



# 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, 6 February 2023 at 5.30pm

# Kingborough Councillors 2022 - 2026



**Mayor**  
**Councillor Paula Wriedt**



**Deputy Mayor**  
**Councillor Clare Glade-Wright**



**Councillor Aldo Antolli**



**Councillor David Bain**



**Councillor Gideon Cordover**



**Councillor Kaspar Deane**



**Councillor Flora Fox**



**Councillor Amanda Midgley**



**Councillor Mark Richardson**



**Councillor Christian Street**



# QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 2 to be held on Monday, 6 February 2023 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, 31 January 2023

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## **GUIDELINES FOR PUBLIC QUESTIONS**

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

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

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

#### **Questions on Notice**

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

#### **Questions Without Notice**

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 6 February 2023 at 5.30pm

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**1 AUDIO RECORDING**

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

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**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

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**3 ATTENDEES**

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**Councillors:**

Mayor Councillor P Wriedt  
Deputy Mayor Councillor C Glade-Wright  
Councillor A Antolli  
Councillor D Bain  
Councillor G Cordover  
Councillor K Deane  
Councillor F Fox  
Councillor A Midgley  
Councillor M Richardson  
Councillor C Street

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**4 APOLOGIES**

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**5 CONFIRMATION OF MINUTES**

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**RECOMMENDATION**

That the Minutes of the open session of the Council Meeting No. 1 held on 16 January 2023 be confirmed as a true record.

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**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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Date	Topic	Detail
23 January 2023	Risk Management	Facilitated discussion on Council's risk register/risk appetite involving independent audit panel members
30 January 2023	Kingston Park Project	An update was provided in relation to the Kingston Park Project, including the status of developments being undertaken by Traders in Purple. Councillors were briefed on a proposal for a multi-storey carpark in Kingston.

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**7 DECLARATIONS OF INTEREST**

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

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**8 TRANSFER OF AGENDA ITEMS**

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

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**9 COUNCILLORS CODE OF CONDUCT**

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The Director of Local Government sent the attached letter to Council and requested that the letter be tabled on the Agenda at the next Council meeting.



## Department of Premier and Cabinet

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Councillor Paula Wriedt  
Mayor  
Kingborough Council  
Locked Bag 1  
KINGSTON TAS 7050  
Email: [kc@kingborough.tas.gov.au](mailto:kc@kingborough.tas.gov.au)

Dear Mayor

Happy New Year. I trust that 2023 will be a productive and rewarding year for yourself, your fellow councillors/aldermen and for your Council.

As Director of Local Government, I have a statutory responsibility to promote good governance in local government. A key priority for the Office of Local Government in 2023 is to continue to support a positive culture across the sector. This includes striking an appropriate balance between supporting councillors and aldermen to perform their duties well and responding to concerns about behaviour that is impacting negatively on the sector.

Councillors are leaders in their local communities. The Model Code of Conduct adopted by all Councils provides that a councillor must treat all people fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person. A councillor must also listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

Meeting the standard of behaviour prescribed in the Code is not optional. Section 28U of the *Local Government Act 1993* (the Act) provides that, in performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

A significant majority of councillors work within the boundaries of the Code of Conduct and act in the best interests of the council and the community. Unfortunately, however, there have been several examples since the 2022 Local Government elections of behaviour that falls short of the standards set in the Code of Conduct and is impacting negatively on the operation of Councils. This has included:

### 1. Outbursts of aggression

Councillors must not use anger or aggression when seeking to make or respond to an issue in debate (during or outside of Council meetings). This includes raising their voice aggressively or throwing or dropping meeting papers or other items in an aggressive manner.

Behaviour can be considered aggressive even when not specifically directed towards an individual. Aggressive behaviour can also include, for example, capitalisation of text in emails and online posts.

2. Acts of intimidation

Councillors must not threaten others with adverse action when debating matters within or outside of Council meetings. Councillors should never use fear of reprisal as a tool to persuade others towards a particular position or view.

3. Bullying and harassment

Councillors must not engage repeatedly and forcefully with others in a way that could be considered bullying and harassment, either verbally, in emails or online. This includes frequent exchanges that involve low levels of aggression or intimidation.

4. Accusations of impropriety

Councillors must not accuse others of impropriety without pursuing their claims through appropriate formal channels.

Councillors must also avoid unreasonably inferring or attaching intent or meaning to the actions of others for the purposes of damaging their reputation or lessening the value of their contribution to a discussion or debate.

5. Disruptive behaviour

Councillors must allow others to speak freely and succinctly without interjection or interruption.

Acting respectfully does not mean always agreeing with others. Indeed, robust debate and inquiry is in the interest of democracy and the communities we serve. I encourage all councillors to hold both fellow councillors and the general manager to account for performing their functions well but reinforce that this must be done constructively and respectfully.

Page 36 of the Good Governance Guide for Local Government outlines the importance of building effective relationships. It encourages all councillors to treat others with respect, to clearly understand their role and the role of others and to follow communication protocols. A copy of the Guide is available on the Department of Premier and Cabinet's website and can be accessed here: [Good-Governance-Guide-4-August-2022](#). A new online module focussed on building respectful relationships is also being developed as part of the new Learning and Development Framework and will be available in February 2023.

Consistent with the recently agreed reforms to the Code of Conduct Framework for Local Government, it is expected that issues associated with behaviour are addressed locally wherever possible. This may include using local dispute resolution processes or, for example, using meeting procedures to address disruptive or unruly behaviour. Regulation 40 of the *Local Government (Meeting Procedures) Regulations 2015* authorises the chairperson to suspend a councillor for all or part of a meeting if a councillor:

- (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or
- (b) interjects repeatedly; or
- (c) disrupts the meeting and disobeys a call to order by the chairperson.

The Code of Conduct process is available to address concerns about negative behaviour that cannot be resolved locally. Any person, elected or otherwise, can lodge a Code of Conduct complaint. A Bill is currently before Parliament to make agreed changes to the code of conduct process to ensure that it can effectively respond to concerns as they arise.

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As Director of Local Government, I have a statutory responsibility to use the tools available in the Act to support the efficient and effective operation of local government. I am committed to using these tools to address any ongoing behaviour that cannot be managed through local action. This may include lodging Code of Conduct complaints against offending councillors or alderman. It may also involve recommending to the Minister that a Performance Improvement Direction is issued under Part 12B of the Act. I do not expect to use these tools frequently but will intervene where I consider that negative behaviour is seriously undermining the ability of the Council to function effectively.

