infrastructure or other works in accordance with a permit or other approval and has:

- i. failed to ensure the construction of the infrastructure or other works within the specified time or in accordance with Council's requirements; or
- ii. constructed infrastructure works to a standard not in accordance with Municipal Standard Drawings and other relevant Council requirements; or
- iii. constructed other works to a standard not in accordance with Council's requirements.

5.1.3.2 The General Manager may refuse to approve a request to enter into an arrangement to bond infrastructure works and/or enter into an Infrastructure Agreement:

- i. where the General Manager is not satisfied that the owner will be able to complete the proposed works in accordance with requirements; or
- ii. if it has been previously necessary for Council to require forfeiture of a bond, or have access to security provided by the owner in relation to infrastructure or other works; or
- iii. It is otherwise not in compliance with this Policy.

5.1.4 Security

5.1.4.1 The security provided by the owner shall be acceptable to the General Manager, at his sole discretion.

5.1.4.2 The security for the bond may be provided in the form of:

- i. a cash deposit provided for an amount required by the General Manager; or



Bonding of Works Policy 6.6

- ii. an unconditional guarantee for an amount required by the General Manager from a bank, financial institution, insurance company or trading corporation approved by the General Manager, or
- 5.1.4.3 a deposit at an approved financial institution.
- 5.1.4.4 A guarantee provided by the owner must:
 - i. be unconditional and irrevocable;
 - ii. be in the name of the owner or other party approved by Council;
 - iii. enable Council to have immediate access to the monies secured by the guarantee at any time where the General Manager is satisfied the owner is in breach of any requirements concerning the completion of the infrastructure works or any other requirement of the Infrastructure Agreement; and
 - iv. not require the approval from the owner or any other party, for Council to access funds secured by the guarantee.
- 5.1.5 **Assessment of amounts**
 - 5.1.5.1 In assessing the amount of the security Council requires for infrastructure works for the early release of title, the following table will form the basis of the calculation.

Value of works (\$)	Value of Security (\$)
All works	1.5 x the total value of works for the amount to be secured by the bond
 - 5.1.5.2 The owner will be responsible for meeting all costs of the infrastructure works including any cost in excess of the value of the proposed works secured by the cash deposit or bank guarantee.
- 5.1.6 **Completion of works**
 - 5.1.6.1 The General Manager will not release a bond until the owner demonstrates to the satisfaction of the General Manager that the infrastructure works have been completed as required.
 - 5.1.6.2 The owner must, within the time required by the General Manager (and if no date is specified, then within three (3) months of the date of the written approval by the General Manager for a bond):
 - i. complete the infrastructure works;
 - ii. arrange for a certificate of Practical Completion to be provided to Council so that these works can be taken 'On-Maintenance' by Council;
 - iii. submit to Council final 'as-constructed' plans for the infrastructure works when required by the General Manager.
 - 5.1.6.3 Following notification from the owner that the bonded works are completed, Council will inspect the works.
 - 5.1.6.4 Council will provide a Final Completion Certificate and release the bond if, in the opinion of the General Manager:
 - i. the infrastructure works are completed and are suitable to be taken over by Council in accordance with the relevant legislation, and



Bonding of Works Policy 6.6

- ii. no other related works are outstanding and need to be completed by the owner.
- 5.1.6.5 Where the owner has fulfilled all the requirements of the permit or other approval, including the transfer to Council of any required open space, easements, road widening and the like, and has carried out the infrastructure works as required, the General Manager may:
 - i. release the bond, less 10% to be held until the end of the maintenance period (unless otherwise stated, six months from the date of completion of the infrastructure works) and any amount due and owing to Council; and
 - ii. if the Security Agreement has been registered on the owner's title, arrange for the cancellation of the Agreement.
- 5.1.7 **Failure to Comply with Terms of an Infrastructure Agreement**
 - 5.1.7.1 The General Manager may, where the owner has failed to comply with the terms of the Security Agreement, serve written notice on the owner requiring the owner to either:
 - i. comply with the term of the Agreement, or
 - ii. show cause why Council shall not have access to the bond to complete the works within twenty-one (21) days (or other such period required by the General Manager) of the receipt of the notice.
 - 5.1.7.2 Council may have immediate access to the bond security pursuant to the Security Agreement, where:
 - i. the owner has not complied with the requirements of the notice served pursuant to clause 4.1.7.1 to the satisfaction of the General Manager;
 - ii. the owner has, in the reasonable opinion of the General Manager, failed to comply with the terms of the Infrastructure Agreement, notwithstanding that a written notice has been served pursuant to clause 4.1.7.1;
 - iii. in the interest of public safety, certain works are required to be undertaken by Council prior to the expiration of the term of the Infrastructure Agreement;
 - iv. the owner:
 - is declared insolvent or bankrupt, or has entered into a creditors scheme of arrangement;
 - in the case of a company or other corporate entity, is unable to pay its debts when required, or has a receiver, manager or administrator appointed to manage its business or assets in accordance with applicable legislation;
 - ceases trading or carrying on its business
 - is a company and there is a change in the shareholders of the company which in the reasonable opinion of the General Manager may affect the ability of the owner to complete the infrastructure or other works as required; or
 - in any other circumstance considered reasonable by the General Manager to ensure that the infrastructure works are carried out as required, following notification to the owner.



Bonding of Works Policy 6.6

5.1.7.3 If, in the reasonable opinion of the General Manager, the works are only partially completed by the required completion date, or have not been completed in accordance with Council's requirements, the General Manager may;

- i. not release any of the bond security provided by the owner;
- ii. release part of the bond security provided by the owner;
- iii. extend the date by which the works are to be completed to another date specified by the General Manager;
- iv. carry out the works to ensure completion and apply the cost against the value of the security.

5.1.8 Driveway and other minor works Bonds for Small-Scale Subdivisions

5.1.8.1 The General Manager may, at their absolute discretion, consider bonding infrastructure works:

- i. valued at less than \$50,000, or
- ii. where the number of additional lots created is two or less, and
- iii. the works comprise only of driveway or other agreed minor works.

5.1.8.2 Such works may be bonded when the following conditions are met:

- i. the owner is undertaking building work on one of the newly created lots.
- ii. the owner has submitted a building application for the works proposed under sub-part (a). In these circumstances, consideration of a building permit would be held over, pending release of title.
- iii. the bond amount must be twice the agreed value of the work.
- iv. the form of the bond must be in accordance with this Policy.
- v. the bond period is not to exceed the building permit period.
- vi. the owner agrees that if the title for the property being built upon is sold before the building work is completed, Council may undertake the outstanding works and apply the costs against the bond. Additionally, Council will charge an administration fee of 20% of the total value of the works undertaken.

5.2 PART B – BONDS FOR DEVELOPMENT OTHER THAN SUBDIVISION

5.2.1 Application of Part B

5.2.1.1 The General Manager may, at their sole discretion, agree to a bond for other works to be provided by an owner prior to the issue of the Certificate of Practical Completion or occupancy if:

- i. requested by the owner;
- ii. the owner agrees that the works will be carried out as required by Council;
- iii. the owner provides adequate security to Council in an acceptable form; and
- iv. the owner agrees that in default of part (b) of this clause, the General Manager may call upon the security to complete the works.

5.2.1.2 The following works may be bonded, subject to the General Manager's approval:

- i. non-essential services (landscaping, fence, etc.)



Bonding of Works Policy 6.6

- ii. works to be carried out under a license/permit issued by the Council.
- iii. Works associated with the construction and repair of footpaths, crossings, kerbs and gutters; or
- iv. Any other approved works.

5.2.2 Security

- 5.2.2.1 The security provided by the owner is to be approved by the General Manager and shall comply with the conditions specified in clause 4.1.4 of this Policy.

5.2.3 Assessment of amounts

- 5.2.3.1 In assessing the amount of security Council requires for other works, the following table will form the basis of the calculation.

Value of works(\$)	Value of security
All works	1.5 x the total value of works for the amount to be secured by the bond.

- 5.2.3.2 The owner will be responsible for meeting all costs of the works including and costs in excess of the value of the proposed works secured by the bond.
- 5.2.3.3 The owner has agreed to meet all costs associated with the application, preparation of the bond.

5.2.4 Completion of works

- 5.2.4.1 The General Manager is not required to release a bond until the owner demonstrates to the satisfaction of the General Manager that the works have been completed as required.
- 5.2.4.2 Following notification from the owner that the bonded works are completed, Council will inspect the works.
- 5.2.4.3 Where the owner has fulfilled all the requirements of the permit or other approval and has carried out the other works as required, then the General Manager may release the bond, less any amounts due and owing to the Council.

