

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 18 July 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. 14 to be held on Monday, 18 July 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, 12 July 2022

Public Copy

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GUIDELINES FOR PUBLIC QUESTIONS

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

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

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

Questions on Notice

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

Questions Without Notice

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 18 July 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.13 held on 4 July 2022 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

11 July - Margate Strategic Fire Plan

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 Inappropriate Application of Landscape Conservation Zone (LCZ) in Draft LPS

Ms Angela Hanly submitted the following question on notice:

I refer to Section 8A Guideline No 1 - Local Provision Schedule (LPS) zone and code application guidelines¹ provided by the Tasmania Planning Commission which states under the zone application guidelines on page 20:

"The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary."

Landscape Conservation Zone (LCZ) is an optional zoning under State Government guidelines. The way that LCZ has been applied by Kingborough Council to thousands of properties in the Kingborough region in the draft LPS is clearly NOT a part of the Government process. This discretionary application of LCZ by council is expected to cause a high level of harm and distress to a large proportion of Kingborough residents (many of whom are blissfully unaware due to the lack of communication) in terms of property devaluations, potential financing/refinancing issues, new restrictions, and national parks style zoning applied to private land - to name a few. It is not like-for-like rezoning – it's not even close.

With the above in mind – I have two questions/requests.

- 1. As a matter of priority, I'm asking Council to request of the Minister and the Tasmanian Planning Commission to recall the draft LPS and fix the scattergun approach that has been taken when recommending LCZ.*

¹ https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf

2. *If Council is not prepared to take the proactive action of withdrawing and correcting the inappropriate and detrimental application of LCZ in the LPS whilst it's in a draft state, I'd like to hear the reasons WHY. Does council think it's fair and appropriate to allow the incorrect draft to run its course with the TPC therefore placing the onerous task of protecting our fundamental property rights back on to individual residents during the public consultation process? If the answer is yes, you are expecting residents to spend hours of their own time on research and submissions, plus wear the potential costs associated with engaging planners, engineers etc to support submissions to defend our properties. This expectation is nothing short of outrageous and could be avoided if Council were to take proactive steps to correct its disastrous and negligent recommendations of LCZ saving residents stress, time, and money. The question is will you?*

Officer's Response:

Kingborough's draft Local Provision Schedule (LPS) was endorsed by Council on 9 December 2019 and again on 11 February 2020, when errors on the LPS mapping were fixed and submitted to the Tasmanian Planning Commission for consideration. The [State Government's Guidelines](#) outline the criteria that must be considered for the conversion of the current interim planning zones to the new Tasmanian Planning Scheme.

The Environmental Living Zone of the Kingborough Interim Planning Scheme 2015 will no longer exist under the new Tasmanian Planning Scheme, and as a result Council had to suggest an alternative zone for land that is currently zoned Environmental Living. The statement that all properties zoned Environmental Living will automatically converted to the Landscape Conservation Zone is incorrect. The application of the State Government's Guidelines resulted in the conversion of properties in the Environmental Living Zone to a number of different zones under the Tasmanian Planning Scheme. For example, the broad application of the guidelines resulted in the conversion of the Environmental Living Zone to the Landscape Conservation Zone, Rural Living Zone, Rural Zone and in some instances to the Environmental Management Zone depending on the special features and characteristic of an individual property.

The proposed application of the Landscape Conservation Zone in Kingborough has not been finalised and may still change as a result of the Tasmanian Planning Commission's assessment before public consultation will occur. As such, it would be inappropriate for Council to request a withdrawal of the Kingborough Draft LPS at this point in time. In addition, putting a hold on the current assessment process (which is government led), will result in significant delays in the implementation of the Tasmanian Planning Scheme in Kingborough.

More information about the new Landscape Conservation Zone and what people will be able to do in that zone is provided on Council's website. More information will be made available closer to the exhibition period of the LPS. Once Council is ready to proceed with consultation, people will be able to confirm what zoning is proposed for their land, lodge an objection, support the proposal or raise concerns, but we are not there yet.

The [Kingborough LPS Supporting report](#), [Kingborough Draft Local Provision Schedule \(LPS\) draft mapping](#) and [Council Agenda of 9 December 2019](#) are available for viewing on Council's website.

Adriaan Stander, Strategic Planner

10.2 Recreational Trails Network

Ms Eva Burns submitted the following question on notice:

Council has committed to providing a network of recreational trails for the community. Many excellent sections of track have been opened. However, there remain some very small sections between existing tracks which result in a fragmented whole.

The most obvious of these are the following:

1. *North West Bay River end of Hopfields Road, Margate.*
2. *Englefield Drive via Hillview Drive to Baretta Reserve, Margate.*
3. *521 Allens Rivulet Road (east) to Sandfly Road, Sandfly.*
4. *Moodys Road, Allens Rivulet.*

These are all a high priority in "The Kingborough Council Tracks and Trails Strategic Action Plan".

Therefore, we would ask if Council could immediately put in place action to close these gaps in the Trails network.

Officer's Response:

It is acknowledged that all the above linkages are worthy additions to the tracks and trails network in Kingborough. However, there are time, cost and legal considerations involved in progressing these as agreements with private landowners are involved. Staff will make some preliminary investigations into the feasibility of creating these track linkages and provide a report to Council in relation to the likely cost and legal implications. It should be noted that in instances where a private landowner is unwilling to negotiate an easement for a right of public carriageway, the only option available is compulsory acquisition. Broad community benefit would need to be demonstrated before this option was considered justifiable.

Daniel Smee, Director Governance, Recreation & Property

10.3 Public Open Space, Spring Farm

Ms Kate Lucas submitted the following question on notice:

Is the proposed Spring Farm estate open space and the path linking Spring Farm to the Whitewater Creek track being funded by the developers of Spring Farm Estate or are the ratepayers being left to foot the bill?

Officer's Response:

The budget allocation for the Spring Farm track is \$475,000 that is made up of \$207,000 of cash in lieu Public Open Space contributions from the developer and the balance from Council's capital program.

Daniel Smee, Director Governance, Recreation & Property Services

10.4 Development Application for Slip Lane at Huntingfield

Ms Kate Lucas submitted the following question on notice:

Has Communities Tasmania submitted a development application for the promised slip lane to be added to the roundabout?

Officer's Response:

Yes, a development application has been lodged.

Melissa Stevenson, Coordinator Statutory Planning

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time the Agenda was compiled there were no Questions on Notice from Councillors.

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 – REZONING FROM INNER RESIDENTIAL ZONE TO COMMUNITY PURPOSE ZONE OF LAND (CT 178255/1) AT 35 MARANOA ROAD, KINGSTON

File Number: PSA-2022-2
Author: Adriaan Stander, Strategic Planner
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	All Urban Planning Pty Ltd
Owner:	Christian Schools, Tasmania
Zoning:	Inner Residential Zone
Purpose:	The purpose of this report is to consider an application made for a planning scheme amendment to rezone land (CT 178255/1) at 35 Maranoa Road, Kingston from the Inner Residential Zone to the Community Purpose Zone.
Representations:	This report is pre-public exhibition, and therefore the proposed amendment has not been advertised yet. Draft amendments are advertised for a minimum period of 28 days for public comment following initiation by the Planning Authority.
Recommendation:	That Council resolves to initiate Amendment PSA-2022-2 to the <i>Kingborough Interim Planning Scheme 2015</i> .

1. PROPOSAL

- 1.1 Council is in receipt of an application by All Urban Planning Pty Ltd on behalf of Christian Schools, Tasmania to amend the *Kingborough Interim Planning Scheme 2015* (KIPS 2015) in accordance with section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- 1.2 The proposal is to rezone a parcel of land (CT 178255/1) which is developed as part of an existing carpark for the Calvin Christian School at 35 Maranoa Road, Kingston, from Inner Residential to Community Purpose Zone. The new zoning will match the existing Community Purpose zoning of the remainder of the school site located on the adjoining parcel of land (CT 16465/1).

2. SITE AND CONTEXT

- 2.1 The subject land (CT 178255/1) is zoned Inner Residential and together with the adjoining land parcel (CT 16465/1) which is located in the Community Purpose Zone, forms part of the Calvin Christian School, located at 35 Maranoa Road, Kingston.
- 2.2 The land is also adjoined by single dwellings in the General Residential Zone to the North-East, North and North-West. Street frontage is provided off Maranoa Road as depicted in the locality and zoning map (refer Figure 1).

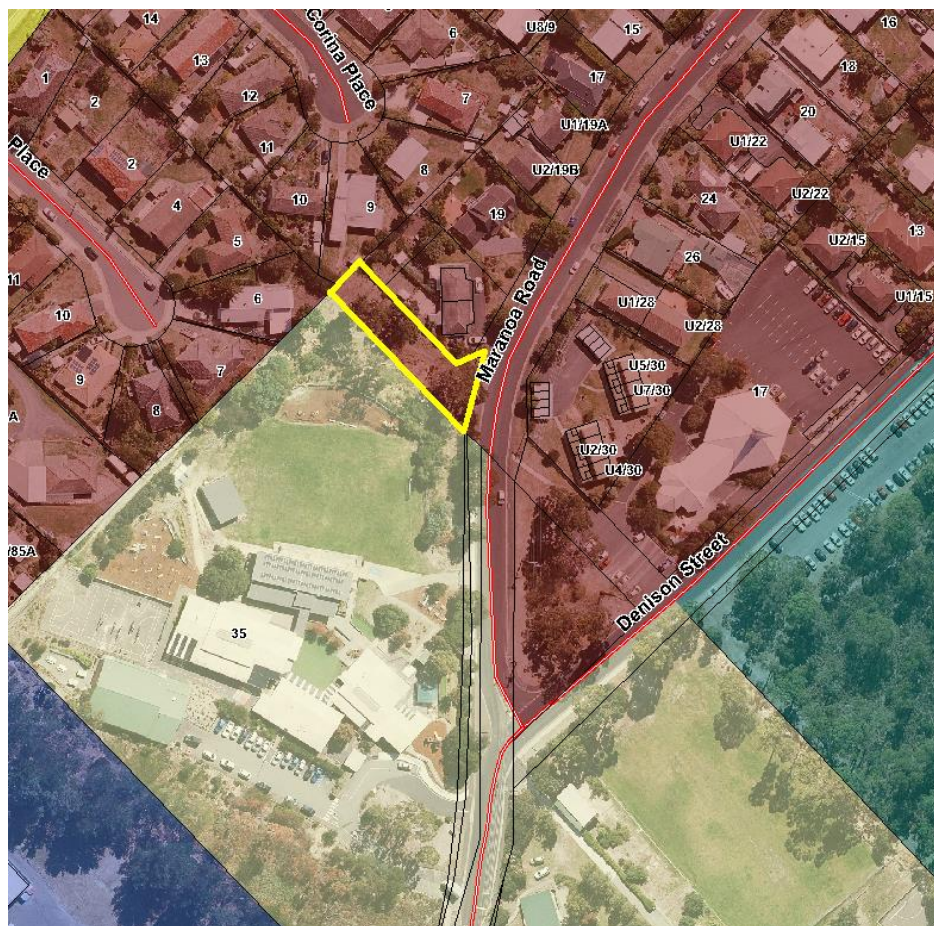
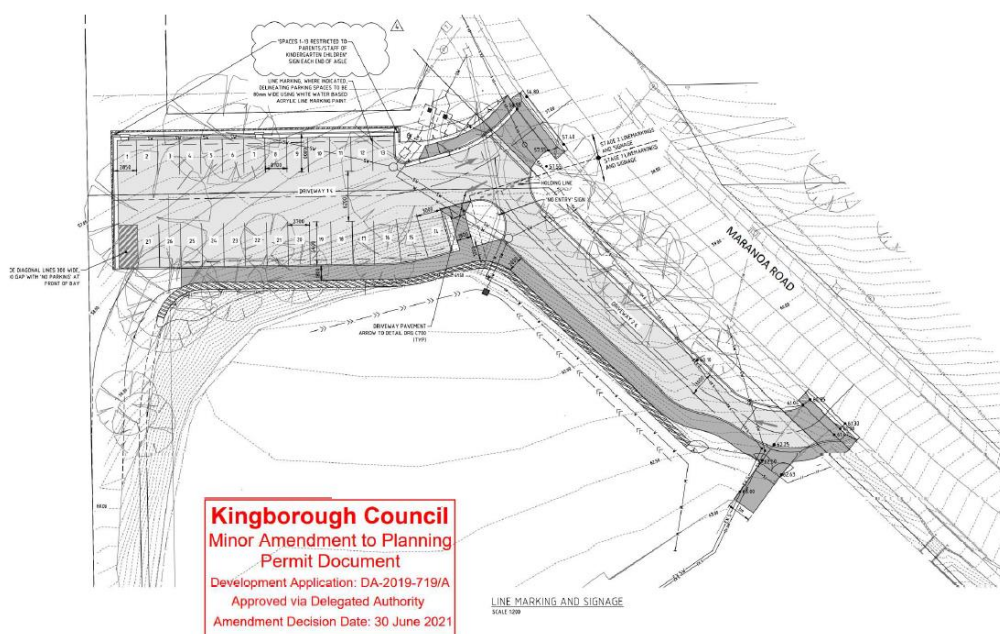


Figure 1 – Locality and Zoning Map

- 2.2 The site is approximately 702sqm and contains a parking and school drop-off area approved under DA-2019-719/A. The approved parking layout plan is depicted in Figure 2.



P4
Received 17 June 2021

Figure 2 – Approved Car Park Plan

3. ASSESSMENT

3.1 The application submitted by All Urban Planning is supported with the following supplementary documents:

- Planning Report (dated 6 May 2022)
- Certificate of Title (dated 8 October 2021)

3.2 The application has been assessed by having regard to the following:

- Existing and proposed situation under the Kingborough Interim Planning Scheme 2015;
- Alignment with the Kingborough Draft Local Provision Schedule;
- Compatibility with surrounding zoning and land uses.
- Infrastructure and service provision;
- Environmental impacts;
- Strategic alignment, with particular reference to the consistency of the proposal with the *Southern Tasmania Regional Land Use Strategy 2010-2035*, *Kingborough Land Use Strategy 2019* and *Council's Strategic Plan 2015-2025*; and
- Statutory compliance with the requirements of the former provisions of LUPAA and state policies.

Existing and proposed situation under the Kingborough Interim Planning Scheme 2015

- 3.3 The subject land is currently zoned Inner Residential and contains a parking and school drop-off area approved under DA-2019-719/A. The existing Inner Residential Zone only allows educational use for a 'kindergarten'. Other educational use of the land including in association with the remaining 'primary' and 'secondary' components of the Calvin Christian School is prohibited under the current zoning.
- 3.4 Given this constraint, the planning permit was issued with a permit condition that limits the use of part of the carpark within the Inner Residential Zone (i.e CT 178255/1) to that of the kindergarten component of the school. Other than the limitations of the existing Inner Residential zoning, there is no logical reason why the lower part of the carpark should be limited to the kindergarten use.
- 3.5 The proposal is considered a minor increase to the extent of existing Community Purpose zoning that is currently applied to the Calvin Christian School and Kingston Primary School land in the vicinity. The proposed zoning reflects the existing use of the land as a carpark to support the school. The proposal will assist to formalise the use of the carpark for the broader school (rather than the current kindergarten only limitation) without any tangible change in use, activity or impact to surrounding properties.

Alignment with the Kingborough Draft Local Provision Schedule

- 3.7 If the rezoning is supported, it will be translated to the Community Purpose Zone of the Tasmanian Planning Scheme.

Compatibility with surrounding zoning and land uses

- 3.8 It is considered that the proposal along with the use and development standards under the Community Purpose Zone will avoid the potential for land use conflict.

Infrastructure and service considerations

- 3.9 One of the key considerations with planning scheme amendments is the impact a proposal has on existing infrastructure and the ability of existing networks to cope with increased demands. The rezoning proposal will not have any impact on existing infrastructure as the site will continue to be used for a parking area consistent with the development permit issued for the site. Once the rezoning is finalised, it is anticipated that the applicant will submit an application to remove the condition that restricts the use of the site to the kindergarten component of the school.