It would be greatly appreciated if you could circulate this letter to all councillors/aldermen in your Council for their information and consideration and table a copy of the letter at your next Council meeting.

Kind regards



Mathew Healey

**Director**

19 January 2023

CC: Mr Gary Arnold, General Manager

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**10 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**11 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**11.1 BURNOUT REMOVAL ON ROADS**

**Mr Peter Walker** submitted the following question on notice:

*Does the council have facilities to remove car skid/burnout marks from its roads? If not, can there be an investigation into hiring such services and/or procuring equipment to undertake this?*

**Officer's Response:**

Council does not actively manage skid/burnout marks on roads unless they have impacted the overall structural capability of the seal. There are no immediate plans to provide an additional service to remove marks from roads, however it is encouraged to report to the Police instances of hooning.

*David Reeve, Director Engineering Services*

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**12 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**13 QUESTIONS ON NOTICE FROM COUNCILLORS**

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At the time the Agenda was compiled there were no questions on notice from Councillors.

**OPEN SESSION ADJOURNS**

## PLANNING AUTHORITY IN SESSION

### 14 OFFICERS REPORTS TO PLANNING AUTHORITY

#### 14.1 DA-2022-313 CHANGE OF USE TO GYMNASIUM AND SIGNAGE

**File Number:** DA-2022-313  
**Author:** Mary McNeill, Planner  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	Mr A A Gard
<b>Owner:</b>	Fenshaw Pty Ltd
<b>Subject Site:</b>	22-24 Beach Road, Kingston Beach (CT 145954/1)
<b>Proposal:</b>	Change of use to gymnasium and signage
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015
<b>Zoning:</b>	20.0 Local Business Zone
<b>Codes:</b>	E6.0 Parking and Access Code E13.0 Historic Heritage Code (Kingston Beach Heritage Precinct) E15.0 Inundation Code E17.0 Signs Code
<b>Use Class/Category:</b>	Sports and Recreation (fitness centre)
<b>Discretions:</b>	<ul style="list-style-type: none"> <li>Local Business Zone, Clauses 20.3.1 A1, 20.3.2 A1, 20.3.3 A1, 20.4.5 A1, 20.4.5 A2.</li> <li>Parking and Access Code, Clauses E6.6.1 A1, E6.7.7 A1, E6.7.12</li> <li>Historic Heritage Code, Clauses E13.8.2 A1,</li> <li>Inundation Code, Clauses E15.7.4 A3</li> <li>Signs Code, Clauses E17.7.1 A1, E17.7.1 A2, E17.7.2 A1</li> </ul>
<b>Public Notification:</b>	Public advertising was undertaken between 14 December 2022 and 5 January 2023 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
<b>Representations:</b>	Objections: 3 Supporting: 6
<b>Recommendation:</b>	Approval subject to conditions

### 1. PROPOSAL

#### 1.1 Description of Proposal

The application seeks approval for a change of use to gymnasium (gym) and signage at 22-24 Beach Road, Kingston. The proposed gym will utilise the existing building and parking area. The proposed "Atlas Barbell" gym would be used for the purpose of strength and conditioning training. In addition, events such as Strongman and Powerlifting competitions are proposed 1-3 times a year (expected attendance 50-100 people) and other fundraising events, open days, seminars, workshops, and the like have been proposed.

The proposal is for 24-hour, 7 days a week opening hours. Membership is proposed to be capped at 120 persons. However, the gym would also be open for general public access between 7am-9pm Monday-Saturday. Private membership only use would be between 8pm-6am and Sundays. One staff member will attend the gym during daytime public access hours; the gym will be unstaffed at other times. The applicant estimates a maximum use of 30 people onsite during peak times. The applicant states that peak times are likely to be between 6am-8am and 4pm-9pm daily.

Members would access the gym with personalised access keys. CCTV monitoring is proposed. Members would be inducted in relation to expected behaviour.

Music is proposed to be set to timed faders or turned off during unstaffed and night-time hours. Sound dampening rubber mats are proposed to be placed under platforms to deaden any heavy drops should they occur. No other internal noise mitigation measures are proposed.

Waste produced would be limited to general waste for standard Council collection and sanitary waste.

A modified front door is proposed to enable universal access. Window signage is proposed on two windows either side of the front door entry. No other external modifications to the building are proposed.

Internal works include a bathroom to provide for universal use and a new internal door to the rear section of the building. Internal modifications are not subject to planning assessment.

The existing parking area is proposed to be modified to be fully contained within the lot boundary (currently it is partly situated on 20 Beach Road). The parking area will provide for 14 car spaces, including one disabled space and one to two spaces for staff member(s) during staffed hours.

External lighting is proposed over the entry doors and to the northern side of the carpark.

Landscaping is proposed along the northern boundary of the carpark. The proposal is potted *Dodonea viscosa* to a height of 1.5m. An additional area for potted plants is proposed adjacent the front windows on the southern side of the entry.

### Description of Site



Figure 1 - Aerial view of subject site (highlighted purple) in broader development context.



The subject site is located on the south-west side of Beach Road. It is low lying, nominally flat land between approximately 3m-4m Australian Height Datum. Existing development on the site is a commercial single-storey building with a parking area in the frontage. The existing building has a front open shop section and a rear section originally designed as a dwelling; however, this rear section was not used for this purpose under the previous approval for the subject site.

The site shares boundaries with Council Land - Kingston Beach Community Hall shares the boundary to the southeast and Kingston Beach Oval Precinct – shares the southwestern boundary.

Of relevance to note in the site context is the proximity of residential use at 28 Beach Road. Units U1, U2 and U3/28 Beach Road adjoin the subject lot (northwest side boundary) – see *Figure 2* below. Additional units U4, U5, U6 and U7/28 Beach Road and dwellings on other residentially zoned land at 32 and 43-45 Beach Road, are within 50m of the subject site.

Development in proximity directly opposite the subject site on Beach Road include a real estate agent, cafe and clothes shop, and the RSL club. The subject site is in relative proximity to the Kingborough Council carpark at 14 Beach Road. It is noted that the RSL club and Salty Dog have their own designated on-site carparking (they are not public carparks). Other known evening use in the area is Robbie Browns at 32 Osborne Avenue. Evening hours are until 9pm daily with the exception of Fridays and Saturdays, in which it is open until 10pm. Other public parking is available in the Kingston Beach shopping area, including on-street parking within walking distance of the subject site. Time restricted parking limits are not applicable beyond 6.00pm.