5.2.5 Failure to Comply with Terms of a Permit or Other Approval

- 5.2.5.1 The General Manager may, where the owner has failed to comply with the terms of a permit or other approval, serve written notice on the owner requiring the owner to:
- i. either comply with the term of the permit or other approval; or
 - ii. show cause why Council shall not have access to the bond to complete the works within twenty-one (21) days (or such other time required by the General Manager) of receipt of the notice.
- 5.2.5.2 Council may have immediate access to the security (cash deposit or bank guarantee) pursuant to the implementation of all requirements of a permit or approval where:
- i. the owner has not complied to the satisfaction of the General Manager with the requirements of the notice served pursuant to clause 4.2.5.1;
 - ii. the owner has, in the reasonable opinion of the General Manager, failed to comply with the terms of the permit or other approval notwithstanding that a written notice has been served pursuant to clause 4.2.5.1;



Bonding of Works Policy 6.6

- iii. in the interest of public safety, certain works are required to be undertaken by Council prior to the expiration of the term of the permit or other approval;
- iv. the owner:
 - is declared insolvent or bankrupt, or has entered into a scheme of arrangement with creditors;
 - in the case of a company or other corporate entity, is unable to pay its debts when required, or has a receiver, manager or administrator appointed to manage its business or assets in accordance with applicable legislation;
 - cease trading or carrying on its business;
 - is a company and there is a change in the shareholders of the company which in the reasonable opinion of the General Manager may affect the ability of the owner to complete the other works as required; or
- v. in any other circumstance considered reasonable by the General Manager to ensure that the other works are carried out as required, following notification to the owner.

5.2.5.3 If in the reasonable opinion of the General Manager the works are only partially completed by the required completion date, or have not been completed in accordance with Council's requirements, the General Manager may:

- i. not release any of the bond security provided by the owner;
- ii. release part of the bond security provided by the owner;
- iii. extend the date by which the works are to be completed to another date specified by the General Manager;
- iv. carry out the works to ensure completion

6. GUIDELINES

6.1 Development will be in accordance with Council's Standard Details.

7. COMMUNICATION

7.1 This policy will be made available to the general public on the Council website and at the Customer Services counter.

8. LEGISLATION

8.1 The following legislative requirements should be considered in conjunction with this policy:

- *Local Government (Building and Miscellaneous Provisions) Act 1993.*
- *Land Use Planning and Approvals Act 1993*

9. RELATED DOCUMENTS

9.1 Kingborough Interim Planning Scheme 2015 and any subsequent Scheme

10. AUDIENCE

The Bonding of development works Policy applies to all properties within the Kingborough Municipal Area.
The policy is publicly accessible via Council's website.

16.3 REVIEW OF SPORTS GROUND USER FEES

File Number: 12.170

Author: Scott Wade, Strategic Sports & Recreation Planner

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

Strategic Plan Reference

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

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

1. PURPOSE

1.1 The purpose of this report is to consider a review of sports ground user fees.

2. BACKGROUND

2.1 At its January 2022 meeting, Council resolved the following (Minute C20/1-2022 refers):

That Council request a staff report be provided which reviews the current policies regarding charges for the use of sporting grounds and facilities within the Kingborough area.

2.2 In 2005, Council resolved to exempt sporting clubs operating from Council facilities with general public access from the requirement to pay ground rental fees (Minute C54/5-05 refers).

2.3 Prior to 2005, clubs had been charged ground rental based loosely on a formula that took into account usage rates and the annual cost to Council in providing the facility.

2.4 On 31st October 2011 a report was presented Council with a recommendation of:

That it be recommended to Council that the report of the Manager Community & Recreational Services be received and that consultation be held with sporting clubs regarding the introduction of user chargers for Council's sports grounds based on the following fee structure for all ground (with the exception of the Twin Ovals):

- Casual Hire - \$15 per hour
- Seasonal Hire - \$750 per season
- Juniors (U/18) – 50% discount

The recommendation was not supported.

2.5 The Kingborough Tigers Football Club and the Kingborough Knights Cricket Club are the only two sporting clubs in our community that pay sports ground user fees. Both clubs pay a fee of \$10,628 (inc. GST) for the use of the Twin Ovals, which is adjusted annually by 3% in line with Council's Long Term Financial Plan.

2.6 In addition, last season the Kingborough Tigers Football Club paid approximately \$4,500 (inc. GST) in hire fees for usage of Twin Ovals 2 (the cricket ground) during the football (AFL) season. These two clubs also pay a lease fee of \$2,628 (inc. GST) between them for hire of the pavilion at the Twin Ovals.

2.7 Clubs, associations or leagues who are based outside of Kingborough pay sports ground user fees at the rates outlined in Council's fees and charges schedule

(promoted on our website). It is noted that the revenue generated from non-Kingborough clubs is minimal.

- 2.8 Council's expenditure on sportsgrounds is \$1.3m annually, against current income of \$42,000 in user fees – the majority of which comes from the Twin Ovals complex.
- 2.9 In contrast, the Kingborough Sports Centre operates under a user pays model that sees user fees for indoor sports totalling \$300,000, plus an additional \$45,000 for leased facilities.

3. STATUTORY REQUIREMENTS

- 3.1 No statutory requirements apply to this report.

4. DISCUSSION

- 4.1 All of the larger councils in Tasmania charge substantial fees for the use of their sports grounds and most of the smaller councils apply user fees of some kind. Kingborough Council's policy of not charging fees is very much an anomaly in this regard.
- 4.2 In the days when the whole community would attend their local oval to watch their local teamplay sport, provision of the ground by Council as a full general rate subsidy was justified. However, those days are long gone, and the current reality is that only a small percentage of ratepayers are deriving a benefit from the provision of sports grounds.
- 4.3 Whilst it is acknowledged that there is some informal use of local ovals by the community, it is effectively the case that sporting clubs utilising Council's sportsgrounds are being subsidised to the tune of \$1.25m annually.
- 4.4 It is also relevant that the quality of turf maintenance in Kingborough is equal to that of any other council and Kingborough sports venues (overall) are as good as any others across the state.
- 4.5 The sports ground user fee rates applied by other Greater Hobart Councils are not based on any sophisticated policy or model but are generally based on recovering a small percentage of the total turf maintenance cost and/or fees are assessed on the overall quality of the playing surface or broader venue.
- 4.6 It should also be noted that other Councils also charge for some community tennis courts and boot camp and fitness activities on community owned ovals, fields or community-maintained park land.
- 4.7 The following tables provide a snapshot of Hobart, Glenorchy and Clarence sports ground user fee charges.

Hobart City

Venue	Rate	Cost per hour
John Turnbull Oval	Senior match rate	\$44
Cornelian Bay	Senior match rate	\$55
Clare Street	Senior match rate	\$74 winter / \$87 summer
North Hobart Oval	Senior match rate	\$112

Glenorchy

Venue	Rate	Cost per hour
CadburyTennis Courts	Per hour hire fee	\$5.40
Collinsvale Oval	Per hour hire fee	\$32.30
Eady Street No.2	Per hour hire fee	\$37.70
KGV	Per hour hire fee	\$59.20

Clarence

Venue	Rate	Cost per hour
All clubs and casual users	Sports Ground Use Permit	\$38.20
Cricket-Synthetic pitch	Sports Ground Use Permit	\$38.20
Cricket-Turf (all users)	Sports Ground Use Permit	\$49.20
Boot camp and fitness activities	Sports Ground Use Permit	\$60.00

- 4.8 A positive outcome of this report may be that Council is prepared to address the inequality between fees and charges for indoor sporting pursuits versus those that prefer to participate in outdoor sports in Kingborough. For example, the Kingborough/Huon Basketball Association (KHBA) and the Kingborough Netball Association (KNA) are currently charged \$45 per hour to hire one indoor basketball or netball court. Gymnastics is even more costly on a per participant basis; on average each individual gymnastics participant pays close to \$20 per 45 minutes session.
- 4.9 In comparison, the Kingborough Lions Football (soccer) Club, who reside across the other side of the road from the KSC, at Lightwood Park can use all three Lightwood Park soccer pitches/fields, plus Gormley Park at no cost.
- 4.10 Council also applies fees and charges to Community Halls. Another example highlighting the inequality is that a community group has to pay either \$16 per hour (daytime rate) or \$26 per hour (night-time rate) to hire Kingston Beach Hall, yet a local sporting club can be using Kingston Beach Oval and they pay nothing.
- 4.11 The above examples highlight matters of fairness and equality that need to be considered.
- 4.12 Some outdoor sporting clubs may suggest that they have less financial generating capacity than indoor sports such as basketball and netball, however this is not the case.
- 4.13 Outdoor sports such as Football (soccer), AFL, Cricket, Little Athletics, Rugby and Touch Football actually have more opportunities (than indoor sports) to generate revenue from gate takings, kiosk sales, bar sales, sponsorship etc.. Indoor sport operators, such as the Council operated KSC, generally retain kiosk and/or bar sales (not the local club).
- 4.14 All sports (indoor or outdoor) are similar when it comes to financial viability or sustainability, and it would be erroneous for outdoor sports to suggest that they are more financially vulnerable than their indoor counterparts.

5. FINANCE

- 5.1 This report does not contain a specific recommendation in relation to what the rate of sport ground user fees and charges should be. However, if the recommendation of this report is endorsed, then the next stage in the process of re-establishing sports ground

user fees in Kingborough will result in a further report being presented to Council that specifically covers a staged implementation of sports ground user fees.