Environmental Impacts

- 3.10 The proposed rezoning will not result in an outcome that would have an impact on the environment. The land will continue to be used for parking. The development permit includes a requirement for landscaping that has been completed.

Strategic alignment

- 3.11 The [Southern Tasmania Regional Land Use Strategy 2010-2035 \(STRLUS\)](#) has been implemented to provide guidance and direction for future development and use in the southern region. The STRLUS contains a number of regional policies that are in place to support strategic directions for the southern region. The proposal will not be in conflict with any of the policy directions and will result in the continuation of an educational use to meet the demands of a growing population which consistent with the overarching strategic planning directions of this strategy.
- 3.12 The [Kingborough Land Use Strategy, dated May 2019](#) provides the justification for the way that land is to be zoned in the planning scheme and provides the necessary background to assist in the assessment of future planning scheme amendment applications. The land use strategy does not have any specific recommendations in relation to this site, however the proposed aligns with the broad strategic direction to provide improved social and community services including education to meet the needs of our growing population.
- 3.13 The [Kingborough Council Strategic Plan 2020-2025](#) provides the direction for the future delivery of services by Kingborough Council, which influence the quality of life for residents and businesses. The proposal aligns with the strategic plan, specifically those strategic outcomes that seek to infrastructure cater for the needs of a growing population.

Statutory requirements

- 3.14 Pursuant to section 32(1) of the former provisions of LUPAA, a draft amendment of a planning scheme must address the following:
- 3.14.1 Section 32(e) of the former provisions of LUPAA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas. The proposed rezoning will reflect the existing use of the land as a carpark to support the school. The proposal will not result in any tangible change in use, activity or impact to surrounding properties. It is considered that the proposal along with the use and development standards under the Community Purpose Zone will as far as practical avoid the potential for land use conflict

- 3.14.2 Section 32(ea) of the former provisions of LUPAA requires that planning scheme amendments must not conflict with the requirements of section 30O of the former provisions of LUPAA. In turn, Section 30O of the former provisions of LUPAA requires that an amendment to an interim planning scheme must as far as practicable be consistent with the regional land use strategy. Strategic alignment with the *Southern Tasmania Regional Land Use Strategy* is addressed in clause 3.8 of this report. The proposal is aligned with the strategic outcomes sought.
- 3.14.3 Section 32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The proposed rezoning is unlikely to have any negative social and economic effects.
- 3.15 In addition to the above, Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered. No representations were received during the exhibition of the Scheme which are relevant to the proposed amendment, therefore sections 30I and 30J of the former provisions of LUPAA have been satisfied.
- 3.16 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA. The applicant has provided a detailed response to each of the objectives contained in Schedule 1 and an assessment of application has determined that the proposal meets all the objectives.

State Policies

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

4. PUBLIC CONSULTATION

- 4.1 If Council initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA. Section 38 of the former provisions of LUPAA requires that the proposal be advertised for a minimum period of 28 days.
- 4.2 It is proposed to publicly exhibit the planning scheme amendment with notification:
- a) on the Kingborough Council website;
 - b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and
 - c) a site notice during the public exhibition period;
 - d) in writing to owners of the property and adjoining properties.
- 4.3 A full package of exhibition material will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston and the Council Service Centre in Alonnah. This package will include:

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

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

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

5. CRITICAL DATES / TIME FRAMES

5.1 If Council supports the amendment and initiates and certifies the amendment for public exhibition, it must advise the Commission within seven days.

5.2 Post public exhibition, Council has 35 days from the close of the notification period to forward its report to the Commission. The Commission may grant an extension of time if requested.

5.3 The Commission must complete its consideration and decision process within three months of receiving Council's report on the representations, unless an extension of time has been agreed by the Minister.

5.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

6. CONCLUSION

6.1 The proposal represents a logical extension of the Community Purpose Zone, particularly in light of the existing parking use to support the Calvin Christian School.

6.2 The application is considered to demonstrate compliance and consistency with the requirements and the considerations of the State's Land Use Planning system. On this basis, the proposed application to rezone the land is supported.

7. RECOMMENDATION

That Council resolves that:

- (a) Pursuant to section 34(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* as per Attachment 1.
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies that Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorises the General Manager to sign the Instrument of Certification provided in Attachment 2.
- (c) Pursuant to section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;

- (d) Pursuant to section 56S of the *Water and Sewer Industry Act 2008*, Council will refer Amendment PSA-2022-2 to TasWater; and
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will place Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

ATTACHMENTS

1. PSA-2022-2 Draft Amendment
2. PSA2022-2 Instrument of Certification

Public Copy



Kingborough

Kingborough Interim Planning Scheme 2015

PSA-2022-2

The Kingborough Interim Planning Scheme 2015 is amended as follows:

1. Rezoning of land legally described as CT 178255/1 from Inner Residential Zone to Community Purpose Zone.

Public Copy

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 18 July 2022 in the presence of:

..... Councillor

..... General Manager

..... Date

Kingborough

Kingborough Interim Planning Scheme 2015

INSTRUMENT OF CERTIFICATION

PSA-2022-2

It is hereby certified that draft Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* meets the requirements in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 18 July 2022, in the presence of:

..... Councillor

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

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 INTENTION TO MAKE TREE BY-LAW

File Number: 12.274

Author: Scott Basham, Compliance Coordinator

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

Strategic Plan Reference

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

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

1. PURPOSE

- 1.1 The purpose of this report is to recommend a motion of intention to make a By-law pursuant to s.156 of the *Local Government Act 1993* (the Act) and commence associated activities, with the intent to return the proposed By-law (including any alterations) to Council, for final approval.

2. BACKGROUND

- 2.1 At its meeting on 16 August 2021 Council on making By-laws resolved to:

“b) Seek advice from senior counsel questioning if c.25 of the Health and Environmental Services By-Law, By-Law 3 of 2011 is contrary to law or is in conflict with any planning scheme in the municipality, and if the advice confirms that c.25 is not contrary to law or in conflict with any planning scheme in the municipality, that Council officers immediately commence the process to develop a Tree By-law, to be brought back to Council for the passing of a resolution pursuant to s.156 of the Act.”

- 2.2 On 17 August 2021 the matter was referred to senior counsel for determination. Senior counsel resolved the following:

a) *clause 25 of the by-law when read with the planning scheme is another ‘classic’ example of multiple controls as identified in the various reasons set out in the cases to which I have drawn attention. Accordingly, it is open in my opinion to Council to formulate a new version of the Health and Environmental Services By-law which replicates clause 25 of the 2011 version.*

- 2.3 Due to the advice Council has undertaken a process to develop the proposed *Trees on Private Property By-law, By-law 1 of 2022* (the By-law) which included subject matter expert stakeholder engagement, legal counsel engagement and Councillor workshops.

3. STATUTORY REQUIREMENTS

- 3.1 The power of Council to make a By-law is pursuant to Part 11 of the Act. Division 1 contains general provisions, Division 2 contains procedural provisions, Division 3 contains By-laws in respect of certain matters and Division 4 contains model By-laws. It is not intended to explore each division within this report.
- 3.2 The emphasis of this report is Part 11, Division 2 – Procedural provisions of the Act.

4. DISCUSSION

- 4.1 S.156(1) of the Act states '*A council which intends to make a by-law is to pass a resolution (motion of intention to make a By-law) by an absolute majority to that effect*'. A By-law which is made without a resolution passed by absolute majority is invalid. Annexed hereto and marked as annexure 1 is a draft copy of the proposed By-law.
- 4.2 S.156A of the act states '*A council is to prepare a regulatory impact statement in respect of any by-law it intends to make*'. This section also outlines what a regulatory impact statement is to include, and that Council is to submit any regulatory impact statement to the Director of Local Government, on the passing of the motion. Annexed hereto and marked as annexure 2 is a draft copy of the regulatory impact statement associated to the proposed By-law.
- 4.3 On receipt of the regulatory impact statement, if satisfied as to the statement, the Director is to issue to the Council a certificate certifying that the statement is satisfactory, and that Council may commence the public consultation process.
- 4.4 On receipt of the certificate issued by the Director, via notice given by Council's General Manager, Council can commence its consultation phase to receive submissions in respect of the proposed By-law.
- 4.5 On completion of the consultation phase, any submissions properly made will be returned to Council for consideration, along with the proposed By-law (including any alterations) for final approval.

5. FINANCE

- 5.1 The making of the proposed By-law will be funded from the 2022/23 Council operational budget.

6. ENVIRONMENT

- 6.1 The By-law specifically addresses the reduction of negative impacts on the environment associated to the removal of trees on private property. This is also discussed within the regulatory impact statement. Furthermore, the By-law highlights '*the potential for and extent of any environmental harm*' within the factors to be considered when granting permits.

7. COMMUNICATION AND CONSULTATION

- 7.1 In preparation of the proposed By-law and regulatory impact statement there has been internal and external consultation, including a Councillor workshop and an informal review by the Department of Premier and Cabinet – Office of Local Government.

- 7.2 In accordance with s.157 of the Act the General Manager is to give notice of the proposed By-law on receipt of the certificate issued by the Director. The notice must be:
- a) published at least once in a daily newspaper circulating in the municipal area; and
 - b) made available for viewing at a website of the Council from the day when the notice is first published in the newspaper, until the end of the day specified in the notice (no earlier than 21 days after publication); and
 - c) displayed in a conspicuous place in the public office of the Council from the day when the notice is first published in the newspaper until the end of the day specified in the notice.
- 7.3 The General Manager must also make the proposed By-law and regulatory impact statement open for inspection by the public. This includes on Council's website and for purchase at the Civic Centre.
- 7.4 Any person may make a submission in respect of the proposed By-law and Council must consider every submission properly made.
- 7.5 The regulatory impact statement also defines the proposed public consultation process.

8. RISK

- 8.1 There is identified no risk associated with the motion of intention to make the By-law.
- 8.2 There is a risk that if the resolution is not passed by absolute majority, this may delay the implementation of the proposed By-law.
- 8.3 Outside of the provisions of the planning scheme of the day, should Council not proceed with the implementation of the proposed By-law, Council will have no statutory power to control negative impacts on the environment associated to the removal of trees on private property.

9. CONCLUSION

- 9.1 At its meeting on the 16th August 2021 Council resolved to seek advice from senior counsel regarding the viability in replicating the previous c.25 of the *Health and Environmental Services By-law 2011*. The advice confirmed that c.25 was viable, and Officers have finalised the process to develop a draft By-law, which is presented to Council for the passing of a resolution pursuant to s.156 of the Act.
- 9.2 The proposed By-law will serve the municipality until 2032. It is recommended that Council commence the action to make the new By-law.

10. RECOMMENDATION

That Council:

- (a) in accordance with s.156(1) of the Act, intend to make the *Trees on Private Property By-law, By-law 1 of 2022* as annexed to this report;
- (b) submit the regulatory impact statement as annexed to this report to the Director of Local Government; and
- (c) on receipt of the certificate issued by the Director under s.156A(6) of the Act and the General Manager giving notice pursuant to s.157 of the Act, undertakes public consultation in respect of the proposed By-law.

ATTACHMENTS

1. Draft - Trees on Private Property By-law 2022
2. Draft - Regulatory Impact Statement

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KINGBOROUGH COUNCIL
TREES ON PRIVATE PROPERTY
BY-LAW NO. 1 OF 2022

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Trees on Private Property By-Law No. 1 of 2022

KINGBOROUGH COUNCIL

TREES ON PRIVATE PROPERTY BY-LAW

BY-LAW NO. 1 OF 2022

This By-law of the Kingborough Council is made under section 145 of the *Local Government Act 1993* for the purpose of regulating removal of trees on private property in the Kingborough municipal area.

PART 1 – PRELIMINARY

1 Short title

- (1) This By-law may be cited as the *Trees on Private Property By-law 2022*.

2 Application

- (1) This By-law applies to the municipal area of the Kingborough Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities in or on any Council land in the course of their duties for and on behalf of the Council.

3 Interpretation

- (1) In this By-law:

“Act” means the *Local Government Act 1993*;

“article” means any vehicle, item or thing that can be removed pursuant to this By-law;

“authorised officer” means an employee of the Council authorised by the Council or General Manager for the purposes of this By-law;

“Council” means the Kingborough Council;

“environmental harm” means as defined by the *Environmental Management and Pollution Control Act 1994*;

“Fee unit” means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

“General Manager” means the General Manager appointed by the Council pursuant to section 61 of the Act;

“municipal area” means the area of land under the control of the Council and defined in section 16 of the Act;

“occupier” includes any person having the care, control or management of any land or premises;

“permit” means a permit granted under Part 3 of this By-law;

“person” means an individual, corporation or other legal entity (other than the Crown) and includes an occupier;

“penalty unit” means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

*Trees on Private Property By-Law No. 1 of 2022***PART 2 – TREES ON PRIVATE PROPERTY****4 Removal of trees on private property**

(1) In this Part -

“high conservation value tree” means a tree that is of a species that is listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and/or which provide potential or significant habitat for threatened species listed in either of those acts and/or any tree as determined by the Council.

“negatively impact” means cut, wound, injure, or remove

“offset” means an action the Council requires a person to take that aims to compensate for an environmental impact that results in a loss of biodiversity caused by the person. An offset can include a financial contribution and other actions, such as active management, that demonstrates a conservation benefit for a particular natural value.

“person” means but is not limited to, an individual, corporation or other legal entity (other than the Crown);

“Potential habitat” means all habitat types within the potential range of a threatened flora or fauna species that are likely to support that species in the short and/or long term.

“priority species” means species that are not listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* but are considered of conservation significance in the municipal area as determined by the Council.

“Significant habitat” means native vegetation determined as habitat within the known range of a threatened or vulnerable flora or fauna species that:

- (i) is known to be of high priority for the maintenance of breeding populations throughout the species' range; and/or
- (ii) if converted to non-native vegetation is considered to result in a long term negative impact on breeding populations of the species.

It may include areas that do not currently support breeding populations of the species but that need to be maintained to ensure the long-term future of the species.

(2) Unless authorised by a permit to do so, a person must not negatively impact any tree which:

- (a) has a trunk circumference of greater than 80cm at 1.4m or more above ground level; or
- (b) is nominated for and confirmed by Council as meeting the criteria for listing as a Significant Tree in accordance with a Significant Tree Policy; or
- (c) is subject to an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or covenant on the title.

Penalty: Fine not exceeding 20 penalty units

(3) Sub-clause (2) does not apply to:

- (a) an exotic species (including non-Tasmanian natives) not nominated for and confirmed as meeting the criteria of listing as a Significant Tree in accordance with

Trees on Private Property By-Law No. 1 of 2022

- a Significant Tree Policy or subject to an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or covenant on the title; or
- (b) pruning of a tree where the pruning is undertaken in accordance with Australian Standard Pruning Amenity Trees (AS 4373-2007); or
 - (c) a tree whose removal forms part of any use or development (or both) of land for which:
 - (i) a permit has been issued under the *Land Use Planning and Approvals Act 1993*; or
 - (ii) a permit under the *Land Use Planning and Approvals Act 1993* is required in order to secure compliance with any planning scheme applicable in the Municipal Area; or
 - (d) a tree whose removal is authorised by a certified Forest Practices Plan under the *Forest Practices Act 1985* unless nominated for and confirmed as meeting the criteria of listing as a Significant Tree in accordance with a Significant Tree Policy or subject to an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or covenant on the title; or
 - (e) a tree whose removal is authorised by a permit under the *Water Management Act 1999* unless nominated for and confirmed as meeting the criteria of listing as a Significant Tree in accordance with a Significant Tree Policy or subject to an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or covenant on the title.
- (4) Where a permit is granted under sub-clause (2) the Council may require an offset if the tree is a high conservation value tree or is a priority species.
 - (5) The owner of land or person acting on their behalf on which a tree is located may apply in writing to the Council for a permit to negatively impact a tree(s).
 - (6) In deciding whether or not to grant a permit, the Council may have regard to the following:
 - (a) any relevant policy and/or guidelines of the Council; or
 - (b) any other relevant matter.