**Figure 2 - Aerial close up view of subject site – existing parking arrangements and proximity to units at 28 Beach Road.**

The subject site is zoned Local Business under the Kingborough Interim Planning Scheme 2015 (the Scheme). The site is located within the Kingston Beach Heritage Precinct and therefore the Historic Heritage Code applies. The land is subject to the Flood extent for the 1% riverine and 5% storm surge event for year 2100 (Kingston Beach flood study area) and therefore the Inundation Code applies. The Parking and Access Code applies to all use and development under the Scheme. The Signs Code applies to all signs proposed for continuous display.



**Figure 3 - Building and parking area for proposed change of use to gym (Source: Site Visit 27-07-2022)**



**Figure 4 - Existing parking at 22-24 Beach Road showing proximity to unit development at 28 Beach Road (Source: Site Visit 27-07-2022)**



**Figure 5 - Current use of parking adjacent the Community Hall (Source: Site Visit 27-07-2022)**



**Figure 6 – Existing fencing relative to height of dwelling at 1/28 Beach Road and proximity of existing parking to boundary. Lattice style fencing in frontage of Unit 1/28 Beach Road, and solid fencing aligns with building line of dwelling (Source: Site Visit 27-07-2022).**



**Figure 7 - Existing building wall and fence on boundary to residential zone showing alignment to south-eastern windows at unit 1/28 Beach Road (Source: Site Visit 27-07-2022)**

## 1.2 Background

Originally built circa 1979 as a supermarket, Council documentation indicates a change of use to chainsaw sales and servicing (approved under DA-2004-608, use class *Equipment and machinery sales and hire*) and subsequently to a second-hand shop (approved under DA-2017-1, use class *General retail and hire*). A monthly Community Market was approved under DA-2012-175 and used both the Community Hall and the carpark at 22-24 Beach Road. It is understood that the market still operates (the Kingston Beach Handmade Market) from 10am till 3pm the second Sunday of each month and there had been a private arrangement for the market to use the carpark area of 22-24 Beach Road with the former lessee of the site. The property manager for 22-24 Beach Road has confirmed that the use of the carpark area at 22-24 Beach Road has now ceased.

Following the issue of the first Further Information Request, Council officers (Development Engineer, Planner and Environmental Health Officer) met with the applicant, and explained the issues with the proposal, particularly related to noise and



parking. It was clearly articulated that reports would be required from suitably qualified persons to demonstrate compliance with the Scheme. The 24-hour opening hours was of particular concern. Against the advice provided by the officers that opening hours that did not go overnight adjoining a residential use may be a better fit with the requirements of the Scheme, the applicant chose to pursue a 24/7 facility. Officer experience with other approved gyms in the Kingborough municipality has been that parking overflow and noise complaints are common.

Of particular concern were possible impacts to the adjoining amenity of the residences at 28 Beach Road.

The applicant submitted a TIA by Auswide in response to the discretion proposed within Clause E6.0 Parking and Access Code. The report was not sufficient to satisfy performance criteria (P1) for *clause E6.6.1 - Number of car parking spaces* of the scheme. Reasons that the report was not acceptable included that the survey data provided was not relevant in context of the site. The examples provided were based on survey data from a 2014 survey of gyms across Greater Sydney, NSW. Unlike the surveyed locations in NSW (such as Bondi Junction), Kingston Beach does not have comparable public transportation options or the density of population nearby that would frequent to venue. Due to lack of public transport in Kingston Beach and physically large catchment area that the gym is likely to service, the proposed site is highly reliant on the use of private vehicles. In addition, the report lacked detail about what public parking was available outside the site that may be used by patrons to the gym, so it was not possible to ascertain if there was adequate parking available for the use without a significantly detrimental impact on users of those spaces that frequent other venues/services/facilities/public amenities. The applicant was required to provide an updated report, whilst not an updated report they did provide a review of the initial report by a Tasmanian traffic engineer, by Keith Midson from Midson Traffic dated 29 November 2022. The Midson Traffic report was accompanied by a carparking survey/report of available street carparking spaces near the subject lot. This report contains drawbacks of previous TIA by Auswide and provides supportive claims on the proposed car parking deficit.

## **2. ASSESSMENT**

### **2.1 State Policies and Act Objectives**

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

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

### **2.2 Strategic Planning**

The relevant strategies associated with the Scheme are as follows:

#### *Zone Purpose Statements of the Local Business Zone*

The relevant zone purpose statements under Clause 20.1.1 are:

*20.1.1.1 To provide for business, professional and retail services which meet the convenience needs of a local area.*

The proposal offers a new use which contributes to convenience for accessing strength and conditioning training in the local area.

20.1.1.5 To ensure that building design and use is compatible with surrounding development and use, particularly on land in residential zones.

The parking deficit and noise emissions generated by the proposed use demonstrates that it is compatible with surrounding development and use.

Clause 20.1.2 – Local Area Objectives and Clause 20.1.3 - Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	Key site redevelopment should occur to enhance the commercial viability and appeal of Kingston Beach as a place to visit and participate in a range of outdoor, cultural and shopping experiences.	(a)	A mix of uses and developments is to be encouraged which provides a range of convenience services and attractions for both residents and visitors.
Desired Future Character Statements		Implementation Strategy	
(a)	Future development should be of a compatible scale and appearance when placed in the context of surrounding development.	(a)	New development or extensions to existing buildings is to be generally consistent with the height of other buildings in this zone and should be designed to enhance local streetscape amenity.

The proposal complies with the above-mentioned Local Area Objectives as it contributes to a mix of uses in the Kingston Beach shopping and entertainment precinct. The Desired Future Character Statements are not considered relevant to the assessment of this application.

## 2.3 Statutory Planning

A change of use is required as the former use of the site was categorised under the *General Retail and hire* use class. The proposed use is categorised as *Sports and Recreation (fitness centre)* under the Scheme, which is a use that requires Discretionary assessment in the Local Business Zone. There are no use standards related to Discretionary use in the zone.