- 5.2 It would not be unreasonable to suggest that payment of sports ground user fees could be easily factored into the annual operating budgets of all local sports clubs/associations (as indoor sporting bodies in Kingborough are already required to account for).
- 5.3 From a financial perspective, the positive impact of a reasonable cost recovery turf maintenance strategy, via the re-establishment of sports ground hire fees, could be very significant over the medium to long-term.
- 5.4 Council's budgeted turf activity costs are \$967,000, and this excludes another \$330,600 budgeted amount for employee costs and benefits that are not allocated to specific sports grounds.
- 5.5 The budgeted annual maintenance costs of the two Twin Ovals is \$347,000, and the current cost recovery strategy, by charging sports ground user fees, results in the Kingborough cricket and football clubs contributing 6.75% toward the turf maintenance costs. This leaves \$620,000 of annual turf maintenance cost with zero return because Council does not apply sports ground user fees
- 5.6 In big capital cities such as Sydney, Melbourne, Brisbane etc... cost recovery is a key issue and these councils use a cost recovery percentage model as a basis of sports ground user fees. In regions the size of Greater Hobart, a reasonable hourly fee for services rate is the preferred charge.
- 5.7 In Kingborough it is envisaged that a reasonable hourly rate is most likely the preferred model because this direction will be fairer and easier to explain when it comes to the inequality between what indoor sports pay versus outdoor sports.

6. ENVIRONMENT

- 6.1 No environmental impacts relating to this report recommendation.

7. COMMUNICATION AND CONSULTATION

- 7.1 This report is not proposing to re-establish sports ground user fees in Kingborough without consultation with local sporting clubs and associations occurring first.
- 7.2 If this report recommendation is endorsed, a communications campaign will be developed to build up public awareness for the extensive sporting grounds the Council owns and maintains.
- 7.3 This will focus on highlighting the cost and features of the grounds and be embedded in stories involving many of the sporting groups that use the facilities.
- 7.4 An opportunity exists to educate key stakeholders to enhance their level of understanding surrounding sports grounds and the cost to maintain them. This will involve direct relationship building, social media, local paper and survey. Clubs will naturally be reticent about paying fees, however, an education process about the logic of phasing-in new fees is likely to be accepted.

8. RISK

- 8.1 Provided that Council implemented a staged or phased-in approach to re-establishing sports ground user fees, the likelihood of local clubs/associations becoming financially unviable because of the introduction of sports ground hire fees is not considered to be a risk.

- 8.2 The fundamental reasons sporting clubs place themselves at financial risk is generally related to either:
- Poor management
 - Prioritising payments to coaches and players
 - Overspending on recruiting players from outside of their community
- 8.3 Not re-establishing sports ground user fees and charges for outdoor sports places Council at risk of undermining the principles of fairness and equity that are contained within the Kingborough Sportsground User Policy.

9. CONCLUSION

- 9.1 The fact every other metropolitan Council throughout Australia applies sports ground user fees is relevant but following what every other Council does is not the primary reason why Kingborough should re-establish introduction of sports ground user fees.
- 9.2 The reason Kingborough Council should re-establish sports ground user fees is because it is a responsible course of action to take from a whole of community perspective. A cost recovery strategy is a sound financial management practice and developing a turf maintenance cost recovery strategy.
- 9.3 As highlighted previously in this report, the “*village green*” sports environment that existed in the early to mid-1900’s is no longer relevant. It is this “*village green*” culture that is the only reasonable explanation as to why sports ground user charges don’t already apply in our municipality.
- 9.4 Community standards and expectations relating to turf maintenance have changed over recent decades, and the quality of Council’s turf maintenance definitely meets broader community sports standards. It is therefore reasonable to expect that sports clubs/associations need to partially subsidise the cost of these ever-increasing turf maintenance standards.
- 9.5 Lowering the turf maintenance standards would only lead to unsatisfied sports clubs that would be knocking on Council’s door to “raise the bar”. The bar has been raised, and the clubs need to accept that these increased standards come at a cost.
- 9.6 Inequality relating to fees and charges between indoor and outdoor sports is another compelling reason as to why Council should re-establish sports ground user fees.
- 9.7 It is unfair that indoor sports pay, and outdoors sport do not have to pay, particularly when the annual cost of maintaining sports grounds far exceeds the cost of maintaining indoor sports facilities.

10. RECOMMENDATION

That Council provide in-principle approval to the re-establishment of sports ground user fees in Kingborough, subject to presentation of a further report that details the strategy and logic behind the rates to be charged for hiring of sports grounds, together with the timing and phasing-in of new fees and consultation to be undertaken with local sporting clubs/associations.

ATTACHMENTS

Nil

16.4 SPORTS GROUND USER POLICY

File Number: 12.170

Author: Scott Wade, Strategic Sports & Recreation Planner

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

Strategic Plan Reference

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

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

1. PURPOSE

1.1 The purpose of this report is to review of Council Policy 4.6 - Sports Ground User Policy.

2. BACKGROUND

2.1 The current Sports Ground User policy was approved by Council in September 2020 and was due for review again in September 2021 (current policy attached).

3. STATUTORY REQUIREMENTS

3.1 There are no statutory requirements associated with this matter.

4. DISCUSSION

4.1 The existing Sports Ground User Policy has been reviewed and no required changes have been identified.

4.2 However, changes to the policy may be required pending the outcome of Council's deliberations with respect to the re-establishment of sports ground user fees.

4.3 The intent of any changes to the existing policy associated with the application of sports ground user fees will not fundamentally change Council's policy statement that reads as follows:

In the provision of sports grounds for use by the community, Council will endeavour to ensure the efficient and effective use of all facilities throughout the Municipal Area in a fair and equitable manner.

5. FINANCE

5.1 No financial implications associated with this subject matter.

6. ENVIRONMENT

6.1 No environmental implications are associated with this subject matter.

7. COMMUNICATION AND CONSULTATION

7.1 The current policy and associated user manual were developed following consultation with the relevant stakeholders and user groups.

7.2 The current policy has been embraced by local sports clubs/associations and therefore no immediate or additional communication is required at this stage.

8. RISK

- 8.1 The current (and future) policy aims to ensure that Council's interests are protected by requiring all users to undertake a detailed booking process for usage of all Council sports grounds, incorporating users having the required level of public liability insurance.

9. CONCLUSION

- 9.1 As previously outlined, the current policy is adequate, and the process required to comply with Council's sports ground user policy is supported by all user groups.
- 9.2 If Council supports a staff recommendation to re-establish sports ground user fees, then this matter will need to be included as an addition to the current policy.

10. RECOMMENDATION

That Council defer a review of the current Sports Ground User Policy pending the outcome of deliberations with respect to the re-establishment of sports ground user fees.

ATTACHMENTS

1. **Policy No: 4.6 Sports Ground User Policy**

Public Copy



Sports Ground User Policy

Policy No:	4.6
Approved by Council:	March 2022
New Review Date:	March 2024
Minute No:	TBA
ECM File No:	12.170
Version:	3.0
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities



Sports Ground User Policy 4.6

1. POLICY STATEMENTS

- 1.1 In the provision of sports grounds for use by the community, Council will endeavour to ensure the efficient and effective use of all facilities throughout the Municipal Area in a fair and equitable manner.

2. DEFINITIONS

- 2.1 **"Sports Ground"** means an oval or playing field maintained by Council for the purposes of formal sport and recreation activities.
- 2.2 **"Winter Season"** means April to September inclusive.
- 2.3 **"Summer Season"** means October to March inclusive.

3. OBJECTIVE

- 3.1 The objective of the Kingborough Sports Ground Policy is to underpin the Kingborough Sports Ground User Manual that has been developed to allow the users of Council's sporting facilities to better understand the process guiding the allocation of facilities, their use and development by clearly identifying:
 - 3.1.1 Council's requirements from clubs and users;
 - 3.1.2 Responsibilities of the user groups;
 - 3.1.3 Responsibilities of Council;
 - 3.1.4 Processes for facility development; and
 - 3.1.5 Provide a framework that is equitable and easily administered.
- 3.2 The following objectives provide the framework for the establishment of an equitable and administratively operational Sports Ground User Manual:
 - 3.2.1 Efficient and effective use of Kingborough community resources;
 - 3.2.2 Encourage participation in sports and recreational activities by Kingborough residents;
 - 3.2.3 Minimise potential over-use of ovals with efficient facility allocation and eliminate inappropriate use;
 - 3.2.4 Match quality of playing surfaces to level of competition to be played at the ground; and
 - 3.2.5 Enhance positive user attitudes and responsibility towards facilities.