*Trees on Private Property By-Law No. 1 of 2022***PART 3 – PERMITS****5 Granting permits**

- (1) A permit may be granted for any purpose under this By-law by:
 - (a) the General Manager in writing; or
 - (b) any electronic method authorised by the General Manager, including via the Council's website or any application operated by or on behalf of the Council.

6 Applications

- (1) Any application for a permit pursuant to this By-law must:
 - (a) be made in writing and in accordance with any form approved by the General Manager;
 - (b) be accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law; and
 - (c) where applicable, must be accompanied by the following:
 - i. a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant and the period of time within which it is proposed to be carried out;
 - ii. a scaled drawing showing the location and extent of the proposed activity;
 - iii. a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity;
 - iv. evidence of current public liability insurance or other relevant insurance; and
 - v. such other information as the General Manager may reasonably require.

7 Factors to be considered when granting a permit

- (1) In deciding whether or not to grant a permit pursuant to this Part the General Manager may have regard to the following:
 - (a) the potential for damage to Council infrastructure;
 - (b) public amenity and safety;
 - (c) public access in the area;
 - (d) the potential for and extent of any environmental harm;
 - (e) the movement of traffic in the area;
 - (f) the availability of suitable parking for motor vehicles in the area;
 - (g) representations made by a police officer; and
 - (h) any other relevant matters.

*Trees on Private Property By-Law No. 1 of 2022***8 Conditions of a permit**

- (1) A permit granted under this By-law must be in writing and may be granted on such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to any activity carried out pursuant to the permit;
 - (f) the permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) the requirement to obtain and hold public liability insurance or other relevant insurance;
 - (h) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; and
 - (i) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.

Penalty: Fine not exceeding 10 penalty units.

9 Bond and deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as the General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause (1) may be retained by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.
- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the Permit.
- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a permit, less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

10 Permits generally

- (1) Every permit issued pursuant to this By-law:
 - (a) must be in writing and may be in the form of a letter;
 - (b) must bear the date on which it was issued;

Trees on Private Property By-Law No. 1 of 2022

- (c) remains in force for the period for which it was issued, unless it is cancelled, suspended or surrendered;
- (d) must be carried by the permit holder at all times while undertaking the activity approved under the permit; and
- (e) must be surrendered to the Council if it is cancelled or suspended or when it is due for renewal.

11 Production of a permit

- (1) A permit holder is to produce the permit immediately when requested to do so by a police officer or an authorised officer, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit.

Penalty: Fine not exceeding 5 penalty units.

12 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

13 Cancellation and suspension of permits

- (1) The General Manager may cancel or suspend a permit if satisfied that the permit holder:
 - (a) has breached a By-law of the Council;
 - (b) failed to comply with any condition of a permit;
 - (c) is convicted of any offence involving dishonesty; or
 - (d) is convicted of any offence involving a breach of public order.
- (2) If a permit is cancelled or suspended pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
 - (b) the reason or reasons for the cancellation or suspension.
- (3) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice, whichever is the latter.
- (4) The General Manager may cancel or suspend a permit if this is required due to the exercise or intended exercise of any local government function, power, right or duty by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel or suspend a permit by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.

*Trees on Private Property By-Law No. 1 of 2022***14 Notice**

- (1) For the purposes of clauses 12(2) and 13(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Kingborough municipal area.
- (2) The date of service of a notice will be:
 - (a) if the holder of the permit was served by ordinary post, 5 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

15 Assignment of permit

- (1) A permit must not be assigned and is not transferable to any person except with the written consent of the General Manager.

*Trees on Private Property By-Law No. 1 of 2022***PART 4 – ENFORCEMENT****16 Offences**

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

17 Supply of name and address

- (1) An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.

Penalty: Fine not exceeding 5 penalty units.

- (3) A police officer making a request under sub-clause (1) may arrest a person who is on land owned by, or under the control of, the Council and whom the police officer reasonably believes is offending against sub-clause (1).

18 Abuse or obstruction of an authorised officer

- (1) A person must not obstruct, hinder, resist or use abusive language to an authorised officer while the authorised officer is acting in the course of their duties pursuant to this By-law.

Penalty: Fine not exceeding 10 penalty units.

19 Assistance of police officers

- (1) A police officer is authorised to:
- (a) assist an authorised officer to carry out an action under this By-law;
 - (b) remove any person from Council land whom the police officer reasonably believes has committed or who is committing an offence under this By-law;
 - (c) remove any article which is on Council land without a permit or the approval of the Council; and
 - (d) arrest any person who is on Council land whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

*Trees on Private Property By-Law No. 1 of 2022***PART 5 – NOTICES AND DIRECTIONS****20 Notices and directions generally**

- (1) The General Manager or an authorised officer who reasonably believes a person has committed, is committing, or is about to commit, an offence against clause 4(2) can issue a notice or direction on that person.
- (2) A notice given under this By-law to remedy the effects of negatively impacting any tree is to be given in writing, which may be in the form of a letter, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (3) A direction to immediately cease negatively impacting any tree given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (4) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the General Manager or authorised officer may determine.
- (5) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (6) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specified materials;
 - (b) carried out within a specified period of time;
 - (c) carried out in such a manner as the General Manager or an authorised officer directs; or
 - (d) be done only by a person with the appropriate qualification.
- (6) The Council may require the person carrying out the work to pay to the Council, or enter into a bond for payment to the Council of, an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

21 Non-compliance with notice or direction

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.

Penalty: Fine not exceeding 10 penalty units.
- (2) The Council may undertake the work required to be carried out in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.
- (3) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

*Trees on Private Property By-Law No. 1 of 2022***PART 6 – MISCELLANEOUS****22 Referral to Council**

- (1) No provision of this By-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

23 Expenses incurred

- (1) The Council may rectify a breach of this By-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense or damages incurred by the Council as a result of the breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

24 Debt due

- (1) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law.

*Trees on Private Property By-Law No. 1 of 2022***PART 7 - INFRINGEMENT NOTICES****25 Infringement notices**

- (1) In this clause –
- "specified offence"** means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
- (3) An authorised officer may:
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions; or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

*Trees on Private Property By-Law No. 1 of 2022***SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES**

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty Units
4(2)	Removal of trees on private property	4
8(2)	Fail to comply with conditions of a permit	2
11(1)	Fail to produce permit	1
17(2)	Fail or refuse to comply with a request to give name and/or address	1
18(1)	Obstruct, hinder, resist or use abusive language to an authorised officer	2
21(1)	Fail to comply with notice or direction	2

Trees on Private Property By-Law No. 1 of 2022

Certified as being in accordance with the law by:

.....

Solicitor

Dated

Certified as being made in accordance with the *Local Government Act 1993*:

.....

General Manager

Dated

The Common Seal of Kingborough Council was hereunto affixed in the presence of:

.....

Mayor / Councillor

Dated

.....

General Manager

Dated



TREES ON PRIVATE PROPERTY BY-LAW

REGULATORY IMPACT STATEMENT

By-law No. 1 of 2022

A By-law to regulate removal of trees on private property in the Kingborough municipal area.

Contents

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Public Copy

*Trees on Private Property By-Law 2022
Regulatory Impact Statement*

1 Purpose and process of Regulatory Impact Statement

When a Council seeks to make a new or significant By-law amendment, the *Local Government Act 1993* (the Act), requires that a Regulatory Impact Statement (RIS) be prepared.

The preparation of an RIS requires Council to analyse the most efficient and effective options available to address a particular issue. The RIS is also required to identify whether the benefits provided by the new By-law outweigh the costs of any restrictions on competition or the potential adverse impacts on business. This requires an assessment of direct and indirect social, economic and environmental impacts of the proposed By-law and the alternatives considered.

The Act, under Section 156A, requires that, once the RIS has been prepared, Council must submit it to the Director of Local Government - Department of Premier and Cabinet for assessment. If the Director is satisfied that the RIS meets the statutory requirements, they will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to Section 158 of the Act, copies of the By-law and the RIS are available by contacting Council by any of the following means:

Telephone: 6211 8200
 Fax: 6211 8211
 E-mail: kc@kingborough.tas.gov.au
 Website: www.kingborough.tas.gov.au
 In person: Kingborough Civic Centre
 Mail: 15 Channel Highway
 KINGSTON TAS 7050
 Office hours: 8.30am to 5.00pm

Copies of the documents are available upon request or may be viewed at the Council's office.

2 By-law objectives

The Trees on Private Property By-law (the By-law) is designed to act as a mechanism for ensuring that Council can reduce the negative impact on the environment concerning the removal of trees on private land, outside of the provisions of the planning scheme of the day, including the requirement of offset.

Under Section 156A(2)(a) of the Act Councils are specifically required to outline the objectives of the By-law and the means of achieving those objectives.

The following table summarises the various issues being addressed by the By-law, what the By-law will do to address these issues (the objectives) and how the By-law will achieve these objectives.

Issue	Objective	Means to achieve Objective
Control of removal of trees on private land.	Reduce the negative impact on the environment and improve biodiversity outcomes.	Unless allowed by a permit, the By-law requires that a person must not negatively impact a tree which:

*Trees on Private Property By-Law 2022
Regulatory Impact Statement*

Issue	Objective	Means to achieve Objective
	To ensure that removal of trees on private land, outside of the provisions of the planning scheme of the day, is justified, and if appropriate, an offset applied.	<ul style="list-style-type: none"> • Has a trunk circumference of greater than 80cm at 1.4m or more above ground level; • Is nominated for and confirmed by Council as meeting the criteria for listing as a Significant Tree in accordance with a Significant Tree Policy; or • Is subject to an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or covenant on the title.
Exemptions to allow the negative impacting of trees on private land.	<p>To allow the removal of trees on private land.</p> <p>To allow for pruning.</p> <p>To not conflict with a planning scheme of the day or other jurisdiction.</p>	<p>The By-law exempts the following trees from control:</p> <ul style="list-style-type: none"> • An exotic species (including non-Tasmanian natives) not nominated for and confirmed as meeting the criteria of listing as a Significant Tree in accordance with a Significant Tree Policy or subject to an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or covenant on the title; • Pruning of a tree where the pruning is undertaken in accordance with Australian Standard Pruning Amenity Trees (AS 4373-2007); • A tree whose removal forms part of any use or development (or both) of land for which a permit has been issued under the <i>Land Use Planning and Approvals Act 1993</i> or a permit under the <i>Land Use Planning and Approvals Act 1993</i> is required in order to secure compliance with any planning scheme applicable in the Municipal Area; • A tree whose removal is authorised by a certified Forest Practices Plan under the <i>Forest Practices Act 1985</i> unless nominated for and confirmed as meeting

*Trees on Private Property By-Law 2022
Regulatory Impact Statement*

Issue	Objective	Means to achieve Objective
		<p>the criteria of listing as a Significant Tree in accordance with a Significant Tree Policy or subject to an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or covenant on the title.</p> <ul style="list-style-type: none"> • A tree whose removal is authorised by a permit under the <i>Water Management Act 1999</i> unless nominated for and confirmed as meeting the criteria of listing as a Significant Tree in accordance with a Significant Tree Policy or subject to an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or covenant on the title.
Council may require offset for the removal of a tree.	To mitigate and compensate for the loss of biodiversity.	Where a permit for the removal of a tree is granted, the Council may require an offset if the tree is a high conservation value tree or is a priority species, in accordance with a biodiversity offset policy.
Issuing of permits.	Provide a minimum standard for the lodgement of a permit application and set out factors to be taken into consideration in the assessment of an application.	<p>The By-law allows permits to be issued for the removal of a tree subject to the By-law.</p> <p>The By-law provides that applications consist of sufficient detail to enable adequate assessment.</p> <p>The By-law sets out the factors to be taken into account by the General Manager when assessing an application.</p>
Enforcement of the By-law.	To provide for the enforcement of the By-law and setting of penalties for breaches of By-law provisions.	<p>The By-law sets out that an infringement notice may be issued for breaches of specified offences in the By-law.</p> <p>A person is also required to supply their name and address to an authorised officer.</p>

*Trees on Private Property By-Law 2022
Regulatory Impact Statement*

3 Background

The By-law has been prepared for the purposes of ensuring that there are additional controls relating to the removal of trees on private property that are not addressed in existing legislation or the planning scheme of the day.

In addition to current State legislation and the planning scheme, Kingborough Councils' previous *Health and Environmental Services By-law No. 3 of 2011* (the previous By-law) controlled removal of trees on private property. The previous By-law expired in August 2021 and a new By-law is required to ensure continuity of proper management of trees on private property.

The new By-law contains several amendments which have come about through consultation with stakeholders and feedback from the community over the last ten years during the operation of the previous By-law. The amendments reflect areas where Council has identified opportunity for improvement or to create more consistency with other jurisdictions in order to provide better outcomes for the community and the environment.

For example, the By-law would provide Council with an ability to control circumstances such as:

- Preventing the unjustified removal of trees on private land.
- Ensuring a permit process is in place to assess the removal of trees on private land.
- Allowing for an offset where the removal of a high conservation value tree or a priority species has been permitted, in accordance with a biodiversity offset policy.
- Ensuring exemptions exist negating the requirement to obtain a permit where appropriate.

As mentioned earlier, the previous By-law has expired therefore, there will be many potential problems that are not able to be regulated. It is essential that sufficient controls are in place to ensure the unjustified removal of trees on private land. Without the By-law there is limited existing State legislation that effectively enables the regulation and control of activities relating to the unjustified removal of trees on private land.

4 Potential restriction on competition

The By-law creates minimal restrictions on competition of business. Whilst there are no restrictions on market entry (eg. licencing or registration requirements), competitive conduct, product/service innovation or administrative discretion, the By-law does create potential impacts on business through restrictions on the removal of trees on private property and the requirement to obtain a permit to do so. These potential impacts are assessed in section 5.

5 Assessment of costs/benefits RE: restriction on competition and conduct of business

The various issues that are addressed within the By-law will involve the following costs and benefits in relation to potential restrictions on competition and conduct of business.

*Trees on Private Property By-Law 2022
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Issue	Costs	Benefits
Limitations on the removal of trees on private property.	<p>The limitation on the removal of trees on private property has associated costs to business via the requirement to have access to, and comply with, Australian Standards specifically concerning pruning activities.</p> <p>There are time limitations associated to the permit assessment process, but this is assessed as a low restriction to business.</p>	<p>While there are associated costs to business, the reduction of negative impacts on the environment and improved biodiversity outcomes outweighs the financial impact.</p> <p>The regulation of removal of trees on private property will enhance professional operator's services by protecting their brand or business.</p>
Offsets associated to removal of high conservation value or priority species trees.	Offsets are set within an endorsed biodiversity offset policy.	Mitigates and compensates for the loss of biodiversity values.
Applications for a permit.	The By-law may require applications for a permit to be accompanied by documentation which may require some additional costs.	The By-law provision will ensure that consideration will be given when granting a permit reducing risk and nuisance.

The above costs and benefits have not been quantified as it is difficult to determine the exact nature of the potential impacts on the conduct of business. Nevertheless, an analysis of the abovementioned costs and benefits indicates that the benefits outweigh the costs associated with any potential impact on the conduct of business.

6 Assessment of economic, environmental or social impacts

The following table assesses the economic, environmental and social impacts of the By-law.