The proposed change of use applies to land within 50m of residentially zoned land and has a zero setback to the General Residential Zone, and therefore Use Standards under Clause 20.3 regarding hours of operation; external lighting; and commercial vehicle movements apply. Noise standards measured at the boundary of a residential zone also apply.

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

## 2.4 Use and Development Standards

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

**Local Business Zone**  
**Clause 20.3.1 – Hours of Operation**

<b>Acceptable Solution</b>
<p><b>A1</b>  Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>
<b>Performance Criteria</b>
<p><b>P1</b>  Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>
<b>Proposal</b>
<p>The setback to the residential zone is 0m. The proposed hours of operation are 24 hours, 7 days a week. Therefore, the proposal does not comply with A1.</p>

The application was referred to Council's Environmental Health Officers who assessed the proposal in regard to noise emissions and the noise report that was submitted with the application; their advice considered the relevant provisions of the Scheme.

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

- No commercial vehicle movements are proposed outside of the construction and fit-out phase.
- A Noise Report has been provided (Noise Vibration Consulting, 30 August 2022) that stated that existing background noise levels obtained through noise monitoring indicated that whilst the sound pressure level from car door slamming may reach 68dBA, this level is already exceeded by existing noise (existing noise that occurs outside the subject site) sources throughout 87% of the day and night-time periods.
- Sporadic emissions from car movements, car door slamming, voices etc. at night are predicted to be low frequency and occurrence and would cause a negligible change to noise levels in surrounding commercial area and thereby unlikely to cause a nuisance to the nearby residents.
- The main path of noise emissions from the building are predicted to be transferred through the glazing in the front façade. The predicted main cause of noise would be the sound of dropped weights on to the floor and music inside the building. The applicant has advised that matting is provided on the floor that will mitigate noise from dropped weights and music would be at a low level or turned off at night.
- Light emissions would be generated from car headlights at night, sensor security lighting over the front access door, and lighting of carpark. Light emissions from the carparking area would be of short duration with the exception of the car park lighting. This lighting is buffered from the neighbouring land by the existing wall (see *Figure 8* above) and light spill would be reduced accordingly. There is existing spilled light from the streetlight on Beach Road adjacent the frontage. Some screening is provided to the south-eastern bedroom

window of dwelling at 1/28 Beach Road by the existing fence. Landscaping is also proposed, that may also provide some buffer to the light emissions.

- Predicted low usage overnight of the gym facility would lower the risk of nuisance caused by light and noise, such that it is unlikely to be unreasonable in extent. It is considered that avoidance of parking on the north-west boundary in the overnight hours be advised to mitigate the risk of environmental nuisance, and encouragement of patrons to do so was suggested in the Noise Report. It is also noted that the site is within a well-established and highly frequented commercial precinct, so there is an expectation that the area will not have the same quiet amenity as a dominantly residential area.

It is therefore recommended that advice be included in any permit issued that cars should be directed to park on the south-eastern side of the carpark between the hours of 9pm and 7am to minimise any potential for nuisance to residential land (this would reduce the perception of both noise and light emissions).

It is recommended that a condition be included in any permit issued that a Noise Verification Report must be provided. Should noise emissions at night exceed the predicted level in a Noise Verification Report, mitigation measures must be implemented. A condition is also recommended that signage be required in the parking area asking patrons to be respectful of the nearby residents and keep noise to a minimum.

#### **Local Business Zone** **Clause 20.3.2 - Noise**

<b>Acceptable Solution</b>
<p><b>A1</b></p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <ul style="list-style-type: none"> <li>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</li> <li>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</li> <li>(c) 65dB(A) (LAmix) at any time.</li> </ul> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>
<b>Performance Criteria</b>
<p><b>P1</b></p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>
<b>Proposal</b>
<p>Noise report predicts predicted noise levels from the proposal at 39 and 31 dBA, during the day and night periods respectively adjacent 1/28 Beach Road. These levels are below the identified criteria under the Scheme of 55 and 40 dBA and therefore the proposal complies with A1(a) and (b). The Report predicts levels over 65dBA (LAmix) from car doors slamming and therefore the proposal does not comply with A1(c).</p>

The application was referred to Council's Environmental Health Officers. The Coordinator Environmental Health has provided advice that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- A Noise Report has been provided (Noise Vibration Consulting, 30 August 2022) that has predicted noise based on sources including patron and background music internally, and vehicle and patron noise in the car park externally. Noise levels nearest the worst effected dwelling at 1/28 Beach Road would be generally below the acceptable solution for dBA levels during the day and night periods. The Report concludes that although the sound of car doors slamming may exceed 65dBA, the site is located on a relatively busy road and existing noise levels in the area are relatively strong with consistent local traffic, and the higher level of noise over the acceptable solution (3dBA) would generally be 'just perceptible'. In addition, the Report states that *the anticipated low frequency of occurrence of this noise during the night results in the introduction of night-time use of the car park causing a negligible change in Lmax noise levels in the area. As such, the predicted noise levels are unlikely to cause environmental nuisance to the nearest resident, and certainly not nuisance of high impact or wide scale. Under EMPCA, this thus cannot cause environmental harm.* Environmental Health confirmed that they are satisfied with the conclusions of the Noise Report and additional supporting details.

A condition is also recommended that signage be required in the parking area asking patrons to be respectful of the nearby residents and keep noise to a minimum.

#### Local Business Zone

##### Clause 20.3.3 – External Lighting

Acceptable Solution
<p><b>A1</b></p> <p>External lighting within 50 m of a residential zone must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</li> <li>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone</li> </ul>
Performance Criteria
<p><b>P1</b></p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <ul style="list-style-type: none"> <li>(a) level of illumination and duration of lighting;</li> <li>(b) distance to habitable rooms in an adjacent dwellings.</li> </ul>
Proposal
<p>The security lighting over the front door access is proposed to be baffled and therefore satisfies A1. Other lighting will not be switched off between 10pm and 6am; that is, a sensor floodlight to parking area will be provided, at 2000 lumens and will not be baffled. Therefore, the proposal does not comply with A1.</p>

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

- The proposed flood light to the car park will be provided and operated by sensor. The existing wall is adjacent the location of the light and is proposed to provide



screening of light minimising spillage to the residential land. Sensor operation will therefore result in intermittent light of relatively short duration. Disturbance will be mitigated by the location of the existing fencing and the proposed landscaping.