4. SCOPE

- 4.1 This policy applies to:
 - 4.1.1 Allocation of facilities made through tenancy application for seasonal allocation (winter 1 April – 31 August, and summer 1 October – 28 February); and
 - 4.1.2 Casual use of sports ovals and pavilions that are used on a seasonal basis.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Facility use and allocation:
 - 5.1.1 Sports facility allocations are issued to clubs that apply for the use of grounds and/or pavilions by completing the application process outlined in the Sports User Manual by the required date;



Sports Ground User Policy 4.6

- 5.1.2 In being allocated a facility, the successful club then enters into a tenancy agreement for 5 months, winter or summer;
- 5.1.3 The occupancy agreement forms a contract between the club (who then becomes the seasonal tenant) and Council;
- 5.1.4 By signing the application form, clubs agree to the terms and conditions outlined in the Sports Ground User Manual;
- 5.1.5 Seasonal summer allocations will be called for in July of each year. Confirmation of allocation will be sent to clubs in September after being approved. Seasonal winter allocations will be called for in January of each year. Confirmation of allocation will be sent to clubs in March after being approved.
- 5.1.6 The seasonal agreement is only for 5 months with the winter season from 1 April – 31 August, and summer season 1 October – 28 February);
- 5.1.7 Pre-season training and finals are not included within the seasonal agreement if they fall outside of the seasonal agreement dates. For finals, clubs (or associations who organise finals) are required to make formal application to Council and these need to be lodged with Council by the COB on the Tuesday following the last home and away season match. If this application has not been lodged by this time, sports ground renovation works or other user groups may be scheduled on the ground;
- 5.1.8 Application process will be a notice placed in the Kingborough Chronicle newspaper and on Council website calling for seasonal applications by a due date. The application forms and Sports Ground User Manual will be available on Council's website. Existing tenant clubs will be sent application forms electronically or by mail if requested. Clubs will be notified by Council if successful or unsuccessful or if any information is outstanding;
- 5.1.9 If a club/organisation is dissatisfied with their allocation they may appeal in writing within five working days of the allocation being made to the General Manager;
- 5.1.10 Any breach of one or more of the conditions in the Sports Ground User Manual may at the discretion of Council, result in the use of the facility being withdrawn;
- 5.1.11 As participation trends change, Council may review the practice of allocating facilities to provide for the efficient use of facilities;
- 5.1.12 Pavilions are provided to support sports ground activities. Allocations will also be made through a seasonal allocation;
- 5.1.13 All sports ground users must have public liability insurance cover. Clubs must be covered for a minimum of \$10 million against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the club/sports ground user arising out of or in relation to allocation of a facility;
- 5.1.14 A copy of the certificate of currency must be attached to the allocation application;
- 5.1.15 Council does not provide contents insurance on any pavilion. If the club stores valuable, equipment or memorabilia in a pavilion, the club is solely responsible for insurance of all its contents;
- 5.1.16 Council must be notified of any allocation that is no longer required. Any facility that is not allocated to its full potential may be considered for reallocation to another user group if required;



Sports Ground User Policy 4.6

- 5.1.17 Council reserves the right to close any sports ground to protect the playing surface, reduce risk to competitors and the public, to complete capital or maintenance works in poor weather conditions or to allow rehabilitation of the ground after damage;
- 5.1.18 When grounds are closed for matches, where practicable, Council will make all attempts to provide clubs with at least one day's notice in consultation with clubs; and
- 5.1.19 Council may access facilities at any time to undertake inspections or repairs.

6. GUIDELINES

- 6.1 Nil.

7. COMMUNICATION

- 7.1 This policy will be communicated to all staff involved in the provision of sporting facilities to the Community.
- 7.2 Available on Council's website.

8. LEGISLATION

- 8.1 Standards Australia.
- 8.2 *Public Health Act 1997*.

9. RELATED DOCUMENTS

- 9.1 Kingborough Sports Ground User Manual.
- 9.2 Kingborough Sports Ground Tenancy Agreement Application.
- 9.3 Kingborough Sport and Recreation Facilities Strategy 2013.

10. AUDIENCE

- 10.1 Available to the public.

16.5 LGAT GENERAL MEETING MOTIONS

File Number: 12.42

Author: Gary Arnold, General Manager

Strategic Plan Reference

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

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

1. PURPOSE

- 1.1 The purpose of this report is to ensure that Council's voting delegate, for the 18 March 2022 LGAT General Meeting, receives Council's direction on 'how to vote' on motions for which notice has been received. Please refer to the attached agenda items and background information in support of the motions needing decision.

2. BACKGROUND

- 2.1 Motions can be put to LGAT Members at any General Meeting but traditionally the majority are considered at the General Meeting attached to the annual Local Government Conference. There are 5 motions for Member Councils to vote on, including one put forward by Kingborough Council (Fire Bunkers).

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements associated with this report.

4. DISCUSSION

- 4.1 See attachment.

5. FINANCE

- 5.1 There are no financial implications associated with this report.

6. ENVIRONMENT

- 6.1 There are no environmental concerns associated with this report.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Agenda was not available at the time of printing and will be provided to all Councillors before the Council meeting.

8. RISK

- 8.1 There are no risks associated with this report.

9. CONCLUSION

- 9.1 The motions, and background information, are tabulated in the attachment and the Mayor has reviewed each motion and considers that they are worthy of Council support.

10. RECOMMENDATION

That Council advise the Mayor regarding voting at the upcoming LGAT General Meeting as follows:

Derelict and Abandoned Buildings	Yes <input type="checkbox"/> No <input type="checkbox"/> DD <input type="checkbox"/>
Removal of Fringe Benefit Tax for Electric Vehicles	Yes <input type="checkbox"/> No <input type="checkbox"/> DD <input type="checkbox"/>
Family and Sexual Violence Prevention Framework	Yes <input type="checkbox"/> No <input type="checkbox"/> DD <input type="checkbox"/>
Differential Rates for Vacation Rentals	Yes <input type="checkbox"/> No <input type="checkbox"/> DD <input type="checkbox"/>
Fire Bunkers	Yes <input type="checkbox"/> No <input type="checkbox"/> DD <input type="checkbox"/>

ATTACHMENTS**1. Motions**

Public Copy

Clarence City Council

Decision Sought:

That LGAT lobby the State Government to investigate a legislative mechanism enabling state-wide, publicly available dilapidated, derelict and abandoned buildings registers and to charge levies in respect to those properties.

Background Comments:

Most councillors field complaints about the state of certain buildings that have been in disrepair for years, that could be partially completed building or unused commercial properties.

Dereliction can bring down the amenity of residential or commercial precinct, feeling of safety, dampen economic activity, discourage surrounding property owners from improving their on premises

Most Vandalism is done to the properties but letting a property fall into dilapidation is an act vandalism done by the property owners.

Council often has very limited if any scope to intervene, which is frustration as councillor and resident alike.

A register of derelict, dilapidated and abandoned buildings is not something most property owners would want to be listed on. It would help councils monitor dereliction across their municipality.

A levy is also a tangible incentive to repair property or dispose of it, often very simple steps might be able to make a difference eg ply wood with artwork, it could stimulate alternative uses for a site until a development is commenced. Anyone who has been to Christchurch New Zealand has seen that sites can be cheaply and quickly repurposed possibly with food trucks on an empty service station site.

This motion was inspired by the way dereliction is dealt with in Ireland

The Derelict Sites Act 1990 (republic of Ireland) defines a derelict site as any land that "detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of:

- ...structures which are in a ruinous, derelict or dangerous condition, or
- the neglected, unsightly or objectionable condition of the land or of structures on the land in question, or
- the presence, deposit or collection of litter, rubbish, debris or waste..."

Voting: Yes ☐ No ☐ DD ☐

Brighton Council**Decision Sought:**

That LGAT advocate to the Federal Government for the removal/exemption of FBT on Electric vehicles where use is restricted to travel between home and work.

Background Comments:

Brighton Council brought the issue of Fringe Benefit Tax impediments for full electric vehicles to the Southern Tasmanian Councils Authority's attention, seeking endorsement to send an advocacy letter to the Federal Government from the STCA (attached). This was subsequently endorsed on 17 November 2021. The letter urges the Federal Government to:

"add Electric Vehicles to the Australian Taxation Office eligible vehicles where private vehicle use is restricted to travel between home and work."

The STCA represents a significant proportion of Tasmania's population and advocates for climate change action via the Regional Climate Change Initiative (2011 to 2021).

Brighton Council authored the letter to Federal Government Minister Angus Taylor and cites Brighton Council as one local government example of many, working to reduce the barriers to electric vehicle adoption.

Brighton Council internal electric vehicle review November 2021 summary

Brighton Council has recently reviewed opportunities to switch to full electric vehicles as part of endorsing a corporate emission reduction target of 30% below 2021 levels by 2030, on the pathway to zero emissions by 2040.

Cost is one of the biggest barriers preventing broadscale switches within local government fleets.

Fringe Benefit Tax (FBT) becomes a significant financial cost for roughly half of Brighton Council's light vehicle fleet (not heavy vehicle/trucks) as most of the take-home-work-vehicles are utes, which do not attract FBT. As soon as these are switched to an electric sedan or hatchback for the same purpose, a Federal Government Fringe Benefit Tax applies.