		Direct Impacts	Indirect Impacts
Economic	Benefits	<ul style="list-style-type: none"> Provides conveyance for biodiversity offset associated to high conservation value or priority species trees. Interception of stormwater. Enhanced natural shade and wind breaks. 	<ul style="list-style-type: none"> Improved regulatory controls allow for more efficient enforcement by Council. Mitigation and compensation for the loss of biodiversity values. Overland flow is used by tree root systems and broken up as rain hits tree canopies. This reduces velocity of flows which can lead to erosion and scour. Trees create

*Trees on Private Property By-Law 2022
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		Direct Impacts	Indirect Impacts
			conditions that aid water infiltration into the soil. <ul style="list-style-type: none"> Reduces heating and cooling costs and the degrading impacts of solar radiation on assets.
	Costs	<ul style="list-style-type: none"> An offset may apply for the removal of high conservation value or priority species trees. As the offset is restrained it is only relevant to the harm occurred. Reduction in the maintenance of stormwater infrastructure. 	<ul style="list-style-type: none"> Increased enforcement costs for Council in following up more complaints and responding to higher community expectations.
Environmental	Benefits	<ul style="list-style-type: none"> A reduction in the unjustified removal of trees on private property. Enhanced controls to promote responsible removal of trees on private land. Provides a means to utilise biodiversity offsets. Reduction of carbon dioxide from the atmosphere. 	<ul style="list-style-type: none"> Encourages improvement of local amenity. Reduces the unjustified impact on biodiversity and achieves a net gain in the extent and quality of biodiversity. Reduce the impacts of climate change. Habitat and food for wildlife.
	Costs	Nil	Nil
Social	Benefits	<ul style="list-style-type: none"> A reduction in risks to public health and safety through controlling removal of trees on private property. Reduces the potential for conflict between neighbouring residents because of nuisance complaints. Reduces the risk of lower amenity via the unjustified removal of trees on private property. 	<ul style="list-style-type: none"> Discourages inappropriate behaviour from occurring in the first place. Result in higher natural amenity. Improved mental health outcomes.
	Costs	Nil	<ul style="list-style-type: none"> A potential feeling within the community of there being over-regulation.

*Trees on Private Property By-Law 2022
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7 Discussion of alternatives

Rather than preparing the By-law there are other alternatives.

Council could do nothing, although this is not considered a viable option as Council has an obligation to ensure that controls for the unjustified removal of trees on private property are provided in support of State legislation. Council has a responsibility to provide for suitable controls that ensure acceptable community safety and amenity standards are maintained – and to then also ensure that those controls are enforced. If no regulatory controls are in place, then individuals will determine their own standards, and this will in turn lead to an immediate or progressive reduction in both public and environmental standards.

Council could also undertake proactive education within the community and seek voluntary compliance. It is noted that education programmes of this nature have historically been unsuccessful and ineffective due to the financial benefit of tree removal.

Another alternative is to rely on other available or relevant statutory provisions or regulations. Examples of opportunities in this regard include relying on the provision of the planning scheme of the day, part 5 agreements, covenants on titles or issuing of abatement notices (under the *Local Government Act 1993*). Abatement Notices are issued in circumstances when a person is required to abate a nuisance – such as carrying out the necessary work to remove the nuisance.

The above regulatory alternatives do not adequately address the activity that needs to be controlled. There are also benefits in defining the actual activities (within the By-law) that are to be controlled, rather than relying upon very general provisions within other legislation. Having defined provisions set out in a By-law makes it much clearer to users as to what is expected and so reduces arguments and conflicts. It provides the clarity needed for effective enforcement and reasonable compensation regarding offset.

8 Assessment of public costs and benefits

The overall intended consequence of preparing the By-law is to reduce the negative impact on the environment and control the unjustified removal of trees on private land.

Any lowering of community standards (without a By-law) will increase costs to the community both through Council's rates and charges as well as through increases to State Government costs and charges due to likely increased damage to the environment and social impacts.

Regulation is the most feasible option to achieve the By-law's objectives and the By-law has been carefully prepared to ensure that it imposes the least regulatory burden on the community as possible. Whilst the implementation of any regulatory control results in a direct cost, this is offset by the potential costs on the community that would be required to manage uncontrolled activities adversely impacting on the environment and broader community standards.

Where fees are imposed for matters, such as cost recovery or to establish price signals etc. these will be expressed in fee units which are directly linked to the State Government's fee unit's system. The approach provides for annual increases in fees to keep up with inflation and other factors, over the life of the By-law.

Where permits may be granted, applications will be assessed against criteria such as; biodiversity loss, risk to person or property, the potential for damage, amenity, access, environmental harm, movement of traffic, and any other matter the General Manager considers relevant. This reassures that the permit process is fair and consistent.

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9 Proposed public consultation process

Up until August 2021, Council has functioned with the previous By-law. Over this period Council has reviewed feedback from stakeholder groups including the general public. This feedback has informed the development of the new By-law.

The proposed future public consultation is to occur following certification by the Director of Local Government, in accordance with Section 156A(6) of the *Local Government Act 1993*. This public consultation will entail:

- Copies of the By-law will be sent to relevant State Government Departments for their review - including the Environment Protection Authority, Department of Police and Emergency Management, Department of Justice and Department of Health;
- Advertisements will be placed in the Mercury newspaper advising of Council's intention and seeking public comment;
- An article will be published in a local Kingborough newspaper — such as the Kingborough Chronicle;
- Council will display the proposal on its website, social media and at the Council offices at Kingston and Alonnah (Bruny Island);
- Any person may make a submission to Council regarding the proposed new By-law; and
- Council will consider each submission as part of the consultation process.

16.2 POLICY 3.19 - CASH-IN-LIEU OF PARKING POLICY**File Number: 12.225****Author: Adriaan Stander, Strategic Planner****Authoriser: Tasha Tyler-Moore, Manager Development Services****Strategic Plan Reference**

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

Strategic Outcome: 3.4 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 present the updated *Cash-in-Lieu of Parking Policy 3.19* for Council approval and implementation.

2. BACKGROUND

- 2.1 The Policy was first adopted by Council on 22 January 2018; it was reviewed and updated in February 2020 (with no changes). It has reached its next review date, which is the purpose of this report.
- 2.2 Off-street carparking has an important role in meeting community needs. The public requires safe and convenient car parking to access local businesses, sporting and recreational facilities and government services. When developers cannot provide adequate car parking on site, or where a more suitable site is preferred, then a cash-in-lieu of parking contribution can be applied as an alternative means to satisfy public demand.
- 2.3 A cash-in-lieu of parking policy is required to confirm Council's requirements in this regard. The proposed policy provides a framework for how the cash-in-lieu contributions are calculated and how the money is to be spent. It is also the first step in preparing parking plans that describe future parking facilities that could be funded from cash-in-lieu of parking contributions.
- 2.4 A report was presented to Council on 20 June 2022 to update of this policy, however a motion was passed to defer the decision to obtain more information about the 25% discount that may be applied to the cash-in-lieu amount. The reasoning behind the discount is explained in section 4.1.6 of this report and the recommended changes in the policy suggest a reduced discount of 15%.

3. STATUTORY REQUIREMENTS / PLANNING SCHEME OPERATION

- 3.1 The parking requirements under the Kingborough Interim Planning Scheme 2015 are defined within Clause 6.0 'Parking and Access Code'. This requires that there are sufficient on-site parking spaces to meet the future demand created by the development being assessed. This is defined by a set number of parking spaces for different uses – unless a parking plan has been prepared for the local area or the alternative performance criteria can all be met.
- 3.2 Both the current and future planning schemes accommodate the capacity to provide cash-in-lieu of parking contributions.

4. DISCUSSION / PROPOSED CHANGES TO THE POLICY

- 4.1 The proposed changes to the policy are minor and do not change the intent or delivery of the policy. Each of the changes are discussed below.

Policy statement

- 4.1.1 The policy statement has been revised to make it clear that the Policy operates in conjunction with the Planning Scheme parking requirements.

Definitions

- 4.1.2 The definitions now include reference the *Land Use Planning and Approvals Act*.

Objectives

- 4.1.3 The objectives have been revised to include reference to parking requirements aligned with long-term strategies for specific precincts.

Scope

- 4.1.4 The scope has been updated to include consideration of any long-term Parking Plans, Precinct Plans or other strategic planning or project plans.

Procedure

- 4.1.5 The section that describes how the *Parking and Access Code* of the *Kingborough Interim Planning Scheme* operates has been removed. This is not required in the Policy. It is a duplication of what is in the Planning Scheme and will change because of the incoming Tasmanian Planning Scheme when it comes in force for Kingborough.
- 4.1.6 The current method of calculation the cash-in-lieu amount includes a 25% discount based on a public benefit factor. The purpose of the reduction is to recognise that the funds collected through the policy will be used for shared parking facilities that will benefit the broader community that would normally be partly funded by public funding. If no discount is provided, it may deter cash-in-lieu payments and developers will likely opt to provide all the required parking on-site. This may be inconsistent with precinct planning initiatives to consolidate parking and increase the uptake of public transport and active travel options. Alternatively, if fees are too low, developments would provide no physical car parking spaces and opt to provide cash-in-lieu contribution for all the required parking which will never amount to a sufficient amount for Council to provide alternative parking.

The cost of providing a standard car parking space is approximately \$25,000 and the cost for a covered or multi-story parking space could be in excess of \$35,000. Considering the cost in providing new parking facilities, it is recommended that the 25% discount be reduced to 15% to better align with the true cost of providing those facilities.

- 4.1.7 The Draft Revised Policy presented to Council report on 20 June 2022 recommended that in the absence of any adopted Parking Plan, Precinct Plan or other Strategic Project, a Council resolution is required for expenditure of money collected from this policy. However, in consideration of existing delegations, the wording in the policy has been changed to link the expenditure of these funds (in the absence of an adopted Parking Plan, Precinct Plan or other Strategic Project

exist) to the provision of parking spaces or facilities that encourage the use of public transport or active travel options.

Guidelines

- 4.1.8 This section has been revised to include reference to long-term Parking Plans, Precinct Plans or other strategic planning or project plans.

5. FINANCE

- 5.1 The contribution of cash-in-lieu for parking is not a general revenue collection exercise, but rather is a means by which the Council accommodates the parking demand created in the locality due to a parking shortfall associated with development and consistent with long term strategies for the area.

6. ENVIRONMENT

- 6.1 There are no related environmental issues to consider.

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 Little of the policy has been altered as it remains applicable and relevant. However, some changes have been introduced to align the policy with any long-term Parking Plans, Precinct Plans or other strategic planning or project plans. Similarly, the wording has been updated to indicate that contributions can be used for parking facilities in line with the above.
- 9.2 It is considered that the proposed updated *Cash-in-Lieu of Parking Policy 3.19* will result in better strategic outcomes for the municipality and broader benefit of the community.

10. RECOMMENDATION

That the amended *Cash-in-Lieu of Parking Policy 3.19* be approved.

ATTACHMENTS

1. Current policy with marked-up recommended changes
2. Revised policy

CURRENT POLICY WITH TRACK CHANGES



Cash-in-lieu Parking Policy

Policy No:	3.19
Approved by Council:	February 2020 <u>June 2020</u>
New Review Date:	February 2022 <u>June 2025</u>
Minute No:	TBA
ECM File No:	12.225
Version:	2 <u>3</u> .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

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Cash in Lieu of Parking Policy ~~3.193.19~~

1. POLICY STATEMENTS

~~1.1 — This policy provides for the Council's powers and obligations under the Planning Scheme in respect of the requirements for cash-in-lieu contributions when on-site car parking is not provided in a proposed development. Council recognises that there will be benefits in taking the equivalent cash from prospective developers rather than requiring the on-site provision of parking spaces to support the needs of the proposed new use or development.~~

~~1.1~~

~~2.0 — Procedures need to be in place that describes when the cash-in-lieu of parking is required, how it is to be calculated and how the accumulated funds are to be spent by Council.~~

~~3.0 — The commercial centres and more heavily built up areas of the municipality will benefit from the provision of concentrated public parking and reducing the need for on-site parking. Cash-in-lieu of parking contributions will enable funds to be used for these purposes~~

~~4.2.~~ DEFINITIONS

~~4.12.1~~ "Construction cost" means the earthworks, structures, access, drainage, pavement, kerbing, marking out, signage and landscaping works.

~~2.2~~ "Planning scheme" or the "scheme" means the Kingborough Interim Planning Scheme 2015 – or subsequent replacement.

~~4.22.3~~ "The Act" means the Land Use Planning and Approvals Act 1993 – or subsequent replacement.

~~5.3.~~ OBJECTIVE

3.1 The objectives of this policy are that:

- ~~• the parking facilities in Kingborough are consolidated specifically where long term strategies for specific precincts encourage public and active transport, or where consolidation of parking facilities will result in improved urban outcomes; the duplication of parking facilities in Kingborough is reduced and that developers are able to maximise the use of their land;~~
- ~~• the amount of parking provided is sufficient to meet the future needs of the use and/or development of the subject land;~~
- there is a complementary policy to support the cash-in-lieu of parking provisions within the planning scheme;
- there will be an appropriate number of car parking spaces made available;
- the efficient use of parking spaces is promoted through the consolidation of car parking facilities;
- ~~• there will be an equitable charging of cash-in-lieu contributions for on-site car parking spaces;~~
- the method of calculating the value of cash-in-lieu contributions is clear, reasonable and fair; and
- a set of guidelines is provided for the use of funds held in trust for the provision or improvement of car parking and/or transport infrastructure for public transport, walking or cycling in Kingborough.

~~6.4.~~ SCOPE

~~6.14.1~~ The scope to guide the implementation of this Policy are:

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- the Policy will be applied in a manner that is consistent with and supports the assessment of development applications in accordance with the planning scheme that applies to the Kingborough municipality;
- accordingly, the Policy does not replace a developer's obligation to provide on-site parking, as required under the planning scheme;
- ~~the contribution of cash in lieu for parking is not a general revenue collection exercise, but rather is a means by which the Council accommodates the parking demand created in the locality due to a parking shortfall associated with development;~~
- the Policy adopts 30m² as the requirement for a parking space on a development site (which includes the proportionate areas for access and manoeuvring) and this will form the basis for the calculation of land value;
- public parking spaces constructed with the revenue from cash-in-lieu contributions do provide an added public benefit and, to acknowledge this, the total cash contribution (land and construction costs) will be reduced by a factor of 25%;
- any car parking spaces provided as a result of cash-in-lieu contributions shall remain available to the public, be and administered by Council ~~and be subject to such a fee structure as the Council may devise;~~
- ~~all cash in lieu contributions revenue is to be hypothecated for the provision or improvement of car parking and or infrastructure for public transport, walking or cycling in Kingborough; and~~
- this policy may be supported by complementary Parking Plans , precinct Plans or other strategic planning or project plans ~~that would be prepared~~ for specific areas and which would describe in greater detail how revenue from cash-in-lieu contributions would be spent.

~~7.5.~~ PROCEDURE (POLICY DETAIL)

5.1 General

- 5.1.1 Council will require changes of use or development proposals to provide the car parking required for that development as prescribed in the planning scheme, unless a cash-in-lieu of car parking contribution is approved under this Policy.
- 5.1.2 This Policy applies to every application for use or development under the Land Use Planning and Approvals Act 1993 that relies upon or has implications for providing and managing public off street car parking within the Kingborough municipal area in accordance ~~with E6.0 Parking and Access Code of the Kingborough Interim Planning Scheme 2015 or the subsequent planning scheme that includes the Parking and Sustainable Transport Code (in accordance with the State Planning Provisions) with the~~ planning scheme.