- The habitable rooms in the dwelling at 1/28 Beach Road are generally located on the north-western side of the dwelling, however, a bedroom is located on the south-eastern side adjacent the parking area. The edge of the existing wall to which the light is proposed to be fixed, approximately 4 metres from the bedroom. The existing wall is proposed to provide screening to prevent light spillage onto the neighbouring property.
- The subject site is within the commercial precinct of Kingston Beach, which has existing lighting that stays on during the night for security reasons, the lighting on this site is unlikely to be noticeably different to the lighting in the area.

A condition is recommended on any permit issued that should the wall prove ineffective to prevent unreasonable light emissions, baffling must be provided to prevent light emissions to the neighbouring residential land.

### Local Business Zone

#### Clause 20.4.5 - Landscaping

<b>Acceptable Solution</b>
<b>A1</b> Landscaping along the frontage of a site is not required if all of the following apply: <ul style="list-style-type: none"> <li>(a) the building extends across the width of the frontage, (except for vehicular access ways);</li> <li>(b) building has a setback from the frontage of no more than 1 m.</li> </ul>
<b>Performance Criteria</b>
<b>P1</b> Landscaping must be provided to satisfy all of the following: <ul style="list-style-type: none"> <li>(a) enhance the appearance of the development;</li> <li>(b) provide a range of plant height and forms to create diversity, interest and amenity;</li> <li>(c) not create concealed entrapment spaces;</li> <li>(d) be consistent with any Desired Future Character Statements provided for the area.</li> </ul>
<b>Proposal</b>
The existing building extends across the width of the frontage; however, the setback of the building is more than 1m, therefore, the proposal does not comply with A1.

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

- There is limited area on the site to be able to provide landscaping, as the entire area is currently sealed, and is required for car parking.
- The proposal includes landscaping along the northern boundary and in front of the building which will enhance the appearance of the site when viewed from the street.

- It is unknown what plants are proposed for pots directly in front of the building, however, the landscaping on the northern boundary is required to provide screening to the adjoining land and therefore the selected species to create a hedge is considered appropriate.
- No entrapment spaces will be created.
- The appearance of the landscaping proposed would not be inconsistent with the limited landscaping evident in the shopping/entertainment precinct.

### Local Business Zone

#### Clause 20.4.5 - Landscaping

Acceptable Solution
<p><b>A2</b></p> <p>Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p>2 m.</p>
Performance Criteria
<p><b>P2</b></p> <p>Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zones land.</p>
Proposal
<p>Landscaping is provided to a depth of less than 2m (600mm) on the boundary with a residential zone, therefore the proposal does not comply with A2.</p>

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

- In order to provide a car parking area that allows for car movements and maximises available space for parking, there is limited opportunity to provide landscaping to the boundary with the residential zone.
- An appropriate species has been proposed to provide for screening to a depth of 600mm to the boundary with the residential zone. The proposed *Dodonea* is an evergreen broadleaf flowering and spreading shrub can grow to 3m in height and is appropriate for a screen or hedge.

A condition is recommended on any permit issued that landscaping must be established before the use commences.

### Parking and Access Code

#### Clause E6.6.1 – Number of car parking spaces

Acceptable Solution
<p><b>A1</b></p> <p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1; except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>

**Performance Criteria**

P1

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;
- (b) the availability of on-street and public car parking in the locality;
- (c) the availability and frequency of public transport within a 400m walking distance of the site;
- (d) the availability and likely use of other modes of transport;
- (e) the availability and suitability of alternative arrangements for car parking provision;
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- (g) any car parking deficiency or surplus associated with the existing use of the land;
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;
- (k) any relevant parking plan for the area adopted by Council;
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.

**Proposal**

In accordance with Table E6.1, the proposal with floor area of 485 sq.m requires 22 on-site carparking spaces at the rate of 4.5 carparking spaces per 100 sq.m of floor area. The proposal is to provide 14 on-site spaces (including 1 accessible space), an 8 space on-site carparking deficit. There is no parking plan for the area adopted by Council and therefore the proposal does not meet the acceptable solution (A1).

The application was referred to Council's Development Engineer who advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- in absence of any relatable data for actual on-site carparking demand for a gymnasium in similar area like Kingston Beach, it is fair to assume that the on-site carparking demand is likely to be between 2.8 to 4.5 number of carparking spaces per 100 sq.m of floor area and peak hour demand of 22 on-site carparking spaces is likely to occur at 7PM, as mentioned in a 'review of TIA and response to council RFI' by Keith Midson from Midson Traffic dated 29 November 2022. The proposed 14 on-site carparking appears to be sufficient for the off-peak hours;

- public carparking is available nearby. On-street carparking is also available. A parking survey of available on-street carparking near the subject area by Midson Traffic dated 11 December 2022, has been submitted which indicates that sufficient (44) street parking spaces is likely to be available to accommodate peak hour (7PM) carparking overflow from the proposed gymnasium. Limitation of survey: conducted for a single day of a week instead of all 7 days of a week. Despite the limitation, it is fair to assume that there will be sufficient on-street carparking available to absorb the 8 carparking deficit on any evening peak hour (6-8 pm). Similarly, it can't be ignored that there are chances of carpooling among the patrons which is likely to reduce the on-site carparking demand;
- although not frequent, public transport (bus service) is available within 400m walking distance from the proposed gymnasium;
- the subject site is located next to residential zone with houses and has good pedestrian connectivity with existing footpaths. Local residents may also use the proposed gymnasium and may access the facility on foot (walking) or on a bicycle, which reduces carparking demand;
- no alternative arrangements for car parking provision are provided;
- the subject area is a local business zone with many businesses and Kingston beach nearby. It is likely that there will be shared use of carparking spaces when people visit the beach or the existing businesses, cafes etc. This will reduce the carparking demand for the area;
- there is no evidence of carparking surplus associated with the existing use, however the existing two carparking spaces, previously used by Kingston Beach hall located partially on the subject lot, have been completely relocated inside the subject lot boundaries and will be available for proposed gymnasium for sole use.