The FBT exemption for take home, private use restricted utes can be as high as \$8000 per vehicle per year. The scale of this saving effectively renders all other vehicles more expensive. If this exemption applied to electric vehicles, it would instantly be cost effective for council to transition toward low emission electric vehicles, which would also benefit from charging when parked from council's roof top solar.

The current Liberal Coalition Federal Government recently reviewed the application of FBT to electric vehicles as part of the national Future Fuels and Vehicles Strategy and has no plans to alter the existing FBT policy. The recently announced Labor Party policy is to exempt FBT for all electric cars below the luxury car threshold for fuel efficient cars from July 2022, should they win the next election.

The landscape for low emissions and EVs is changing rapidly. We should take every sensible opportunity to reduce emissions, make savings and improve efficiency.

Communities look to Council's for leadership on issues such as climate change action and it emerged as a core priority for the Brighton Council community in the 2050 Vision consultation. There is a key role for government to demonstrate emerging technologies, such as the Tasmanian Government has by setting a 100% EV state government vehicle fleet target by 2030 and changing its stamp duty policy for EVs.

Voting: Yes ☐ No ☐ DD ☐

Public Copy

Northern Midlands Council

Decision Sought:

That LGAT lobby the State Government to initiate and fund the development and implementation of a family and sexual violence prevention framework for local government across the state.

Background Comments:

Local Governments play a vital role bringing together different organisations with regards to the health and wellbeing of their communities.

In October 2021, a number of representative across 13 councils, including Mayors, Councillors, General Managers, Directors and Community Development Officers met with the Our Watch Senior Advisor, Kelsey Paske, and LGAT Policy Officer, Lynden Leppard to form an informal community of practice to identify what councils were doing with regards to prevention, to share insights, discuss challenges and develop a collaborative approach for how local government in Tasmania can effectively address the drivers of violence against women. The scourge of Family and Sexual Violence continues to plague Tasmanian communities. By developing a framework to address this issue, Local Governments can assist in bringing together multiple stakeholders in the Family and Sexual Violence prevention fields to harmonise their efforts and be a voice of advocacy in their communities. This motion seeks to encourage Council's across the state to bring this matter to the forefront of their planning in the health and wellbeing space.

The Australian Government developed the National Plan to Reduce Violence Against Women and their Children which is a long term (12 year) plan (2010 – 2022). The Tasmanian Department of Premier and Cabinet, Community Development Division developed a complementary strategy, "Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022". Both strategies have now reached the end of their timeframe and are due to be reviewed and updated. The Draft "National Plan to End Violence Against Women and Children 2022 – 2032", was released for comment on 14 January 2022.

Statistically, in 2020, there were 3,414 victims of assault recorded in Tasmania (631 victims per 100,000) persons. Most assaults:

- occurred at a residential location (57% or 1,946 victims)

Most assault victims:

- knew the offender (73% or 2,496 victims)
- were female (53% or 1,819 victims)

Around half of all assaults were Family and Domestic Violence (FDV) related. That's 47% or, 1,600 victims of FDV.

There were 267 victims of sexual assault recorded in Tasmania in 2020, an increase of 27% (56 victims per 100,000) from the previous year (49 victims per 100,000 persons).

Most sexual assaults occurred at a residential location (71% or 190 victims). Most victims of sexual assault:

- knew the offender (86% or 229 victims)
- were female (83% or 221 victims)

Around two in five victims of sexual assault were FDV-related (41% or 110 victims).

Reference: Australian Bureau of Statistics (Recorded Crime – victims): <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/latest-release#tasmania>

Domestic and family violence refers to a wide range of behaviours designed to create dependency, isolate, and control, or monitor another person's activities. Control and power can be enacted through words as well as actions, and it is important to recognise that these behaviours, while not physically violent, are still serious types of domestic abuse. These actions occur when a person tries to deny another person their freedom of action, as well as trying to frighten, humiliate, or degrade them.

Appreciably, the experience of domestic violence doesn't affect all women equally. Women with disabilities, young women, pregnant women, Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women (CALD), and women experiencing financial hardship, are most at risk of experiencing domestic violence. Further, the impact it has on the lives of our families, friends, and the wider community include long term social, health, psychological, financial, and economic damage.

Every year, millions of Australians from all socio-economic backgrounds, religions, education level, age, gender, or sexual orientation, experience Family and/or Domestic Violence, and while men are also victims, it is women who are the overwhelming victims, describing living with violence as, *"like being on a roller-coaster, never knowing what will happen next"* and *"living in constant fear"*.

While levels of government, workplaces, community sectors and individuals and families have a role to play, local government is closely connected with the community and has influence that state government does not. We need to work together to ensure that we all promote respect, inclusion and a healthier Tasmania.

Local Government has an ideal opportunity, through LGAT and the development of a Local Government Framework, to bring fresh perspective at a local level and send a message to the broader community that Councils are concerned for the health and wellbeing of their communities and the prevalence and effects of domestic and family violence.

The Northern Midlands is bringing this Motion to LGAT now, rather than waiting for the September meeting and a State Government response, so that this proposal can be presented within the State Budget LGAT Priorities List for inclusion in the current review of the Third Tasmanian Family and Sexual Violence Action Plan and potentially funded under this Plan.

Voting: Yes ☐ No ☐ DD ☐

Break O'Day Council**Decision Sought:**

That Council move a motion at the LGAT General Assembly requesting legislation be amended to empower local government to levy differential rates for properties used for vacation rental

Background Comments:

In investigating options for Council to address the issue of long term rental properties converting to vacation rental, it was identified that Council's "head of power" for differential rating is S107 of the Act and the Act is quite specific as to the land use categories that can be used for differential rating. The Act specifies "residential" purposes with no sub categories. Land use is not specified as such but we take this to mean the land use identified for the property by the Valuer General (VG).

It is also noted that the issue of long term rental properties converting to vacation rental has been an issue for local governments around Tasmania, not only Break O'Day.

On that basis, it is recommended that Council lobby the state government, through LGAT (Local Government Association of Tasmania) to empower local government specifically to be able to levy differential rates for vacation rental properties. This is undertaken through a motion to the LGAT General Assembly.

Voting: Yes ☐ No ☐ DD ☐

Kingborough Council

Decision Sought:

That LGAT lobby the State Government and TasFire Service to investigate the accreditation of fire bunkers and other structures legalised in other Australian states for use in Tasmania.

Background Comments:

Kingborough is considered one of the most bushfire prone municipalities in Tasmania and currently fire bunkers are not able to be legally accredited. Many members of the community reside along narrow, tree lined no- through roads. As fire events become more extreme, fire bunkers may be, in some instances, the only safe protection.

Voting: Yes ☐ No ☐ DD ☐

Public Copy

17 NOTICES OF MOTION

17.1 Installation of a Fourth Flagpole

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

RECOMMENDATION

That:

- (a) That Council authorises officers to install a fourth flagpole at the Civic Centre, for display of a rainbow flag to recognise our LGBTQTI+ communities on dedicated awareness days; and
- (b) That officers develop an application process and guidelines in relation to the flying of any other flags on this fourth flagpole for commemorative or recognition purposes and that this policy be completed and returned to Council for consideration before the end of April, 2022.

Background

Kingborough Council has long been committed to building a safe, respectful and healthy community for all. Council is about to embark on engagement with our local LGBTQTI+ communities and so it seems timely to show our commitment, respect and recognition through display of the rainbow (Progress Pride) flag at the Civic Centre on LGBTQTI+ awareness days -such as the Tasmanian Pride Week, International Day Against Homophobia, Biphobia, Interphobia and Transphobia, Wear It Purple Day, World AIDS Day, Bi Visibility Day, and Intersex Awareness Day.

The fourth flagpole would also then be available for other commemorative or recognition purposes, such as Legacy Week, NAIDOC Week or other nations during official visits. The availability of the fourth flagpole would eliminate the need for existing flags to be removed to accommodate flags requested by community groups.

The estimated cost of an additional flagpole, including installation, is just under \$5,000. Due to the pandemic there has been a significant underspend in both the Council Policy Donations budget and Mayoral Donations. As at 1 January 2022 these two budget items have \$13,150 of available funds in them, which is unlikely to be fully expended prior to the end of the current financial year. I have been advised by staff that it would be appropriate to use this funding for the installation of the additional flagpole.

Officer's Response

Council decision required.