~~5.1.3 In waiving the need to provide on site parking, Council will require a cash in lieu contribution instead. The amount of the cash in lieu contribution is to be determined based on the cost of the land, plus the cost of constructing the parking area or facility.~~

~~5.1.4 Council is not obliged to accept a cash in lieu contribution if it is practicable and desirable to provide the required number of car parking spaces on the land.~~

~~5.1.5 The Policy is to be implemented under delegation as and where appropriate for all applications for use or development where required car parking is not met on site.~~

5.2 Determining the number of parking spaces required

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- 5.2.1 The planning scheme includes the criteria by which the number of parking spaces that need to be provided is determined. ~~This is defined under the Acceptable Solution by a set number of parking spaces for each of the potential land uses or is determined by way of an assessment against the Performance Criteria under the same clause.~~
- ~~5.2.2 The Performance Criteria requires that the reasonable needs of the use must be met, having regard to clause E6.6.1(P1) in the Kingborough Interim Planning Scheme 2015 or in regard to clause C2.5(P1) in the State Planning Provisions, for when the new Kingborough planning scheme comes into force.~~
- 5.2.3 If the developer is unable to meet the on-site parking requirements of the planning scheme or it is inappropriate to do so, then it may be a permit necessary condition to pay ~~require~~ a cash-in-lieu of car parking contribution.
- ~~5.2.4 In waiving reducing the amount of required on-site parking to be provided, to the need to provide on-site parking, Council will require take a cash-in-lieu contribution instead. The amount of the cash-in-lieu contribution is to be determined based on the cost of the land, plus the cost of constructing the parking area or facility.~~
- ~~5.1.42.5~~ Council is not obliged to accept a cash-in-lieu contribution if it is practicable and desirable to provide the required number of car parking spaces on the land.
- ~~5.1.52.6~~ The Policy is to be implemented under delegation as and where appropriate for all applications for use or development where required car parking is not met on site.
- 5.3 Calculating the value of a cash-in-lieu of parking contribution
- 5.3.1 The amount of cash-in-lieu is to be determined based on the cost of the land, plus the construction costs for any necessary car parking.
- 5.3.2 The construction costs per square metre will be established by determining the average capital costs associated with the provision of car parking spaces in Council constructed car parks. This is assumed to be 30m² per parking space and includes the proportionate area required for access and manoeuvring.
- 5.3.3 The amount of a cash-in-lieu of car parking contribution is:
- the cost to construct the equivalent car parking area; and
 - where it is necessary to purchase land (or where Council land is to be used) an additional amount is required to be paid that is calculated as follows – 30m² X land value/m² X number of car parking spaces.
- 5.3.4 The land value/m² is to be determined from a valuation by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developer's expense at the date of approval of the planning permit or at the discretion of the General Manager derived from any recent land valuation for nearby land plus a 10% contingency.
- 5.3.5 The total of the construction cost and the land value is then reduced by a public benefit factor of ~~25~~15%. This acknowledges the likelihood of public parking being shared across different sites and at different times, plus improvements to public parking and transport infrastructure should be partly funded by the broader community.
- 5.3.6 The means of payment shall be as follows:
- Payment is to be made prior to the issue of a Building Permit or, where no Building Permit is required, prior to the commencement of use.

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- The General Manager may accept terms for the staged payment on a quarterly basis over a maximum period of two years from the issue of a Building Permit or, where no Building Permit is required, from the commencement of use. This is subject to the terms being stipulated in a Deed between the developer, the land owner and the Council, or a Part 5 Agreement, pursuant to section 71 of the Land Use Planning and Approvals Act 1993 registered on the relevant land title prior to the issue of a Building Permit or, where no Building Permit is required, prior to the commencement of use. The cash-in-lieu of car parking contribution payment is to be a debt due to the Council recoverable in a court of competent jurisdiction.

5.4 Utilising cash-in-lieu contributions

5.4.1 All monies received through the application of this Policy are to be applied to a cash-in-lieu of car parking contribution fund. This will include details that describe any commitments that relate to the future expenditure of the funds that are being held in trust by Council.

5.4.2 The following guidelines apply to the expenditure of cash-in-lieu funds:

- expenditure must be in accordance with any Council adopted [Parking plan, Precinct Plan or other strategic planning or project plan](#)~~parking plan~~ that applies to a particular locality ~~— such as the Central Kingston Parking Strategy and the Kingston Park Site Development Plan; or,~~
- in the absence of such an adopted [Parking Plan, Precinct Plans or other strategic planning or project plan](#)~~parking plan~~, then any contribution received by Council may be spent in any manner [that would contribute to the provision of new parking spaces or facilities that would encourage the use of public transport or active travel options.](#) ~~or at any time at the full discretion of Council.~~

5.4.3 Funds are to be used for the following:

- acquisition of land for parking in the municipal area;
- [design and construction](#) of public parking, both on-street and off-street;
- [increased parking or](#) improvement to existing public parking facilities and on-street parking;
- servicing of loans obtained to provide public parking; or
- construction or upgrade of public transport, walking or cycling infrastructure ~~which would result in a reduced demand for parking in that area~~[consistent with a Council endorsed Parking Plan, Precinct Plans or other strategic planning or project plan.](#)

5.4.4 Council is not required to consult with the developer on any matter related to the expenditure of any contribution.

~~8.6.~~ GUIDELINES

~~8.16.1~~ The Cash-in-Lieu of Parking Policy will be implemented in the first instance by Council planning staff when assessing development applications ~~that require additional parking to be provided~~. Staff will assess the respective merits of whether on-site parking is appropriate or whether better public outcomes are achieved from cash-in-lieu contributions. This assessment will be informed by the provisions within the planning scheme, as well as any [Council endorsed Parking Plan, Precinct Plans or other strategic planning or project plan](#)~~other relevant local planning study or report.~~

~~9.7.~~ COMMUNICATION

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Cash in Lieu of Parking Policy ~~3.193.19~~

~~9.17.1~~ All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis.

~~10.8.~~ LEGISLATION

~~10.18.1~~ The following statutory documents should be considered in conjunction with this policy:

~~10.28.2~~ *Kingborough Interim Planning Scheme 2015* – or subsequent replacement

~~11.9.~~ RELATED DOCUMENTS

~~11.19.1~~ ~~Kingborough Interim Planning Scheme 2015~~ Nil.

~~12.10.~~ AUDIENCE

~~12.110.1~~ The Cash-in-Lieu of Parking Policy primarily applies to the Council planning authority in the exercise of its duties in assessing development applications that require parking provisions within the planning scheme to be met. Prospective developers need to be aware of this Policy and it is publicly accessible via Council's website.

UPDATED POLICY FOR APPROVAL



Cash-in-lieu Parking Policy

Policy No:	3.19
Approved by Council:	July 2022
New Review Date:	July 2025
Minute No:	TBA
ECM File No:	12.225
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

1. POLICY STATEMENTS

- 1.1 This policy provides for the Council's powers and obligations under the Planning Scheme in respect of the requirements for cash-in-lieu contributions when on-site car parking is not provided in a proposed development.

2. DEFINITIONS

- 2.1 "Construction cost" means the earthworks, structures, access, drainage, pavement, kerbing, marking out, signage and landscaping works.
- 2.2 "Planning scheme" or the "scheme" means the Kingborough Interim Planning Scheme 2015 – or subsequent replacement.
- 2.3 "The Act" means the Land Use Planning and Approvals Act 1993 – or subsequent replacement.

3. OBJECTIVE

- 3.1 The objectives of this policy are that:
- 3.1.1 the parking facilities in Kingborough are consolidated specifically where long term strategies for specific precincts encourage public and active transport, or where consolidation of parking facilities will result in improved urban outcomes;
- 3.1.2 there is a complementary policy to support the cash-in-lieu of parking provisions within the planning scheme;
- 3.1.3 there will be an appropriate number of car parking spaces made available;
- 3.1.4 the efficient use of parking spaces is promoted through the consolidation of car parking facilities;
- 3.1.5 the method of calculating the value of cash-in-lieu contributions is clear, reasonable and fair; and
- 3.1.6 a set of guidelines is provided for the use of funds held in trust for the provision or improvement of car parking and/or transport infrastructure for public transport, walking or cycling in Kingborough.

4. SCOPE

- 4.1 The scope to guide the implementation of this Policy are:
- 4.1.1 the Policy will be applied in a manner that is consistent with and supports the assessment of development applications in accordance with the planning scheme that applies to the Kingborough municipality;
- 4.1.2 accordingly, the Policy does not replace a developer's obligation to provide on-site parking, as required under the planning scheme;
- 4.1.3 the Policy adopts 30m² as the requirement for a parking space on a development site (which includes the proportionate areas for access and manoeuvring) and this will form the basis for the calculation of land value;
- 4.1.4 public parking spaces constructed with the revenue from cash-in-lieu contributions do provide an added public benefit and, to acknowledge this, the total cash contribution (land and construction costs) will be reduced by a factor of 25%;
- 4.1.5 any car parking spaces provided as a result of cash-in-lieu contributions shall remain available to the public and administered by Council.
- 4.1.6 this policy may be supported by complementary Parking Plans , precinct Plans or other strategic planning or project plans for specific areas and which would describe in greater detail how revenue from cash-in-lieu contributions would be spent.

5. PROCEDURE (POLICY DETAIL)

5.1 General

- 5.1.1 Council will require changes of use or development proposals to provide the car parking required for that development as prescribed in the planning scheme, unless a cash-in-lieu of car parking contribution is approved under this Policy.
- 5.1.2 This Policy applies to every application for use or development under the Land Use Planning and Approvals Act 1993 that relies upon or has implications for providing and managing public off street car parking within the Kingborough municipal area in accordance with the planning scheme.

5.2 Determining the number of parking spaces required

- 5.2.1 The planning scheme includes the criteria by which the number of parking spaces that need to be provided is determined.
- 5.2.3 If the developer is unable to meet the on-site parking requirements of the planning scheme or it is inappropriate to do so, then it may be a permit condition to pay a cash-in-lieu of car parking contribution.
- 5.2.4 In reducing the amount of required on-site parking to be provided, Council will take a cash-in-lieu contribution instead. The amount is to be determined based on the cost of the land, plus the cost of constructing the parking area or facility.
- 5.2.5 Council is not obliged to accept a cash-in-lieu contribution if it is practicable and desirable to provide the required number of car parking spaces on the land.
- 5.2.6 The Policy is to be implemented under delegation as and where appropriate for all applications for use or development where required car parking is not met on site.

5.3 Calculating the value of a cash-in-lieu of parking contribution

- 5.3.1 The amount of cash-in-lieu is to be determined based on the cost of the land, plus the construction costs for any necessary car parking.
- 5.3.2 The construction costs per square metre will be established by determining the average capital costs associated with the provision of car parking spaces in Council constructed car parks. This is assumed to be 30m² per parking space and includes the proportionate area required for access and manoeuvring.
- 5.3.3 The amount of a cash-in-lieu of car parking contribution is:
 - i. the cost to construct the equivalent car parking area; and
 - ii. where it is necessary to purchase land (or where Council land is to be used) an additional amount is required to be paid that is calculated as follows – 30m² X land value/m² X number of car parking spaces.
- 5.3.4 The land value/m² is to be determined from a valuation by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developer's expense at the date of approval of the planning permit or at the discretion of the General Manager derived from any recent land valuation for nearby land plus a 10% contingency.
- 5.3.5 The total of the construction cost and the land value is then reduced by a public benefit factor of 15%. This acknowledges the likelihood of public parking being shared across different sites and at different times, plus improvements to public parking and transport infrastructure should be partly funded by the broader community.
- 5.3.6 The means of payment shall be as follows:
 - i. Payment is to be made prior to the issue of a Building Permit or, where no Building Permit is required, prior to the commencement of use.

- ii. The General Manager may accept terms for the staged payment on a quarterly basis over a maximum period of two years from the issue of a Building Permit or, where no Building Permit is required, from the commencement of use. This is subject to the terms being stipulated in a Deed between the developer, the land owner and the Council, or a Part 5 Agreement, pursuant to section 71 of the Land Use Planning and Approvals Act 1993 registered on the relevant land title prior to the issue of a Building Permit or, where no Building Permit is required, prior to the commencement of use. The cash-in-lieu of car parking contribution payment is to be a debt due to the Council recoverable in a court of competent jurisdiction.

5.4 Utilising cash-in-lieu contributions

5.4.1 All monies received through the application of this Policy are to be applied to a cash-in-lieu of car parking contribution fund. This will include details that describe any commitments that relate to the future expenditure of the funds that are being held in trust by Council.

5.4.2 The following guidelines apply to the expenditure of cash-in-lieu funds:

- i. expenditure must be in accordance with any Council adopted Parking plan, Precinct Plan or other strategic planning or project plan that applies to a particular locality.
- ii. in the absence of such an adopted Parking Plan, Precinct Plans or other strategic planning or project plan, then any contribution received by Council may be spent in any manner that would contribute to the provision of new parking spaces or facilities that would encourage the use of public transport or active travel options.

5.4.3 Funds are to be used for the following:

- i. acquisition of land for parking in the municipal area;
- ii. design and construction of public parking, both on-street and off-street;
- iii. increased parking or improvement to existing public parking facilities and on-street parking;
- iv. servicing of loans obtained to provide public parking; or
- v. construction or upgrade of public transport, walking or cycling infrastructure consistent with a Council endorsed Parking Plan, Precinct Plans or other strategic planning or project plan.

5.4.4 Council is not required to consult with the developer on any matter related to the expenditure of any contribution.

6. GUIDELINES

6.1 The Cash-in-Lieu of Parking Policy will be implemented in the first instance by Council planning staff when assessing development applications. Staff will assess the respective merits of whether on-site parking is appropriate or whether better public outcomes are achieved from cash-in-lieu contributions. This assessment will be informed by the provisions within the planning scheme, as well as any Council endorsed Parking Plan, Precinct Plans or other strategic planning or project plan.

7. COMMUNICATION

7.1 All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis.

8. LEGISLATION

8.1 The following statutory documents should be considered in conjunction with this policy:

8.1.1 *Kingborough Interim Planning Scheme 2015* – or subsequent replacement

9. RELATED DOCUMENTS

9.1 Nil.

10. AUDIENCE

10.1 The Cash-in-Lieu of Parking Policy primarily applies to the Council planning authority in the exercise of its duties in assessing development applications that require parking provisions within the planning scheme to be met. Prospective developers need to be aware of this Policy and it is publicly accessible via Council's website.

Public Copy

16.3 CIVIC CENTRE FLAGPOLE POLICY

File Number: 12.19

Author: Heather Salisbury, Acting Director Environment, Development & Community Services

Authoriser: 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 present a draft Civic Centre Flagpole Policy and Annual Community Flag Schedule for Council consideration and approval.

2. BACKGROUND

- 2.1 At its meeting on 7 March 2022, the Council resolved to:

- Install a fourth flagpole at the Civic Centre, for display of a rainbow flag to recognise our LGBTIQ+ communities on dedicated awareness days; and
- Develop an application process and guidelines in relation to the flying of any other flags on this fourth flagpole for commemorative or recognition purposes.

- 2.2 It has taken some time to design and source an appropriate fourth flagpole. The current flagpoles are old and it is no longer possible to acquire one at the same height.

- 2.3 As a result a revised design for the front forecourt of the Civic Centre has been prepared providing for a new taller flagpole on the south of the entrance with the existing three shorter poles remaining as currently located.

- 2.4 In accordance with the Australian National Flag Protocols, the new taller flagpole will fly the Australian flag.

- 2.5 The Tasmanian State flag and the Aboriginal flag will be flown from the existing poles with the third pole available for flying flags marking days or events of community significance.

- 2.6 The new flagpole has now been purchased and is likely to be installed in late August.

- 2.7 An opportunity exists when resourcing allows in the future for a more significant redesign and upgrade of the Civic Centre forecourt, which would see all the flagpoles replaced.

- 2.8 This report presents a draft Civic Centre Flagpole Policy outlining the arrangements for the use of the flagpoles, in accordance with the Australian National Flag Protocols. It also outlines the application process and guidelines in relation to flying other flags on the fourth flagpole, together with a draft Annual Community Flag Schedule for Council consideration.

3. STATUTORY REQUIREMENTS

- 3.1 Australian National Flag Protocols

4. DISCUSSION

- 4.1 At this time the draft Schedule for the fourth / community flagpole provides only for Reconciliation and NAIDOC weeks (when flags in addition to the Aboriginal flag would be flown) and days recognising Kingborough's LGBTIQ+ communities, as proposed by the Council.
- 4.2 It is envisaged that the Schedule will expand over time as requests are received from the community. The Policy provides for new requests to be approved by Council, other than where that is not practicable and then provides for the General Manager to approve flying a flag for a one-off occasion.
- 4.3 The Policy provides for additions to the Annual Community Flag Schedule for flags which symbolise and celebrate the diverse community of Kingborough and have special meaning to all or part of our community.
- 4.4 In considering new requests however the Policy provides for regard to be given to whether the flying of a flag would cause offence to sectors of the community or whether highlighting a particular issue, cause or group would be inconsistent with Council's commitment to strengthening community resilience, inclusion and safety.