**Note:** Under the current scheme, the previous retail use required 16 on-site carparking spaces for 485m<sup>2</sup> of floor area at a rate of 1 carparking space per 30m<sup>2</sup>. Previous approval (2017) for retail use indicates 13 on-site carparking spaces for its use which also included two staff parking and no parking for people with disabilities;

- previous retail use was running with lesser on-site carparking spaces as opposed to the proposed gymnasium. Among the existing carparking spaces, two (2) were allocated for Kingston Beach Hall along with a space for emergency egress. Current proposal for gymnasium, proposes to relocate all carparks inside the lot boundaries and does not need to retain existing emergency egress and does not need to allocate any carparking for Kingston Hall. Hence, the carparking spaces has been increased to 14 on-site carparking spaces;
- after a discussion with Council's engineering department, it is considered inappropriate for a financial contribution in lieu of parking. There is no evidence of any parking or other transport facilities planned in the vicinity for financial contribution by the applicant/owner;
- no evidence of any prior payment of a financial contribution in lieu of parking for the land;
- no evidence of any relevant parking plan for the area adopted by Council;

- for the carparking assessment, the impact on the historic heritage has not been considered;
- no evidence of any impact/loss of one or more significant trees.

### Parking and Access Code

#### Clause E6.7.7 – Lighting of parking areas

Acceptable Solution
<p><b>A1</b></p> <p>Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>
Performance Criteria
<p><b>P1</b></p> <p>Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to a standard which satisfies all of the following:</p> <ul style="list-style-type: none"> <li>(a) enables easy and efficient use of the area;</li> <li>(b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;</li> <li>(c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;</li> <li>(d) prevents unreasonable impact on the amenity of adjoining users through light overspill;</li> <li>(e) is appropriate to the hours of operation of the use.</li> </ul>
Proposal
<p>The proposal provides one light at the northern corner of the existing building which is not sufficient to comply with AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>

The application was referred to Council’s Development Engineer who advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The proposal relies on the existing street light and proposed one light to illuminate the carparking. This lighting arrangement is likely to provide sufficient visibility to the carparking;
- The proposed lighting will allow easy and efficient use of the carpark, minimise conflict with other road users, support passive surveillance and provide clear sight lines;
- The proposal is next to residences, the proposed lighting arrangement tries to minimise the impact of light overspill on the adjoining properties;
- Being 24-hour operation, it requires lighting for the carparking area and is considered appropriate.

**Parking and Access Code**  
**Clause E6.7.12 – Siting of car parking**

<b>Acceptable Solution</b>
<p><b>A1</b></p> <p>Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.</p>
<b>Performance Criteria</b>
<p><b>P1</b></p> <p>Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone may be located in front of the building line where topographical or other site constraints dictate that this is the only practical solution because of one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) there is a lack of space behind the building line to enable compliance with A1;</li> <li>(b) it is not reasonably possible to provide vehicular access to the side or rear of the property;</li> <li>(c) the gradient between the front and the rear of existing or proposed buildings is more than 1 in 5;</li> <li>(d) the length of access or shared access required to service the car parking would constitute more than 75% of the depth of the relevant lot;</li> <li>(e) the access driveway cannot be located at least 2.5 m from a habitable room window of a building defined as a residential building in the Building Code of Australia;</li> <li>(f) the provision of the parking behind the building line would result in the loss of landscaped open space and gardens essential to the values or character of a Heritage Place or Precinct listed in the Heritage Code in this planning scheme;</li> <li>(g) the provision of the parking behind the building line would result in the loss directly or indirectly of one or more significant trees listed in the Significant Trees Code in this planning scheme, and only if designed and located to satisfy all of the following: <ul style="list-style-type: none"> <li>(i) does not visually dominate the site;</li> <li>(ii) maintains streetscape character and amenity;</li> <li>(iii) does not result in a poor quality of visual or audio amenity for the occupants of immediately adjoining properties, having regard to the nature of the zone in which the site is located and its preferred uses;</li> <li>(iv) allows passive surveillance of the street.</li> </ul> </li> </ul>
<b>Proposal</b>
<p>The carparking is existing in front of the building line. As the site is located in the Local Business Zone, and the site is not a shopping centre, it does not comply with acceptable solution (A1).</p>

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

- There is a lack of space for carparking behind the building line due to the existing building/structures;

- Landscaping is proposed;
- It is existing parking in a business zone in proximity to street parking and Council's public parking;
- A noise report has been submitted in support of the proposal;
- Allows passive surveillance of the street.

### Historic Heritage Code

#### Clause E13.8.2 – Buildings and works other than demolition

<b>Acceptable Solution</b>
<b>A1 – No Acceptable Solution</b>
<b>Performance Criteria</b>
<b>P1</b> Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.
<b>Proposal</b>
External modifications to the building are proposed and landscaping and carpark works are proposed. There is no Acceptable Solution under the Clause, therefore the proposal must be assessed against the Performance Criteria.

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

- Minor carpark works will neaten the appearance the site and there will be no detriment to heritage values.
- Screening vegetation is proposed which will be a positive contribution to the site and tie in well with other frontage parking areas in the precinct.
- The building has no contributory value to the heritage values of the precinct. The new glazed doors are similar to existing and provide for disabled entry. No detriment to heritage values of the precinct would occur.
- The signage is dealt with under the Signs Code.

### Inundation Code

#### Clause E15.7.4 - Riverine inundation hazard areas

<b>Acceptable Solution</b>
<b>A3 -</b> The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m2.
<b>Performance Criteria</b>
<b>P3</b> A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following: <ul style="list-style-type: none"> <li>(a) risk to users of the site, adjoining or nearby land is acceptable;</li> <li>(b) risk to adjoining or nearby property or public infrastructure is acceptable;</li> </ul>

- (c) need for future remediation works is minimised;
- (d) provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works;

**Proposal**

The site is within a Riverine Inundation Hazard Area, as it is located an area subject to risk of flooding of 1% Annual Exceedance Probability (AEP) in 2100. The floor area of the non-habitable building is more than 60m<sup>2</sup> and therefore does not comply with A1.

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

- the proposed change of use is unlikely to increase the risk to the users of the site as visitors of the proposed gymnasium will be using the site for short periods of time, and it is not likely that the risk to use associated with a gymnasium is greater than that associated with that of a second-hand goods store.
- the proposed change of use is unlikely to increase the risk to adjoining or nearby property or public infrastructure is acceptable given no external works that would significantly alter the path of any floodwaters are proposed;
- it is not considered that there is a need for future remediation works; and
- no developer contribution would be required for riverine flooding protection works.