Dr Katrena Stephenson, Director Environment, Development & Community Services

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

Kingston Park Commercial Tenancy Lease

Regulation 15(2)(f) *proposals for the council to acquire land or an interest in the land or for the disposal of land.*

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

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

RECOMMENDATION

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

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	
Kingston Park Commercial Tenancy Lease	

CLOSURE

Public Copy

APPENDIX

- A Disability Inclusion & Access Advisory Committee Minutes February 2022
- B General Manager's Diary 24 January 2022 to 25 February 2022
- C Current and Ongoing Minute Resolutions (Open Session)
- D Current and Ongoing Minute Resolutions (Closed Session)
- E Development Services Quarterly Report

Public Copy

A DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE MINUTES FEBRUARY 2022

MINUTES

KINGBOROUGH DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE

Meeting No. 2022-1

Wednesday 9 February 2022



Minutes of a Meeting of the Kingborough Disability Inclusion & Access Advisory Committee held at the Kingborough Civic Centre, Kingston, on Wednesday 9 February 2022 2.00pm.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Paula Wriedt	✓	
	David Vickery	✓	
	Kevin Brown		
	Di Carter	✓	
	Fran Thompson	✓	
	Richard Witbreuk	✓	
	Wendy Nielsen	✓	
	Heather Anderson	✓	
	David McQuillan	✓	
	Don Hempton	✓	
	Anne Rathjen	✓	
Staff	Julie Alderfox (Community Development Officer)	✓	
	Mel Staples (Community Development Officer)	✓	
	Dan Kaimatsoglu (Project Manager Transform Kingston)	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which the Committee met and acknowledged elders past and present.

DECLARATIONS OF INTEREST

Anne Rathjen declared her position on the committee of the Junior Tigers Football Club

CONFIRMATION OF MINUTES

MOVED: David Vickery
SECONDED: Di Carter

That the Minutes of the Committee meeting held on 8 December 2021 as circulated, be confirmed.

CARRIED

BUSINESS ARISING

Beach Matting at Kingston Beach

A report is being prepared for Council outlining the costs and responsibilities involved in the provision of beach matting were it to be wholly managed by Council. It is anticipated that details, once collated will need to be comprehensive enough to gain approval prior to going to community consultation. The proposal needs to present an acceptable level of commitment and resourcing by Council.

It was noted that community consultation should involve service providers which support people with disability.

It was noted that Kingston Beach Surf Life Saving Club's storage locker for the two beach wheelchairs has been located on the grassed area adjacent to the toilet block in a fully accessible position.

Disability Awareness Training

Discussions took place in late 2021 to arrange for Michael Small, Disability Access Consultant and advocate to provide awareness training for staff. Dates were discussed and Wednesday afternoons were agreed to. A date to be confirmed with Michael Small.

Educational Booklets

'How to make your business accessible' booklet is a comprehensive resource for businesses providing information and tips on making easier for customers to engage with businesses. More copies to be requested for distribution.

Accessibility in Council Projects

Access consultant Michael Small from Equality Building attended a meeting with Mayor Cr Paula Wriedt, Director Environment, Development & Community and Julie Alderfox Community Development Officer to discuss ways to improve disability access outcomes for Council projects.

Arrangements were made for Michael to conduct workshops for Council staff in the new year. Workshops will aim to raise understanding of the importance of providing truly accessible amenities and find ways to embed accessible design at the earliest possible stages of project development.

Plans for 2022

Discussion began in relation to priorities and goals for 2022.

Of note were:

Footpaths: particularly where footpaths discontinue and resume on the opposite side of the road causing issues for those requiring a sealed path of travel. One location where the footpath stops abruptly is Diamond Drive.

Balmoral Road was mentioned as difficult to navigate due to parked cars and Hutchins Street for the poor quality of the pavement.

Shared pathways: ensuring that pedestrians have right of way on shared pathways.

It has been noticed that some bicycle and skateboard users move at speed with the expectation that pedestrians will move out of the way.

Park & Ride: ensuring that disability access is kept at the forefront of developments such as the Park & Ride facilities and Transform Kingston project. Ensuring that assumptions about disability are avoided and a big picture view which includes hidden disabilities are considered.

Dan Kaimatsoglu & Steve Loxely entered the meeting at 3pm.

The discussion on plans for 2022 was halted to allow for presentations on Transform Kingston and Kingston Park Stage 2.

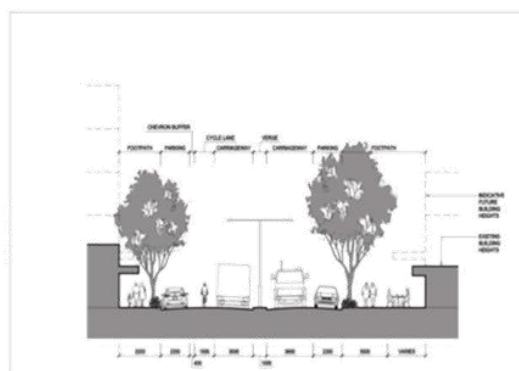
Transform Kingston

Advice on Transform Kingston draft plans and community engagement was provided by Project Manager Dan Kaimatsoglu. Pedestrian linkages, design features, public transport infrastructure and vehicular traffic routes were explained. It was also noted that community engagement had been undertaken with business operators.

Of particular interest to the committee were the design options being offered for the bus stop on the southern side of Channel Highway which involves the directing of movements by bicyclists, pedestrians and bus passengers. Two options were provided in the design drawings:

Option 1 includes an 'on-road' cycle lane which is positioned between parked cars and the travel lane and continues past the outside of the bus stop adjacent Commonwealth bank and connects with the existing cycle lane at the Banjo Bakery traffic signals.

Transform Kingston

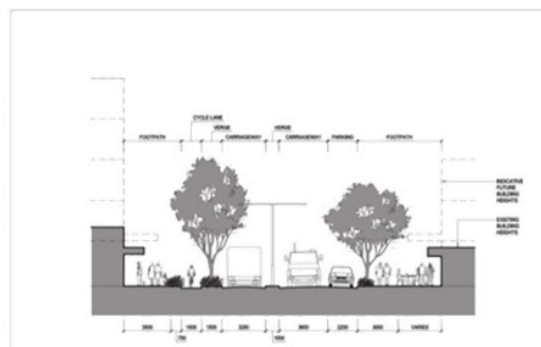


Concept 1 **Kingborough**

TRANSFORM KINGSTON - CHANNEL HWY UPGRADE - CONCEPT SECTION 1 (PRELIMINARY DRAFT) - 1:100 (A3) - 14th JULY 2021

Option 2 has a 'separated' cycle lane which is positioned between the footpath and a vegetated traffic island, which acts as a barrier between cyclist and moving vehicles. The cycle lane then ramps up to footpath level after passing the Channel Court entry/exit and runs between the bus stop and footpath. Cyclist will be instructed to give way to passengers entering and exiting the bus. All up hill on street parking will be removed as part of this option.

Transform Kingston



Concept 2 **Kingborough**

The Committee overwhelmingly supported Option 1 noting that Option 2 would create obstacles and stress particularly for slower moving people with the movement of cyclists passing between the passenger alighting/disembarking area and the footpath.

Dan Kaimatsoglu left the meeting at 3.20pm

Kingston Park Stage 2

Kingston Park Project Manager Steve Loxely provided an update on the progress of the Kingston Park Stage 2, noting that the steps which formed part of the path to the viewing platform have been removed. DDA compliance is not possible due to the topography.

An update on the Changing Place was provided noting that there is still outstanding rectification work to be undertaken. These include the replacement of a handrail, installation of the compliant sink and inclusion of suitable colour contrast around the door frame.

It was suggested that dark orange as a contrast to grey concrete would provide the most suitable contrast for all. Black, yellow, red and green were deemed inappropriate for people with visual impairment and/or colour blindness.

Di Carter and Richard Witbreuk left the meeting at 3.30pm

Steve Loxley left the meeting at 3.35pm

Resumption of Discussion on Plans for 2022

Due to time constraints committee members were asked to forward suggestions directly to Cr Wriedt.

Correspondence

Correspondence in from Disability Voices Tasmania

Provided information on:

- Religious Discrimination Bill
- Parliament Square High Court case
- Statement on use of e-scooters

Update of 2018-2021 Accessible Island Tasmania's Disability Framework for Action

Department of Communities correspondence responded to a query as to the review of Tasmania's Disability Framework for Action. We were informed that Targeted Action Plans will provide a focus for the Tasmanian Government's community consultations on the next iteration of Accessible Island. Consultation for the review of Accessible Island is anticipated to commence in the second quarter of 2022.

Development Applications

Kingston Beach Oval Change Rooms.

Copies of the design drawings were provided to the group. Suggestions for improved accessibility included:

- Use of sliding doors instead of traditional hinged swing doors
- No threshold entry
- Installation of accessible shower facilities to ensure inclusion into the future
- Ensure items such as mirrors, hand towels and basins are at heights accessible to as wide a range as people as possible.

Other Business

Complaints Framework

Accessible Premises Standards /National Construction Code

Follow up with Elise Archer MP regarding the National Construction Code and Accessible Premises Standards.

Taroona High School Bus Stop

Bus Stop Taroona High – DDA compliance to be checked.

E-Scooters

E-scooters – concerns were raised regarding the risk to pedestrians. It appears that the sharing of pathways/footpaths doesn't favour the safety of pedestrians.

NEXT MEETING

The next meeting of the Access Advisory Committee is scheduled to take place on Wednesday 13 February 2022 2pm at the Council Chambers.

CLOSURE:

There being no further business, the Chairperson declared the meeting closed at 4pm.