5. FINANCE

- 5.1 There are no financial implications associated with adoption of the Policy.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 Advice was taken from Working It Out in relation to the draft Annual Community Flag Schedule.

8. RISK

- 8.1 There are no risks associated with this report.

9. RECOMMENDATION

That Council approve the Civic Centre Flagpole Policy and Annual Community Flag Schedule as attached to this report.

ATTACHMENTS

- 1. Civic Centre Flagpole Policy and Annual Community Flag Schedule



Civic Centre Flagpole Policy

Policy No:	6.14
Approved by Council:	
New Review Date:	
Minute No:	TBA
ECM File No:	12.19
Version:	1.0
Responsible Officer:	Director Environment, Development & Community Services
Strategic Plan Reference:	1.1 A Council that engages with and enables its community



Civic Centre Flagpole Policy Policy 6.14

1. POLICY STATEMENTS

- 1.1 Kingborough Council has four flagpoles at the Civic Centre, 15 Channel Highway, Kingston, located as shown in Attachment 1.
- 1.2 Council recognises the Australian National Flag should be treated with respect and dignity. While Council facilities are not considered federal government buildings or establishments, Council will observe, as far as practicable, the Australian National Flag Protocols. Where a request to fly another flag is approved, the Australian National Flag will not be replaced with the other flag for the specified event or timeframe.
- 1.3 The Australian Flag will be flown on the highest flagpole at the Civic Centre.
- 1.4 Council will use the second flagpole to display the Tasmanian State Flag.
- 1.5 Flying the Australian Aboriginal Flag affirms Council's respect for Australia's Indigenous peoples and it will be flown on the 3rd Flagpole at the Civic Centre
- 1.6 The fourth flagpole, the community flagpole, located at the Kingborough Council Civic Centre is reserved for the flying of flags that symbolise and celebrate the diverse community of Kingborough and shall be used for flying flags that have special meaning to all or part of our community.

2. DEFINITIONS

- 2.1 '*Community Flagpole*' means the flagpole used for the purpose of displaying the flags set out in the Annual Community Flag Schedule.
- 2.2 '*Civic Centre*' is the Council building at 15 Channel Highway, Kingston.
- 2.3 '*Annual Community Flag Schedule*' means the schedule adopted in conjunction with this policy and amended by Council resolution thereafter, which sets out which flags shall be flown on the Community Flagpole and, when they shall be flown, and which flagpoles shall be used.
- 2.4 '*Community Flags*' means flags that symbolise and celebrate Kingborough's diverse community or which have special meaning to parts of our community.

3. OBJECTIVE

- 3.1 To inform and guide Council on the applicable protocols for flying the Australian National Flag and other flags at the Civic Centre and other Council facilities.
- 3.2 The Policy also provides for the management and approval of requests to fly flags to mark significant events, or that have been received from members of Council staff and/or the Community.
- 3.3 To ensure that flags at Council facilities are flown in accordance with this policy and with the Australian Government's flag protocols.
- 3.4 To provide a framework for considering requests to fly flags at times outside Council's Annual Community Flag Schedule.

4. SCOPE

- 4.1 This policy outlines how Council's four flagpoles located at the Civic Centre are to be used and establishes a procedure for requests to fly flags on our flagpoles.
- 4.2 Other Council owned and/or managed sites on which flag poles exist, but are not the direct responsibility of Council do not need to comply with this policy, but should observe the Australian Government flag protocols.



Civic Centre Flagpole Policy Policy 6.14

5. PROCEDURE (POLICY DETAIL)

- 5.1 There are four flagpoles located at the Civic Centre (as shown in Attachment 1).
- 5.2 The flags to be flown in this location and in this order are:
 - 5.2.1 Australian National Flag
 - 5.2.2 Tasmanian State Flag
 - 5.2.3 Aboriginal Flag
 - 5.2.4 Community Flags as per the Annual Community Flag Schedule
- 5.3 Council will fly flags in accordance with its Annual Community Flag Schedule (Attachment 2).
- 5.4 If a duration for the flying of a community flag is not specified in the Schedule it will be limited to no more than one week.
- 5.5 Council will only consider flying the national flags of other countries, on request, to acknowledge days of national significance for that country, or in exceptional circumstances such as national emergency events. Flying of national flags of other countries will be flown in accordance with the Australian National Flag Protocols.
- 5.6 Council will consider requests to fly other flags in accordance with this policy and the Australian National Flag Protocols. In doing so, regard shall be given to whether the flying of a flag would cause offence to sectors of the community or whether highlighting a particular issue, cause or group would be inconsistent with Council's commitment to strengthening community resilience, inclusion and safety.
- 5.7 In general, Council will not approve requests from organisations or individuals who:
 - 5.7.1 do not share Council's views on promoting a diverse, tolerant and inclusive community
 - 5.7.2 are political parties
 - 5.7.3 undertake an activity for commercial gain
 - 5.7.4 offer programs that may present a hazard to the community.
- 5.8 Council will not consider requests to fly other flags in place of the Australian Aboriginal Flag or the Torres Strait Islander flag on National Sorry Day (26 May), during National Reconciliation Week (27 May - 3 June) or during NAIDOC week (early July each year as advised).
- 5.9 While this policy only applies to flags flown on the flagpoles at the Civic Centre, Council reserves the right to direct those responsible for flagpoles on other Council-owned sites to remove any flag that is deemed offensive.
- 5.10 Applicants whose requests to fly flags are approved are responsible for providing to Council the required number of flags at the appropriate standard size and with appropriate fittings and (where relevant) are responsible for any costs associated with required planning permits.
- 5.11 Council reserves the right to withdraw approval to fly a flag at any time.

Half-masting

- 5.12 In accordance with Australian National Flag Protocols, flags will be flown at half-mast on ANZAC Day (25 April) from dawn until noon, at which time flags should be raised to the peak of the flagpole for the remainder of the day. Requests to fly other flags on this day will not be considered.
- 5.13 On Remembrance Day (11 November), flags will be flown at the peak of the flagpole from approximately 8am until precisely 10.30am (local time) at which time flags should be lowered to half-mast. At 11.02am flags should be moved back to the peak of the flagpole for the remainder of the



Civic Centre Flagpole Policy Policy 6.14

day. This protocol allows for the traditional ceremonial duties to be carried out, including one minute of silence from 11am. Requests to fly other flags on this day will not be considered.

- 5.14 Council will fly flags at half-mast, where possible, as a sign of mourning on appropriate occasions as advised by the Department of Premier and Cabinet, or the Department of Prime Minister and Cabinet.
- 5.15 Notifications to half-mast on these occasions will be considered and actioned as appropriate by the General Manager or delegate.
- 5.16 On request, Council will also consider flying flags at half-mast to mark significant occasions such as the passing of a current or former councillor, a local state or federal member of parliament or other dignitary. Requests to half-mast on these occasions will be considered and approved by the General Manager or delegate.
- 5.17 Where flags are flown at half-mast a public notice will be published on Council's website indicating the reason.

Responsibilities

- 5.18 The Council is responsible for considering and approving applications to fly a flag either for a one-off occasion or to add a flag to the Annual Community Flag Schedule.
- 5.19 The General Manager (or delegate) is responsible for:
 - 5.19.1 determining when it is appropriate to refer an application to fly a flag to Council for a decision
 - 5.19.2 considering and approving applications to fly an alternative flag, in line with this policy for a one-off occasion where a resolution from Council is not practicable
 - 5.19.3 ensuring periodic reviews of the Policy are conducted.
- 5.20 Council's Executive Officer is responsible for:
 - 5.20.1 receiving and considering requests for the flying of flags and the half-masting of flags
 - 5.20.2 maintaining a register of requests to fly flags at times outside Council's Annual Community Flag Schedule on the community flagpole
- 5.21 The Director Governance, Recreation and Property Services (or delegate) is responsible for:
 - 5.21.1 maintaining a supply of those flags included on the Annual Community Flag Schedule and requesting timely replacement of damaged flags where a flag is rendered unsuitable for display
 - 5.21.2 monitoring the condition of the flags and flagpoles and reporting any maintenance issues as required
 - 5.21.3 on receiving advice from the Governance unit, arranging the flying of flags in accordance with this policy and the Australian Government's protocols
- 5.22 The Chief Information Officer is responsible for:
 - 5.22.1 maintaining a subscription to the Department of Premier and Cabinet and the Department of Prime Minister and Cabinet's Commonwealth Flag Network email notification services.

6. GUIDELINES

- 6.1 The Annual Community Flag Schedule is to be considered a living document, and can be added to by one of the following mechanisms:
 - 6.1.1 By Council resolution, either for a one-off occasion or on an ongoing basis.



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- 6.1.2 By the General Manager for a one-off occasion where a resolution from Council is not practicable.
- 6.1.3 Upon request by a bona fide organisation at least 45 days prior to the proposed flag flying date and following approval by Council resolution or by the General Manager (where a resolution from Council is not practicable). The flag(s) is to be provided by the organisation making the request.
- 6.1.4 In general requests will be dealt with on a first come - first served basis but Council reserves the right to withdraw approval to fly a particular flag and substitute it with another flag in exceptional circumstances.
- 6.2 In considering the addition of flags to the Annual Community Flag Schedule, regard shall be given to whether the flying of the flag will cause offence to sectors of the community or whether highlighting a particular issue, cause or group would be inconsistent with Council's values and commitment to inclusiveness.
- 6.3 The General Manager or in their absence the Director Governance, Recreation and Property Services shall be authorised to permit departures from this policy where adherence to the policy:
 - 6.3.1 would have financial and staffing implications due to a need to raise or lower a flag outside business hours;
 - 6.3.2 could cause offence to sectors of the Kingborough community;
 - 6.3.3 results in a conflict between different policy requirements; or
 - 6.3.4 is warranted due to extraordinary or unforeseen circumstances.

7. COMMUNICATION

- 7.1 This policy is available on Council's website.
- 7.2 A Flag Flying Application Form is also available on the website.

8. LEGISLATION

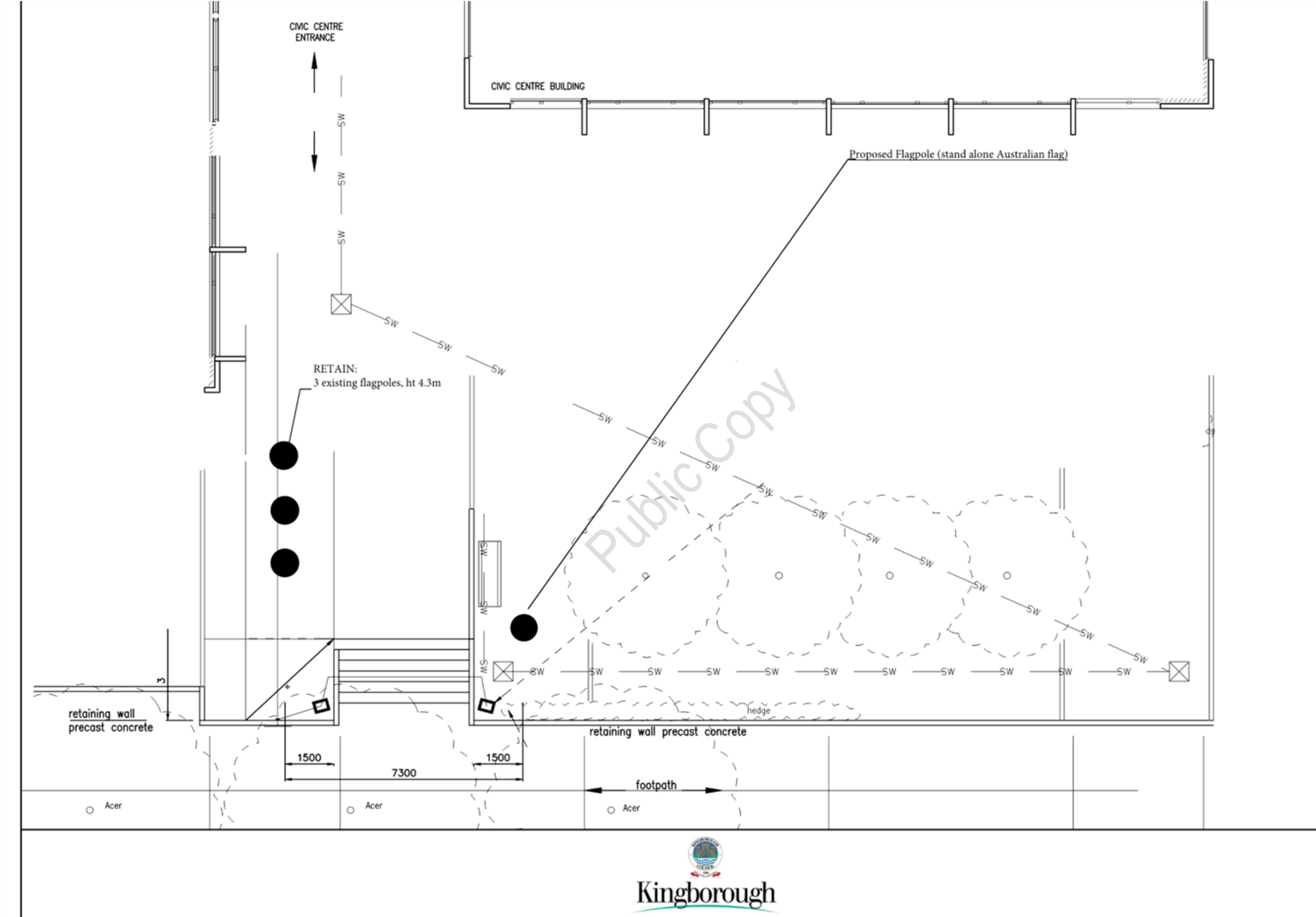
- 8.1 *Flags Act 1953.*

9. RELATED DOCUMENTS

- 9.1 Department of the Prime Minister and Cabinet, Australian National Flag Protocols.
- 9.2 Annual Community Flag Schedule.
- 9.3 Flag Flying Application Form.

10. AUDIENCE

- 10.1 The Kingborough Community.





Civic Centre Flagpole Policy Policy 6.14

Annual Community Flag Schedule (Draft)

Flag	When	Why	Conditions
Rainbow Flag	February (subject to Festival dates)	Tas Pride Festival	
Trans Flag	31 March (Trans Day of Visibility)	Trans Day of Visibility	
Rainbow Flag	17 May	International Day Against Homophobia Biphobia and Transphobia	The Rainbow Flag will be raised on 17 May and lowered on a business day prior to Sorry Day (26 May).
No community flags	26 May	Sorry Day -	National Sorry Day acknowledges and raises awareness of the history and continued effect of the forced removal of Aboriginal and Torres Strait Islander people from their families, communities and culture. Requests to fly other flags on this day will not be considered.
Reconciliation week flag if available or Torres Strait Islander Flag.	27 May to 3 June	National Reconciliation Week	The Australian Aboriginal Flag is already flown at the Civic Centre. Requests to fly other flags during this period will not be considered.
NAIDOC Week Flag	July (dates tbc)	NAIDOC Week -	The NAIDOC week flag will be flown on the community flagpole for this period. Requests to fly other flags during this period will not be considered.
Rainbow Flag	August – last Friday	Wear it Purple Day	
Rainbow Flag (or Bi Sexuality Flag)	23 September	Bi Visibility Day	

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Rainbow Flag (or Intersex Flag)	26 October	Intersex Awareness Day	
Trans Flag	20 November (and Awareness Week)	Trans Day of Remembrance	

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Flag flying application form

Applications must be received a minimum of 45 calendar days prior to the proposed date/s to allow time for any necessary approvals.

Applicant details	
Name:	Date:
Position:	Business Unit (<i>internal</i>):
Organisation (<i>external</i>):	Department (<i>internal</i>):
Telephone number:	Email address:
Flag details	
Type and description of flag to be flown:	Proposed start and end date/s:
Background information: <i>please outline why you are requesting the flag to be flown and attach any supporting documentation</i>	

Please note

- Where an application to fly a flag/s is approved, it is the responsibility of the applicant to provide Council with the required flag of an appropriate size (dimensions xmm X xmm) prior to the date/s the flag/s are to be flown. Flags must be in an appropriate condition for flying (i.e. not torn or faded).
- Council's annual flag schedule will take precedence over any requests to fly other flags.