**Signs Code**

**Clause E17.7.1 – Standards for Signs**

**Acceptable Solution**

**A1** - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.

**Performance Criteria**

P1

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;
- (d) not result in loss of amenity to neighbouring properties;
- (e) not involve the repetition of messages or information on the same street frontage;
- (f) not contribute to or exacerbate visual clutter;
- (g) not cause a safety hazard.

**Proposal**

Whilst window signs are Permitted under Table E17.3 Status of Signs in Zones, the proposed window signs do not comply with the Sign Standards under Table E17.2, as the sign obscures more than 10% of the window surface, and therefore does not comply with A1.



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

- The proposed window signage is minimal in design and use of colours and in addition, the building is well setback from the street, and as such the signs will be relatively discreet when viewed from the street.
- It is considered that the signs are of appropriate dimensions to the scale of the windows and do not dominate the front façade of the building.
- The proposed signs would be made of appropriate material to be able to be maintained.
- There would be no impact on the amenity of the neighbouring properties.
- Whilst the logo/business sign is repeated twice, it is considered that the symmetry created on the front façade, and the simplicity of the design, result in this repetition being acceptable and preferable in this context to a single sign.
- The signs would not appear as visual clutter due to the proposed design.
- There would be no safety hazard issues.

### Signs Code

#### Clause E17.7.1 – Standards for Signs

Acceptable Solution
<p><b>A2</b></p> <p>The number of signs per business per street frontage must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) maximum of 1 of each sign type;</li> <li>(b) maximum of 1 window sign per window;</li> <li>(c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3;</li> <li>(d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6;</li> </ul> <p>except for the following sign types, for which there is no limit;</p> <ul style="list-style-type: none"> <li>(i) Building Site,</li> <li>(ii) Name Plate</li> <li>(iii) Newspaper Day Bill,</li> <li>(iv) Open/Closed,</li> <li>(v) Real Estate,</li> <li>(vi) Street Number,</li> <li>(vii) Temporary Sign.</li> </ul>
Performance Criteria
<p><b>P2</b></p> <p>The number of signs per business per street frontage must:</p> <ul style="list-style-type: none"> <li>(a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</li> <li>(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;</li> </ul>

(c) not involve the repetition of messages or information.

**Proposal**

Two window signs are proposed, and therefore the proposal does not comply with A2.

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

- As previously discussed, the signs are simple in design and colour, and the building is well setback from the street front. The minimal approach is considered appropriate, and it is not considered that, as a simple logo and business sign, this is not an unreasonable repetition of information and the symmetry created on the frontage of the building is considered to contribute to the signage appearing uncluttered and understated.

**Signs Code**

**Clause E17.7.2 – Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts**

**Acceptable Solution**

**A1**

No Acceptable Solution

**Performance Criteria**

**P1**

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- be located in a manner that minimises impact on cultural heritage significance of the place or precinct;
- be placed so as to allow the architectural details of the building to remain prominent;
- be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;
- be placed in a location on the building that would traditionally have been used as an advertising area if possible;
- not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;
- have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;
- not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;
- be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
- not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

**Proposal**

Two window signs are proposed on a building that is within the Kinston Beach Heritage Precinct. There is no Acceptable Solution under the Clause and therefore the proposal must be assessed against the Performance Criteria.

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

- The building does not have any contributory value to the significance of the heritage precinct, however, is located adjacent to the significant Community Hall building. The signage would not have any detrimental impact to the significance of that building.
- The signage sits appropriately with the scale of the building and is appropriate in its location on the frontage of the building, which would be anticipated for any commercial building window.
- There are no historic signs on the building and no historic fabric would be impacted.
- The contemporary signage is acceptable in the evolving area and not unsympathetic to the heritage character.
- No illumination is proposed.

## 2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 14 December 2022 to 5 January 2023). Nine (9) representations were received during the public exhibition period; three (3) opposing and (6) supporting.

It is acknowledged that one of the supporting representations was submitted by the applicant and contained 432 online signatories (no address provided) and 30 signatories on paper (6 of whom reside in Kingston Beach). Whilst some signatories added comments, the representation did not address any relevant planning matters and provided the following general statement:

*I am signing this petition to show my support for the proposed gymnasium for 22-24 Beach Rd Kingston Beach. I believe the gym will be a valuable cultural and social asset to the village precinct and have tremendous flow-on benefits to the local economy and community. The promotion of a healthy active lifestyle should be strongly supported by the community and its representative council.*

The supporting representations attested to the quality of the trainer (applicant), the benefit of an additional type of gym for the local community and the multiple benefits of weight training specifically, and general statements about health and fitness, and other community benefits such as economic, social, and cultural. One representation mentioned welcoming opportunities for seniors' classes and being able to walk to the gym. One supporting representation directly addressed the planning scheme requirements and the issues raised are therefore considered of relevance to include in the assessment.

The following issues were raised by the representors:

### 2.5.1 Carparking and traffic flow

*Does not meet on-site carparking requirements. Demand for parking at Kingston Beach has increased significantly in recent times... [there is] often insufficient parking during daytime hours and evenings.*

As discussed above, there is sufficient on-site parking during non-peak periods. The accepted TIA demonstrated availability of on-street parking in peak periods. It was considered that gym users may also undertake a number of activities in the area so that parking has a shared function.

*Experience with parking at ZAP Fitness Kingston – 24 hour gym and at peak hours car park totally full.*

The following comments have been provided by the Development Engineer: a street parking survey by Midson Traffic dated 11 December 2022 has been submitted to the Council. The documents from Midson Traffic state that peak hour carparking demand is estimated to occur at 7pm and there is relatively large pool of available on-street parking within reasonable walking distance to the site (44 spaces available within surveyed area). Although the survey was performed for only one day of the week, it is reasonable to assume that the peak hour on-site carparking deficit of 8 carparking spaces for the proposed gymnasium can easily be absorbed by the existing available street carparking at peak hour (as shown by Midson Traffic's parking survey).

*Location next to Community Hall and conflict with Kingston Market.*

The car park will not provide parking for the Community Hall or Kingston Market.