B GENERAL MANAGER'S DIARY 24 JANUARY 2022 TO 25 FEBRUARY 2022

24 – 28 January	On Leave
31 January	Participated in the Metro GM's Weekly meeting
1 February	Attended the Greater Hobart General Manager's Metroplan update meeting
	Attended the Hobart City Deal Transport and Housing Project Steering Committee meeting
2 February	In company with the Mayor, attended the Greater Hobart Mayors Forum
	Met with the CEO Metro Tasmania
3 February	Met with Mr Dave Drysdale to discuss development matters
	Attended the TasWater Owners Representatives Quarterly meeting
4 February	Attended meeting with representatives of GHD regarding the Huntingfield roundabout slip lane
	Regular meeting with representatives of Traders In Purple
7 February	Participated in the Metro GM's Weekly meeting
	Attended Council meeting
8 February	Met with Mrs Jan Glover to discuss strata development
	Met with Mr Paul Viney independent Audit Panel member
9 February	Met with Mr Dennis Cantwell to discuss development matters
10 February	Attended a Copping Refuse Disposal Joint Authority General Meeting
11 February	Attended the Audit Panel meeting
15 February	Participated in the Metro GM's Weekly meeting
	Attended the Hobart City Deal Implementation Board meeting
16 February	Met with Mr Mike Brough to discuss Friends of Longley Group
17 February	Attended the Greater Hobart Committee Advisory Group meeting
18 February	Met with Mr Emmanuel Kalis to discuss development matters
21 February	Participated in the Metro GM's Weekly meeting
	Attended Council meeting
23 February	Regular meeting with representatives of Traders In Purple
25 February	In company with the Mayor, CFO and Chair Audit Panel met with representatives of the Tasmanian Audit Office

C CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

CURRENT	
Resolution Title	Glyphosate
Meeting Date	7 February 2022
Minute No.	C54/2-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	This matter has been deferred pending the release of international research anticipated in May 2022. A report will come to Council after that research has become publicly available.
Anticipated Date of Completion	July 2022
STILL BEING ACTIONED	
Resolution Title	Biodiversity Offset Policy
Meeting Date	6 December 2021
Minute No.	C648/24-2021
Status	In progress
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	Officers are working on a report to come to Council regarding options to reset quantum of offset within context of recently reviewed policy.
Anticipated Date of Completion	March 2022
Resolution Title	Smoke Free Sports Precinct
Meeting Date	20 December 2021
Minute No.	C677/25-2021
Status	In progress
Responsible Officer	Senior Environmental Health Officer
Officers Comments	Report to Council being prepared
Anticipated Date of Completion	March 2022
Resolution Title	Beach Road, Kingston Beach
Meeting Date	4 October 2021
Minute No.	C547/20-2021
Status	Ongoing
Responsible Officer	Director Engineering Services
Officers Comments	Completed pedestrian and traffic counts, summarised report to be provided, consideration for the 2022/23 budget to be made for improvements
Anticipated Date of Completion	March 2022
Resolution Title	Delegated Authority Policies
Meeting Date	5 July 2021
Minute No.	C357/13-2021
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Awaiting legal advice
Anticipated Date of Completion	March 2022

Resolution Title	Climate Change Resourcing
Meeting Date	21 June 2021
Minute No.	C313/12-2021
Status	In progress
Responsible Officer	Chief Financial Officer
Officers Comments	No funds were available in the mid-year review. Will be considered during the operational budget discussions for 2022/23.
Anticipated Date of Completion	June 2022
Resolution Title	Kingborough Bicycle Advisory Committee
Meeting Date	3 May 2021
Minute No.	C211/8-2021
Status	Ongoing
Responsible Officer	Manager Development Services
Officers Comments	Awaiting direction from the Planning Commission as to when the Scheme may progress
Anticipated Date of Completion	February 2022
Resolution Title	Petition: Development of Walking Track in Spring Farm and Whitewater Park Estates to Connect to Huntingfield
Meeting Date	1 March 2021
Minute No.	C94/4-2021
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Grant application lodged – project is dependent on funding
Anticipated Date of Completion	Unknown
Resolution Title	Properties for Disposal
Meeting Date	26 October 2020
Minute No.	C626/20-2020
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Two properties sold
Anticipated Date of Completion	July 2022
Resolution Title	Hobart City Deal and Implementing the Kingston Place Strategy
Meeting Date	13 July 2020
Minute No.	C397/13-2020
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	A major project which will be ongoing for the next three years and regular reports will be provided to Council
Anticipated Date of Completion	Ongoing
Resolution Title	Funding for Public Infrastructure Required to Support Large Sub-divisions
Meeting Date	22 July 2020
Minute No.	C429/14-2020
Status	In progress
Responsible Officer	Manager Development Services

Officers Comments	LGAT is taking the lead for a collaborative approach across all Councils. They will be surveying the Councils as part of the project development. There has been work with TasWater specifically about the contributions related to them. We will continue to keep Council updated on the progress, however, there has not been any recent updates for this.
Anticipated Date of Completion	Unknown
Resolution Title	Paid Parking Within Central Kingston
Meeting Date	13 January 2020
Minute No.	C30/1-20
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	This is to be revisited following the completion by the State government of the Huntingfield park and ride.
Anticipated Date of Completion	March 2022
Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	In progress
Responsible Officer	Chief Information Officer
Officers Comments	Security review component completed by independent auditors. An independent audit of Council's ICT security controls with a focus cyber security, including assessment against the Essential Eight threat mitigation strategies has been completed by WLF. The findings and recommendations have been submitted to the Audit Panel. This activity, which was funded through the internal audit program, covers off on a significant part of the resolution which sought to identify and "lower risks" and highlight "areas for improvement". The remaining components such as identifying opportunities to improve service delivery or reduce service delivery costs across its operations have yet to be independently reviewed.
Anticipated Date of Completion	Security/Risk - March 2022. Balance of activities yet to be funded

D CURRENT AND ONGOING MINUTE RESOLUTIONS (CLOSED SESSION)

CURRENT	
STILL BEING ACTIONED	
Resolution Title	Sale of Land for Non-payment of Rates
Meeting Date	September 2015
Minute No.	GF62/5-15
Status	In progress
Responsible Officer	Chief Financial Officer
Officers Comments	The owner has been notified of Council's intention to sell this land. This has been advertised in The Mercury advising the owner has 90 days to make payment in full or the sale will go ahead. Final discussions are being held with the auctioneer with the auction expected to be in March 2022.
Anticipated Date of Completion	Unknown

Public Copy

E DEVELOPMENT SERVICES QUARTERLY REPORT**File Number:** 37.8**Author:** Tasha Tyler-Moore, Manager Development Services**Authoriser:** Dr Katrena Stephenson, Director Environment, Development & Community Services**1. INTRODUCTION**

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

This report provides an update on Development Services' building and planning permit activity including lodgement numbers; Resource Management Planning and Approvals Tribunal (RMPAT) and Tasmanian Planning Commission (TPC) matters; and strategic planning matters.

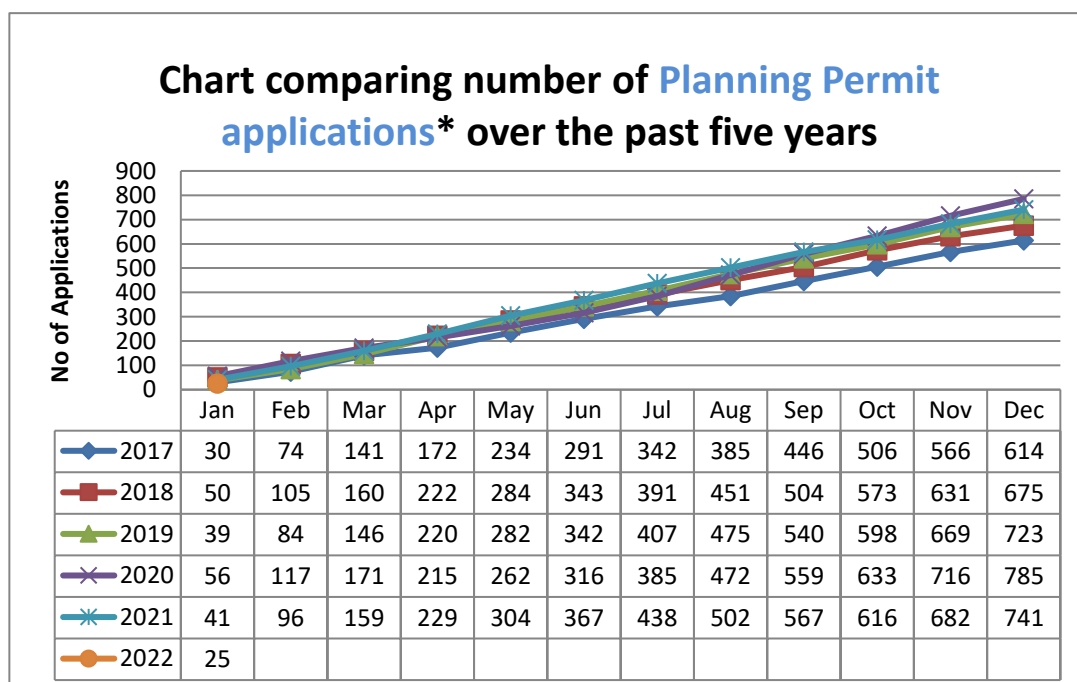
2. PLANNING**2.1 Change of State Minister for Local Government and Planning**

On 17 February it was announced by the Premier that the Minister of Local Government and Planning will change from Minister Roger Jaensch to Minister Michael Ferguson.