17 NOTICES OF MOTION

At the time the Agenda was compiled there were no Notices of Motion received.

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*

Tender - Provision of Reactive Tree Trimming

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

Tender Assessment - AB2215 Mountain Bike Park Pump Track

Regulation 15(2)(b), and (2)(d) *information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business, and contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

Kettering Cemetery

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	
Tender - Provision of Reactive Tree Trimming	
Tender Assessment - AB2215 Mountain Bike Park Pump Track	
Kettering Cemetery	

CLOSURE

APPENDIX

- A Audit Panel Minutes
- B Kingborough Bicycle Advisory Committee - Minutes 17 June 2022
- C Kingborough Community Safety Committee - Minutes 20 June 2022

Public Copy

A AUDIT PANEL MINUTES

File Number: 12.195

Author: John Breen, Chief Financial Officer

Authoriser: Gary Arnold, General Manager



**AUDIT PANEL
MINUTES**

13 May 2022

MINUTES of the Kingborough Council Audit Panel held at the Council Chambers on Friday, 13 May 2022 at 8.00 am.

PRESENT:

		PRESENT	APOLOGY
Chair	Mr P McTaggart	Y	
	Mr P Viney	Y	
	Ms C Millar	Y	
	Cr F Fox	Y	
	Cr C Street	Y	

IN ATTENDANCE

General Manager
Chief Financial Officer
Finance Manager

External:

WLF Accounting and Advisory
TAO
Crowe

Mr G Arnold
Mr J Breen
Mr T Jones

Ms A Leis
Mr D Bond
Ms A Flakemore

WELCOME:

The Chair welcomed the Panel.

APOLOGIES

Nil.

ADOPTION OF THE AGENDA

The agenda as provided was accepted.

DECLARATIONS OF INTEREST

The declaration of interest from Mr Viney was noted.

CONFIRMATION OF MINUTES

The Panel endorsed the minutes of the Kingborough Council Audit Panel meeting of 11 February 2022, with a couple of minor edits, as a true and correct record.

BUSINESS ARISING FROM THE MINUTES

Nil.

ACTION LIST**Action List**

The CFO reported that management have decided to finalise the Corporate Plan and it should be ready for distribution at the next meeting.

The compliance sign-off was progressing and it was decided that a manual process would be used in the upcoming review of the compliance checklist.

The operational risk register will be reviewed in August with the results coming to the October meeting.

All other action items were included in the agenda or are due later in the year.

INTERNAL AUDIT**Internal Audit Status Report**

Ms A Leis joined the meeting at 8.05 am and presented the internal audit status report. The report highlighted progress with the 2021/22 projects. Ms Leis noted that the final project on business continuity was underway with a review of business continuity and disaster recovery documentation and interviews with relevant parties. She suggested that to complete the audit it would be appropriate to conduct a broad review of the business continuity plan with the management team to ensure it is up to date. This will be completed over the next two months.

Strategic Three-Year Audit Plan

The draft three-year audit plan was presented for discussion. It was decided to bring forward the workplace health and safety audit into 2022/23 and move the fraud and corruption audit to 2023/24 and combine it with the privacy audit. The internal audits for 2022/23 are climate change, project management and workplace health and safety.

WLF are to update the strategic audit plan and it is to be emailed to the Panel.

Internal Audit Discussion with Panel

Due to time limitations, it was decided to defer this item to the next meeting.

The Internal Auditors left the meeting at 8.40 am.

Internal Audit Recommendations Tracker

The Panel reviewed the action items under the internal audit recommendation tracker. The projects in regards to the Long-Term Asset Management Plan (LTAMP) and the road revaluation are now completed.

The CFO provided a detailed introduction to the LTAMP assumptions and workings.

The Panel noted the report and the stability of the financial model and economics of Council revenues and expenditures over the life of the model.

The CFO reported that a proposal from WLF had been received to undertake risk awareness training and to provide supporting material for Managers to discuss with their Teams. This training will be undertaken once face to face training recommences.

Progress on the Cyber Security and Payroll audit outcomes were noted.

EXTERNAL AUDIT**TAO Audit Strategy**

Mr D Bond and Ms A Flakemore joined the meeting to discuss the audit strategy for the 2021/22 audit. TAO has decided to outsource the majority of the audit to Crowe who will undertake the field work. The TAO will retain the role as signing officer. Ms Flakemore went through the strategy document and highlighted the audit team for the year. She also went through the key focus areas and the materiality figures. The interim audit is in progress and the final audit will commence upon completion of the draft financial accounts in mid-August.

TAO Report Tracker

The Panel noted the outstanding TAO recommendations in the audit tracker. One is waiting the interim audit for review and the other is due in March 2022.

KEY MATTERS – COUNCIL MEETINGS OVERVIEW

The General Manager provided information on the recent Council decision to decline the planning application for the stage 3 units at Kingston Park. The developer is appealing to the Tribunal in regards to the decision and the appeal will be heard over the next couple of months.

RISK MANAGEMENT & BUSINESS CONTINUITY UPDATE**Strategic Risk Register**

The CFO spoke to the changes in the strategic risk register in particular the impact of CPI increases on being able to undertake capital expenditure project inline with budgets and the inability to negotiate the enterprise agreement. It was also noted that the market for skilled workers was extremely competitive making it difficult to fill positions with qualified staff.

The General Manager outlined progress with the Enterprise Agreement.

The Panel expressed concern regarding impacts on morale from ongoing delays, to which the GM and CFO confirmed some unrest, but nothing that would amount to elevated risk to the Organisation.

IT Security and Policy Breaches

No Policy breaches were recorded in the March and April months.

REGULATORY/GOVERNANCE UPDATES:**Audit Panel Performance Survey****Performance Survey**

The Panel noted the Audit Panel survey will be undertaken in September 2022.

Insurance Matters / Emerging Risks / Legal Claims

The Finance Manager indicated that there were two current long-term insurance claims that were still being actioned by the underwriter. Council's liability is limited to the insurance excess. Workers Comp claim numbers are relatively low for the year, however there are two claims with uncertain outcome that have large contingencies associated with them.

Cr Street left the meeting at 9.50am.

NON-STANDING ITEMS**Insurance Proposal 2022/23**

The Panel noted the insurance report. Noting the significant premium increase proposed for the next year, the Manager Finance was asked to investigate the benefits of accepting an increase excess for property insurance in terms of a reduced cost of insurance. The Panel noted this may not be possible due to the Member Pool nature of the Policy.

Audit Panel Charter

The Panel noted the report on the Charter with a couple of suggested changes to the terms for independent members and the remuneration disclosure. The CFO is to seek information on other

Council's Charters to see how they manage remuneration and independent member terms in their charters.

Gift Register

The panel noted the gift register for the period July to December 2021.

April 2022 Financial Report

The Panel noted the financial report at 30 April 2022

STANDING ITEMS

Annual Work Plan and Timetable

The Annual Work Program 2021 (from Charter) was provided.

Upcoming Education Events

It was noted that a number of Panel members had registered for the WLF update on accounting policies.

OTHER BUSINESS

It was noted that the Local Government review was seeking submissions from Audit Panels and individuals.

ACTION SHEET

Item	Responsibility	Due Date
Strategic & Corporate Plan – determine whether a Plan is going to be developed.	CFO	Aug 2022
Operational Risks – Once the register has been reviewed and updated, email out a copy to the Panel.	CFO	Oct 2022
Compliance Sign-Off – develop a management certification letter to be signed.	CFO	Aug 2022
Strategic Three-Year Audit Plan – circulate the updated copy of the plan once received from WLF.	CFO	Jun 2022
Insurance Portfolio – determine the benefits of an increase excess on property insurance.	Finance Manager	Jul 2022
Charter – seek information from other Councils on how they manage remuneration and member terms in their charters.	CFO	Aug 2022

CLOSURE

There being no further business the Chair declared the meeting closed at 10.45 am.

Confirmed as a true and correct record:

.....
Chair,
Audit Panel

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B KINGBOROUGH BICYCLE ADVISORY COMMITTEE - MINUTES 17 JUNE 2022

File Number: 28.114

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Director Engineering Services

MINUTES

Kingborough Bicycle Advisory Committee

Meeting No. 2022-3

Friday 17 June 2022



MINUTES of a Meeting of the Kingborough Bicycle Advisory Committee held at the Kingborough Civic Centre, Kingston, on Friday 17 June 2022 at 9:00a.m.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Amanda Midgley	✓	
Members:	Ms Suzanne Betts	✓	
	Mr Isaac Forster		✓
	Mr David McQuillen	✓	
	Mr Dylan Robbins		✓
	Mr Rob Sheers	✓	
	Mr Peter Tuft	✓	
	Ms Angela Wilson	✓	
	Ms Ros Woodburn		✓
Cycling South	Ms Mary McParland	✓	
Bicycle Network	Ms Alison Hetherington	✓	
Council Officers In Attendance:			
Executive Officer	Mr Anthony Verdouw	✓	
Graduate Engineer	Ms Anna Joseph	✓	
Other Attendees			
ERA Planning - Consultant	Mr Rodney Lester	✓	

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 we meet and acknowledged elders past and present.

LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

MOVED: Peter Tuft

SECONDED: Angela Wilson

That the Minutes of the Committee meeting held on Friday 8 April 2022, as circulated be confirmed.

Carried

BUSINESS ARISING FROM PREVIOUS MINUTES**1. Margate to Huntingfield Feasibility Study Update – Consultant – 10.30am**

Engagement consultant provided an update on the Feasibility Study and presented on proposed route alignment that will soon be advertised for community feedback – ref.

Action 17

- *Amanda to raise the Channel Hwy Corridor Study actions.*
- *Staff to arrange out of session meeting of Committee to discuss a KBAC response to the Margate to Huntingfield Feasibility study engagement when it is public.*

2. Cycling Strategy – Strategic and Advocacy Actions Review

Review and discussion of Strategic and Advocacy Actions – Appendix 1

Action 3 – Track counters:

- *Staff to follow up if extra track counters can be purchased.*
- *Staff to examine options to present the track data graphically and set a regular counting period, for example monthly.*

Action 5 & Action 12 – Road safety audits to eliminate hazards for cycling – maintain existing network.

- *TasPolice attendance at a future meeting to discuss cycling safety and enforcement.*
- *KBAC members are invited to report on specific issues so a list can be collated.*
- *Staff to follow up whether Council can incorporate traffic management references in the positive provisioning policy.*

Action 6 – Active travel provisions in new developments

- *Staff to invite Council's Strategic Planner to present on TPS progress and next steps at a future meeting.*

Action 7 & 8 – Promote safe cycling and places to ride in Kingborough

- *Council could support a Back on Your Bike course in Kingborough.*
- *Topics for potential Kingborough Chronicle Articles:*
 - *Update/promotion of Kingborough Cycling Strategy*
 - *1.5m passing distance photo with BNT mat, links to [Minimum Passing Distance](#) - rules on crossing centrelines to overtake*
 - *Riding on shared paths & crossing roads (including signalised crossings) – share the path messaging, keep left, dogs on short lead etc.*
 - *Where to ride – map sources, social riding with KBUG.*

Action 10 – Wayfinding strategy – signage and mapping

- *Action relates to footpaths and broader active transport strategies such as local links program.*
- *Staff to follow up if Kingston Park signage plan can be shared with KBAC.*
- *Mary to liaise with Su regarding a focal point map for Kingborough.*

Action 11 – Positive Provisioning Policy

- *Amanda to discuss formalising a Council Positive Provisioning Policy with David Reeve and request a timeframe for completion.*

3. Cycling Strategy – Infrastructure Actions Review

Review and discussion of Infrastructure Actions – Appendix 1

Action 15 – Channel Hwy Sealed Shoulders (Huntingfield to Margate section – State Growth projects)

- *Staff to invite DSG representative to a future meeting to discuss.*

Action 16 – Mountain bike park improvements

Action 17 – Channel Trail – Kingston to Margate

Action 21 – Channel Hwy Taroona design

- Register of issues collated after site visit with staff. Register will help inform next steps and designs next FY.
- Letters have been sent to residents regarding moves to formalise the bike lane and prohibit parking.
- *Staff to provide regular updates to Committee on this matter.*

Action 22 – Spring Farm to Sports Precinct

- *Staff to follow up a timeframe for proposed works.*

Action 24 – Roslyn Ave design

Action 26 – Channel Trail – Snug to Lower Snug

- Crown Land verge around 590 Channel Hwy - The adjacent property owner has a crown land lease with PWS for maintenance (mowing) of this reserve. Also note the proposed path in the feasibility study does not traverse this Crown Land reserve.

Action 27 – Taroona Safe Route to School

- Amanda to follow up with Ella Haddad and to provide updates on the proposal and petition.

4. Cycling South Report

Mary provided an update on Cycling South activities:

- Met with consultants preparing the Channel Trail feasibility study for the section between Huntingfield and Margate and discussed alternative routes at the Margate and Huntingfield ends.
- Provided advice to Council officers on linemarking options and managing blind spots at underpasses.
- Participated in a stakeholder workshop for the Tasman Bridge pathways which will be 3.5m wide on both sides.
- Part of a working group to identify a detour route for the Intercity Cycleway in New Town. As part of the Northern suburbs transit corridor, investigations and works on 3 bridges in New Town (Risdon Rd embankment, Tower Rd and New Town Rivulet) will require closure of the cycleway for weeks and possibly months.
- Investigating funding options for the Greater Hobart All Ages & Abilities (AAA) cycling network now that the federal election is over.
- *Mary to inform KBAC when Greater Hobart AAA Network is approved and staff to add link to AAA network on Council website.*

CORRESPONDENCE5. Incoming:

- a. Kingborough Back on your bike program | Bicycle Network Tasmania – 4 May 2022

OTHER BUSINESS

- Commercial property planning query - *Staff to follow up the minimum requirements for bike racks for commercial properties and how these requirements are enforced.*
- KBAC notes the 5-year statutory review of the Tasmanian Planning Scheme and notes the need for bike parking requirements in apartment buildings and commercial developments. *Amanda to raise a question with Council for further information.*
- Snug footpath missing link – *Staff to add missing footpath link to register – Channel Hwy between Snug Tavern to Snug Tiers Road.*
- Gemalla Road upgrade – *Staff to report back to Committee on width of footpath at Gemalla Rd and if possible, make the footpath 2.5M wide.*

MATTERS OF GENERAL INTEREST6. Cycling projects in the 22-23 Council budget

Cr Midgley to provide an update

Design projects - Amanda to confirm when the design projects listed in the 22-23 budget are planned for construction in future years.

7. Kingborough Community Ask Survey - 6-15 MAY 2022

Free response report from survey was provided to the Committee for information, noting a number of responses related to active transport matters.

8. 30-Year Greater Hobart Plan

Noted engagement on plan open until Monday 20 June 2022.

NEXT MEETING

The next meeting of the Committee will be 9am Friday 19 August 2022 at the Civic Centre.

CLOSURE:

There being no further business, the Chairperson declared the meeting closed at 11:30am.