2.2 Planning application lodgement numbers

The chart below details the number of planning applications lodged this year to date (until end of January 2022) and shows a comparison of the number of applications lodged over the past five years.

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



As can be seen from the chart above, there was a 5.6% decrease in the total number of applications lodged in the year 2021 compared to 2020. However, it should be noted that the total number of applications in 2020 was significantly increased as a result of the State and Federal Covid stimulus packages. If the comparison excluded the year 2020, it would be a 2.5% increase on the earlier year 2019.

2022 has seen a slow start for application numbers with a 39% decrease compared to the application lodgements for the previous year 2021. In fact, it is the lowest number of lodgements over the past 5 years. It is only speculative, but perhaps the decrease in the number of planning applications lodged is due to the common knowledge that there are a shortage of trades people and materials, which has significantly increased the cost of development and may deter people making applications (impacting both whole house developments, extensions or small builds such as outbuildings). Another influencing factor that is based on anecdotal evidence, is that many of the consultants that are involved in the formulation of planning applications (such as bushfire experts, ecologists, engineers etc) were so busy at the end of 2021 that they were not taking on new work and have remained closed for the start of 2022 to recover from the busy year. At the time of writing this report (23 February), we have seen an increase of lodgements for the month compared to January.

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

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

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

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

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

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

There has been no update of timing provided by the TPC, noting that Kingborough Council's last submission of information was 1 April 2021.

At the time of writing this report 11 of the 29 Councils have transitioned over to the Tasmanian Planning Scheme (a full list is available on the State Government Website).

2.4 Tasmanian Planning Reform

State Government Planning Office/Department

In December 2021 it was announced that The Planning Policy Unit (PPU) was moved from the Department of Justice (DoJ) to the Department of Premier and Cabinet (DPAC). The department also had a name change from The Planning Policy Unit to The State Planning Office (State Planning).

Change from RMPAT to TASCAT

In November 2021 the Tasmanian Civil and Administrative Tribunal (TASCAT) officially commenced. Formerly, if an appeal was lodged under the Land Use Planning and Approvals Act 1993 an appeal could be lodged with the Resource Management and Planning Appeals Tribunal (RMPAT), now it would be lodged with TASCAT. For all intents and purposes much of the process and intent remains the same with TASCAT having a dedicated Planning stream.

TASCAT is not limited to Planning, it encompasses jurisdiction across several areas including Anti-Discrimination Tribunal (ADT); Asbestos Compensation Tribunal (ACT); Forest Practices Tribunal (FPT); Guardianship and Administration Board (GAB); Health Practitioners Tribunal (HPT); Mental Health Tribunal (MHT); Motor Accidents Compensation Tribunal (MACT); Resource Management and Planning Appeal Tribunal (RMPAT); and, Workers Rehabilitation and Compensation Tribunal (WRCT).

TASCAT operates under the TASCAT Act 2020 and associated regulations.

Planning Directive No. 8.

On 16 February 2022 Council was advised by the Minister of Planning that he has issued 'Planning Directive No. 8 – Exemptions, Application Requirements, Special Provisions and Zone Provisions'. For Kingborough, who is still on an Interim Planning Scheme, it means that it replaces Interim Planning Directive No.4 (in place since February 2021). The final version included amendments to the Planning Directive such as clerical errors or clarified provisions that were not working in their original format. The changes came into effect on 22 February 2022.

Scoping for Tasmanian Planning Policies

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

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

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

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

Submissions closed in October 2021 and based on the information on the State Government website there were 108 submissions, including from Kingborough Council. The website indicates that the next stage in the process would be 'in collaboration with Local Government and peak industry bodies, State Agencies prepare the draft of the Tasmanian Planning Policies', however there are no timeframes indicated.

To view the scoping paper, submissions or explanation of the process, people should visit the State Government website www.planningreform.tas.gov.au/policies.

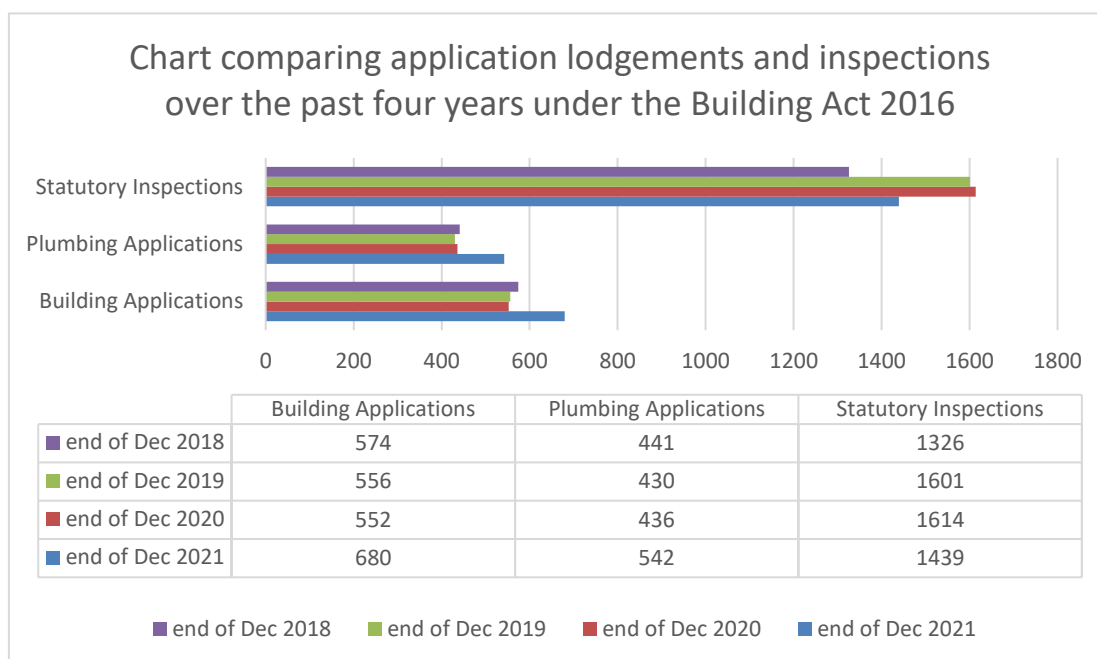
2.5 Planning Appeal Update

Below are current Planning matters that are before TASCAT.

Council Ref. Appeal No.	Proposal Subject Site	Appeal type	Current status/comments/outcome
DAS-2021-6 123/21S	Subdivision 4 Old Farmhouse Road, Kingston	Appeal by applicant against conditions	Resolved by mediation; awaiting direction from the Tribunal to issue an amended Permit.
DA-2021-305 120/21P	Public multi-user track North-West Bay (Sandfly and Kingston)	Appeal by representor against decision to issue a permit	Following the preliminary conference and mediation, the appellant has withdrawn their appeal (17 February 2022) – the Permit issued by Council stands.
DAS-2018-2 139/21P	Subdivision 3446 Channel Highway, Woodbridge	Appeal by applicant against permit conditions	Mediation was unsuccessful, full hearing scheduled for 25 March 2022.
DAS-2019-38 143/219P	Subdivision 137 Channel Highway, Taroona	Appeal by applicant	Mediation was unsuccessful, full hearing scheduled for 1 April 2022.
DAS-2021-1 163/21S	Subdivision and commercial development 202 Channel Highway & 11 Spring Farm Lane, Kingston	Appeal by representor against decision to issue a permit	Currently in mediation discussions with the appellant.
DA-2019-578 01/22P	Extension to Nursery 29 Parkdale Drive, Leslie Vale	Appeal by Applicant against conditions	Currently in mediation discussions with the applicant.
DA-2021-693 05/22P	Dwelling 398 Old Bernies Road, Margate	Appeal by applicant regarding the Request for Further Information	Informal mediation occurring, full hearing date set for March.

3. Building and Plumbing

3.1 Building and Plumbing Application and inspection numbers



The chart above shows the numbers until the end of December for each year. The chart demonstrates that the plumbing and building applications are higher than previous years.

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

3.2 Financial assistance for consumers affected by construction company failures

Protection will be provided by the Government for relevant members of the Tasmanian community whose builder has died, become insolvent or has disappeared since 1 July 2021 through an assistance package that includes the following:

- work that has commenced but is incomplete – the ability to claim for losses up to 20% of the contract price to a maximum of \$200, 000; or
- work contracted and paid deposits but yet to commence – ability to claim for losses up to 5% of their contract price.
- owners conditionally approved for HomeBuilder Grant can continue to access the support.