Kingborough Bicycle Advisory Committee

Proposed Meeting Dates for 2022

Note meetings are held bi-monthly on Fridays at 9:00am

in the Council Chambers, Kingston

19 August

14 October

16 December

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Appendix 1 – Cycling Strategy Action Tables:

Strategic and Advocacy Actions

Action	Project	Description	Time frame	Cost	Responsible Authorities	Funding	Progress/Outcomes
1	Ride to School Day and Ride to Work Day	Promote National Ride to School Day and Ride to Work Day through Council communication channels. Assess schools for rideability and barriers to greater cycling uptake.	Ongoing	Low	Council	Op	25 March 2022 Ride to School Day.
2	Commuter Counts	Continue to collect cycling data by participating in the annual Commuter Counts in March each year.	Ongoing	Low	Council	Op	Commuter counts undertaken 1 March 2022.
3	Install usage counters	Install counters to collect usage data on cycling routes and create an active transport data set for the municipality.	Ongoing	Low	Council	Op	
4	Bike Week	Support Bike Week events to encourage participation in cycling, such as the Kingborough Treasure Hunt.	Ongoing	Low	Council	Op	
5	Road safety audits to eliminate hazards for people cycling	Review road crossings on shared paths and around schools to assess whether safety improvements can be made, such as wombat crossings and pedestrian refuges. Where kerb outstands create 'pinch points' identify options for removing the hazard. Review speed limits in activity areas and on cycling routes.	Ongoing	Low	Council	Op	
6	Active travel provisions in new developments	Advocate for the development of standards for active travel infrastructure and facilities. Encourage new developments and subdivisions to align with the recommendations of the <i>Kingborough Footpath Policy</i>	Ongoing	Low	Council, Tasmanian Planning Commission	Op	

Acti on	Project	Description	Time frame	Cost	Responsible Authorities	Fundi ng	Progress/Outcomes
		and the <i>Kingborough Cycling Strategy</i> endorsed by Council. Where appropriate require a 2.5m wide shared path alongside all collector roads and waterways in new developments. Encourage developers to incorporate bicycle parking in commercial and residential apartment developments.					
7	Promote safe cycling in Kingborough	Promote road safety campaigns developed by RSAC (Road Safety Advisory Council) and the Kingborough Community Safety Committee. Support and promote cycling education programs run by external agencies to provide bicycle education that increases skills and confidence.	Ongoing	Low	Council	Op	
8	Promote cycling routes and places to ride	Promote cycling-related tourism through provision of maps and online information about routes and destinations, such as Bruny Island.	Ongoing	Low	Council	Op	
9	Advocate for bike racks on buses	Advocate to MetroTas and the State Government to provide bike racks on buses on all local and regional bus routes.	Short	Low	Council, DSG	Op	
10	Wayfinding Strategy signage and mapping	– Develop and implement a Wayfinding Strategy, including improved signage and mapping for active travel throughout Kingborough.	Short	Low	Council	Op	
11	Positive Provisioning Policy	Adopt a Positive Provisioning Policy to incorporate cycling-friendly design in all Council projects.	Short	Low	Council	Op	

Infrastructure Actions

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
12	Maintain existing bike network	Ensure the principal bicycle network is reviewed annually to ensure bicycle infrastructure is safe and surfaces are free of significant bumps, holes, or other impediments. Any issues should be included in road resurfacing or other road maintenance schedules.	Ongoing	Council, DSG	N/A	Op	
13	Bike parking	Install bike parking based on an annual audit and community surveying and at key bus stops.	Ongoing	Council, DSG	Low	Op	
14	Water stations and bike repair stations	Install water fountains and bike repair stations based on an annual audit and community surveying.	Ongoing	Council	Low	Op	
15	Channel Hwy sealed shoulders – Kingston to Kettering	Liaise with Department of State Growth to advocate for road upgrades along the Channel Highway that include 1.5m sealed shoulders.	Ongoing	State Growth, Council	Low	Op	
16	Mountain bike park improvements	Continue to seek opportunities and funding to upgrade the facilities at the Kingston Mountain Bike Park to bring it to contemporary standards.	Ongoing	Council	Low	Ex	
17	Channel Trail – Kingston to Margate	Investigate and advocate for a shared path from Short Huntingfield to the end of the existing shared path in Margate.	Short	DSG, Council	Low	Cap / Ex	Consultant engaged by DSG undertaking Feasibility Study
18	Algona Road	Investigate and advocate for a shared path on the southern side of Algona Road between Roslyn Avenue and Huntingfield.	Short	DSG, Council	Low	Cap / Ex	
19	Firthside to Summerleas	Construct a mixed on-road and shared path route between Kingston High School and the Firthside Park & Ride.	Short	Council, DSG	Medium	Cap / Ex	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
20	Huntingfield Park & Ride Connections	Construct shared path and safe crossings from existing shared paths to the Huntingfield Park & Ride.	Short	Council, DSG	Medium	Cap / Ex	
21	Taroona – Channel Hwy	Upgrade on-road cycling facilities along Channel Highway through Taroona.	Short	Council, DSG	Medium	Cap / Ex	22-23 design project
22	Spring Farm to Sports Precinct	Construct a shared path from the existing Whitewater Creek path, north to the sporting precinct.	Short	Council	Medium	Cap / Ex	22-23 stage 1 capital project
23	Huntingfield to Kingston CBD – Channel Hwy	Advocate and seek funding for protected cycling infrastructure along Channel Highway, between Huntingfield and Kingston.	Short	DSG, Council	Medium	Ex	
24	Roslyn Avenue to Kingston Beach to Blackmans Bay	- Investigate options for an uphill bicycle lane from Algon Road to Jindabyne Road. Investigate a shared path on the western side of Roslyn Avenue, including safe intersection upgrades.	Short	Council	Low	Cap	22-23 design project
25	Kingston to Kingston Beach	Investigate options and pursue opportunities for a shared path between Kingston and Kingston Beach.	Short	Council, Landowners	Low	Cap / Ex	
26	Channel Trail – Snug to Lower Snug	Construct a shared path between Snug and Lower Snug, starting from the existing shared path in Snug.	Short	Council, DSG	Very High	Cap / Ex	
27	Taroona Safe Route to School	Construct a mixed on-road and shared path route along Flinders Esplanade to Taroona Primary and High Schools, including modal filters and safe crossings.	Medium	Council, Education Dep.	Medium	Cap	
28	Sandfly Road – sealed shoulders	Improve on-road cycling infrastructure along Sandfly Road.	Medium	Council, DSG	High	Cap / Ex	
29	Blackmans Bay Beach Connections	Connect Tinderbox Road and Blowhole Road to Ocean Esplanade with cycling infrastructure.	Medium	Council	Medium	Cap	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
30	Blackmans Bay Shops Connection	Provide a cut-through path from Roslyn Avenue and the Blackmans Bay Shops.	Medium	Council, Landowners	Low	Cap	
31	Roslyn Avenue – Algona Road to Illawarra	Investigate providing a shared path from Algona Road to Illawarra Primary School.	Medium	Council	Low	Cap	
32	Gormley Drive and Kingston View Drive	Link a shared path from Summerleas Road to the Sporting Precinct via the Twin Ovals.	Medium	Council	High	Cap	
33	Margate to Dru Point	Investigate a shared path link from Margate to Dru Point.	Medium	Council, Landowners	Low	Cap	
34	Margate local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Margate.	Medium	Council	Low	Cap	
35	Snug local pathways	Investigate local access pathways and linkages for upgrades and slow street implementation in Snug.	Medium	Council	Low	Cap	
36	Redwood Road to Algona Road	Investigate a shared path from the Maranoa Heights Reserve paths to Algona Road.	Medium	Council, DSG	Low	Cap	
37	Channel Trail – Lower Snug to Kettering	Investigate a shared path between Lower Snug and Kettering.	Medium	DSG, Council	Low	Cap / Ex	
38	Lower Snug to Coningham	Construct a shared path between Lower Snug and Coningham.	Long	Council	High	Ex / Cap	
39	Redwood Road to Kingston CBD	Investigate a shared path from Lorikeet Drive to the Kingston CBD.	Long	Council	Low	Cap	
40	Longley to Neika – sealed shoulders	Improve on-road cycling infrastructure on Huon Road between Longley and Neika.	Long	Council	High	Cap / Ex	
41	Harris Ct to Sherburd Ct path	Construct a path linking Harris Court to Sherburd Court.	Long	Council, Education	Medium	Cap / Ex	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
				Dep.			
42	Tingira Road to Ash Drive link	Investigate a shared path and/or on-road improvements, Long linking existing local tracks to Roslyn Avenue.		Council	Low	Cap	
43	Ferry Road	Investigate improving active transport infrastructure along Long Ferry Road to Bruny Island Ferry Terminal.		DSG, Council	Low	Ex	

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C KINGBOROUGH COMMUNITY SAFETY COMMITTEE - MINUTES 20 JUNE 2022

File Number: 5.476

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Director Engineering Services

MINUTES

Kingborough Community Safety Committee

Meeting No. 2022-3

Monday 20 June 2022

The logo for Kingborough, featuring the word "Kingborough" in a serif font, with a blue arc underneath the letters "borough".

MINUTES of a Meeting of the Kingborough Community Safety Committee held at the Kingborough Civic Centre, Kingston, on Monday 20 June 2022 at 2:00pm.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Sue Bastone	✓	
Members:	Mr Michael Brough	✓	
	Mr Jarrod Coad		✓
	Ms Tania Flakemore		✓
	Ms Kate Lucas		✓
	Mr David McLoughlin		✓
	Mr Keith Pardoe	✓	
	Ms Colleen Ridge		✓
	Mr Rodney Street	✓	
Tasmania Police	Insp Mark Burke	✓	
Kingborough Access Advisory Committee Representative	Dr Don Hempton	✓	
Kingborough Bicycle Advisory Committee			✓
Council Officers In Attendance:			
Executive Officer	Mr Anthony Verdouw	✓	

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.

LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

MOVED: Keith Pardoe

SECONDED: Rod Street

That the Minutes of the Committee meeting held on Monday 4 April 2022, as circulated, be confirmed.

CARRIED

GENERAL BUSINESS

1. Welcome Don Hempton - nominated to attend KCSC on behalf of DIAAC

2. Review Action Items from previous meeting (Sue Bastone)

Discussed completed action items and actions still unresolved.

Action 1: Cr Bastone to organise a site visit on corner of Roslyn Ave and Garnett St with Renai Clark and Rod Street to discuss ongoing community concerns.

3. Tasmanian Police Crime and Traffic Statistics (Mark Burke)

Inspector Burke provided a report on Kingston's crime and traffic statistics and compared trends state-wide.

Noted traffic incidents are up across the state compared to last year.

4. KCSC Action Plan 2022-2024 (Sue Bastone)

KCSC action plan confirmed, noting it is a working document.

5. Speed Limits (Sue Bastone)

Speed limit review information from Transport Tas provided for reference.

Noted that a speed limit review request for Woodbridge Hill Road is currently being progressed by Council.

Suggestion for a consolidated approach to the Department of State Growth on speed limit review requests.

Action 2: Subcommittee to prepare a speed limit review checklist/proforma which can be used as a guide for community groups to prepare requests for speed limit reviews.

6. Correspondence

- a. NRSW 2022: Please join us in showcasing your support for Road Safety – Road Safety Advisory Council
- b. Proposed extension of capacity – Hazel Bros quarry, Leslie Vale – Mike Brough - 8/6/22

7. Other Business

- Leslie Vale Quarry Proposal – Concerns were raised as it is a high-speed intersection with now a proposed potential increase in traffic movements.

Noted the proposal will follow the statutory planning process.

Action 3: Staff to investigate if a traffic counter can be installed on Leslie Road up from the quarry to gather data on current vehicle movements.

- Village Drive – Following recent upgrade works at the intersection. Yellow no parking lines have been removed.

Action 4: Staff to follow up why yellow no parking lines have not been reinstated at Village Drive intersection.

- Noted sight line issues at the Pearsall Street and Roslyn Avenue intersection. The nearby bus stop blocks vehicle sight lines when exiting the intersection.

Action 5: Bus stop locations would be a matter for Metro, but Council staff to review issues and raise concerns with Metro if appropriate.

MATTERS OF GENERAL INTEREST

NEXT MEETING

The next meeting of the Committee is Monday 15 August 2022 at 2:00pm.

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 3:06pm.

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Kingborough Community Safety Committee

Meeting Dates for 2022

Meetings are where possible held on a Monday every second month at 2pm
in the Council Chambers, Kingston

15 August

10 October

12 December

Action Items					
Meeting #	Action Number	Description	Responsibility of	Due Date	Complete
2022-3	1	Roslyn Avenue and Garnett Street intersection – Cr Bastone to organise a site visit on corner of Roslyn Ave and Garnett St with Renai Clark and Rod Street to discuss is ongoing community concerns.	Renai Clark	15/8/22	<input type="checkbox"/>
2022-3	2	Subcommittee to prepare a speed limit review checklist/proforma which can be used as a guide for community groups to prepare requests for speed limit reviews.	Cr Bastone	15/8/22	<input type="checkbox"/>
2022-3	3	Staff to investigate if a traffic counter can be installed on Leslie Road up from the quarry to gather data on current vehicle movements.	Renai Clark	10/10/22	<input type="checkbox"/>
2022-3	4	Staff to follow up why yellow no parking lines have not been reinstated at Village Drive intersection.	Renai Clark	15/8/22	<input type="checkbox"/>
2022-3	5	Bus stop locations would be a matter for Metro, but Council staff to review issues and raise concerns with Metro if appropriate.	Renai Clark	15/8/22	<input type="checkbox"/>
2022-1	2	Committee members to identify priority locations where new public lighting could be installed for staff to review.	Committee Members / Anthony Verdouw	Ongoing	<input type="checkbox"/>
2022-2	2	Lorikeet Street and Redwood Road intersection. Suggestion that a Give Way sign or line marking would be appropriate at this intersection. Staff to assess. <i>The intersection of Redwood Road and Lorikeet Street is a standard T-junction where it is obvious to motorists that Redwood Road is the major road and Lorikeet Street is the minor road. The default T-junction rule applies and GIVE WAY signs and HOLD LINES are not required.</i>	Renai Clark	20/6/22	✓
2022-2	3	Staff to forward safe speeds for schools trailer schedule for 2022 to Committee members.	Anthony Verdouw	20/6/22	✓
2022-2	4	Cr Bastone to discuss opportunities for National Road Safety Week with Council's Communications Officer.	Cr Bastone	15/5/22	✓
2022-2	5	Anthony to update the Action Plan with amendments as discussed and email to Committee for review and endorsement.	Anthony Verdouw	15/4/22	✓

2022-2	6	Staff to forward speed limit review requirements and criteria to the Committee.	Anthony Verdouw	20/6/22	✓	
2021-6	2	Investigate northern end of Auburn Rd and assess whether extending yellow no parking lines are warranted. There is a dividing line at the northern end of Auburn Road which prohibits motorists parking adjacent to. However, it has been observed that the dividing line is badly worn and so some motorists are now parking in that location. Council staff are arranging for the dividing line to be reinstated.	Renai Clark	1/02/22	✓	
2021-6	3	Investigate request to extend yellow no parking line down left-hand side of Rollins Avenue. All residents of Rollins Avenue protested to the proposal to implement parking restrictions in their street. Other than a couple of occasions where the garbage truck could not negotiate the street, Council has not received any complaints from motorists being unable to travel the road. Council has contacted the residents requesting them not to park in the street on Monday mornings to allow the garbage truck to collect bins and since then we have had no further instances where the garbage truck could not get through. Rollins Avenue is an urban access road used primarily by immediate residents. Unless immediate residents raise concerns, Council's engineering staff do not consider the street poses a high risk to vehicular or pedestrian safety and consider that an extension of the NO STOPPING zone down the left-hand side of Rollins Avenue is not required.	Renai Clark	1/02/22	✓	
2022-1	1	Committee members to review previous action plan and email Cr Bastone ideas for consideration to be discussed at the next KCSC meeting.	Committee Members	4/4/22	✓	
2021-6	1	Kingston Police to investigate if incidents involving cyclists can be included in the traffic statistics provided to the Committee.	Mark Burke	1/02/22	✓	
2021-6	4	Provide the Committee with the response to the Mayor from the State Government, regarding a 24-hour, 7 day per week police presence in Kingborough.	Jo Westwood	17/12/21	✓	
2021-6	5	Staff to follow up the possibility of slip lanes being added to the Kingston CBD entrance to the KFC roundabout and the exit from the Mertonvale Circuit junction with DSG.	Renai Clark/Anthony Verdouw	1/02/22	✓	
2021-6	7	Add Adelie Place junction parking issues to intersection register and investigate.	Renai Clark	1/02/22	✓	