*Will cause traffic congestion and danger for pedestrians and vehicular traffic.*

*We witness vehicle and pedestrian near misses because of the congestion that already exists. With cars parked on both sides of Beach Road visibility for pedestrians is low. Street parking by gym patrons would further exacerbate the problem.*

It appears that there will be partial increase in the number of vehicle movements due to proposed use, however, the increase in traffic will not exceed by more than 20% of the existing traffic, which is also supported by submitted 'review of TIA and response to council RFI' by Keith Midson from Midson Traffic dated 29 November 2022 and therefore satisfies the Acceptable solution of Clause E5.5.1. Parking along the road will not be changed from existing available spaces that have been deemed safe for site distances. The proposal uses an existing access. Therefore, it is not considered that there would be an increase in risk to pedestrians as a result of the development. Additional comments have been provided by the Development Engineer as follows:

Beach Road at Kingston Beach has a width of approximately 8.9m which allows on street parking and has speed limit of 40km/h. There are few section of the Beach Road near the subject lot which have restriction on street parking (yellow line). These are near the vehicular accesses and road intersections. For speed limit of 40km/h, minimum sight distance required is 35m as per AS2890 Section 3. The sight distance is measured taking the driver's eye height and the height of the approaching object (approaching vehicle) are at a height of 1.15m above the road surface. Based on above, the proposal has sufficient sight distance and it is less likely to impact road traffic significantly than the existing condition. Likewise, the speed limit of the road is 40km/h and the proposed parking module allows vehicles to turn on-site and exit the property in forward direction, which allows drivers proper sight of the road traffic and other road users and also provide required reaction time. The vehicular access to the property is existing and can be easily recognized by road users. Similarly, the document by Midson Traffic indicates peak traffic at 7pm for the gymnasium, which may not coincide with the peak traffic flow on Beach Road.

The supporting representation addressed the Parking and Access Code and noted that the former use of the site required 16 spaces and had an existing deficit of 2 spaces. Also mentioned was the availability of on street/public parking within 100m, and that peak demand may differ from other users, being 7-10am and 3-8pm, which may complement other uses and minimise competition for on-street spaces. Shared trips may also occur. Most residences in the area would have onsite parking. It was suggested that other active modes of transport may also be more likely to be used by gym users than other commercial activities, bus routes are in proximity. It is considered that this representation is consistent with the accepted TIA.

### 2.5.2 Noise

*24-hour operation will cause noise disturbance (especially late at night and early morning) to nearby residents.*

These issues have been addressed in the Noise Report and the Coordinator Environmental Health is satisfied that with verification of the predictions required under a condition on the permit, the proposal will not impinge on the amenity of neighbouring residential land.

The property abuts retirement complex and presents a potential problem with noise gym activity and visiting traffic.

*Traffic flow, Rhythmic music and late hours not appropriate in this environment.*

As discussed above, low level or no music proposed overnight and Noise Report had considered noise emissions from music. Traffic flow at night is also considered to be likely to be at low frequency.

*We are concerned about the increased noise the gym will create. We have already experienced a significant noise increase from the Salty Dog Beer Garden and times from the Beach Hall. We are concerned that some base sounds will travel from the gym, as they do from Beach Hall, and add to the intrusive noise we already experience.*

As discussed above, the Noise Report has predicted only barely perceptible increase in noise sporadically during the use of the gym. Music is proposed to be at a low level. A condition on the permit would require verification of noise levels.

## 2.6 Other Matters

### TasWater Referral

The application was referred to TasWater who have provided a Submission to Planning Authority Notice, TWDA 2022/01254-KIN. Conditions are imposed pursuant to the *Water and Sewerage Industry Act 2008* and will be included in any permit issued.

### Large Scale Events

Larger scale events are seen as beyond the scope of this application and were not addressed in the consultant reports. A condition is recommended in any permit issued that events are not approved as part of this application. Events such as Strongman and Powerlifting competitions and other fundraising events that may have up to 150 attendees may need separate approval dependant on the event and the scale proposed, which may or may not be deemed ancillary to the existing use. Further, the

carparking area at the front of the site must be maintained for that use at all times and cannot be used for other purposes.

### 3. CONCLUSION

The proposal for change of use to gymnasium at 22-24 Beach Road, Kingston Beach, complies with all applicable standards under the Scheme and is therefore recommended for approval subject to conditions.

### 4. RECOMMENDATION

That the Planning Authority resolves that the development application for change of use to gymnasium at 22-24 Beach Road, Kingston Beach for Mr A Gard be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2022-313 and Council Plan Reference No. P4 submitted on 14 November 2022.

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

2. Within three months of the commencement of the use, a Noise Verification Report must be provided to Council that demonstrates the use complies with the predicted noise levels determined in the NVC report, Kingston Beach Gym – Noise Assessment\_02, dated 30 August 2022. The Noise Verification Report must demonstrate the frequency of Lmax peaks does not exceed those predicted in the Report.

Noise levels must be measured at the boundary of the residential zone and be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.

If the above predicted noise levels are not met in the Noise Verification Report the applicant must implement noise mitigating measures to ensure the use can comply with the predicted noise levels specified to the satisfaction of Coordinator Environmental Health.

3. Noise emissions measured at the boundary of a residential zone must not exceed the following:
  - (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
  - (b) 40dB(A) (LAeq) between the hours of 7.00 pm to 7.00 am;
  - (c) 68dB(A) (LAmix) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

4. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services and include the following:

- (a) the vehicular access/driveway, car parking areas and vehicle manoeuvring areas must be of a sealed construction with associated drainage provision and comply with Australian Standard AS2890.1:2004 (Off-street car parking)
- (b) carparking for people with disabilities must be constructed in accordance with Australian Standard AS2890.6:2009 – Off-street parking for people with disabilities
- (c) wheel stops (as appropriate) and line markings for carparking spaces must be provided in accordance with Australian Standard AS2890.1:2004 (Off-street car parking)
- (d) parking and vehicle circulation roadways and pedestrian paths (if any) must be provided with sufficient lighting
- (e) all carparking spaces must be within the property boundaries. Existing carparking spaces on Council land must be relocated inside the subject lot boundaries and must be made available for sole use of patrons of new gymnasium.

For Advice: Relocation of the existing carparking spaces from Council land is subject to making good of all affected areas of Council land to the satisfaction of Council. It is advised to consult with Council's engineering and property departments for any consent (if required) and Council requirements for the works on Council land prior to commencement of any works on Council land.

- 5. Light emissions from the site must not cause a nuisance. Baffling must be provided to prevent light emissions to the neighbouring residential land if the existing wall does not prevent unreasonable light emissions.
- 6. Prior to the commencement of the use, landscaping must be established in accordance with the endorsed plans to the satisfaction of the Manager Development Services.
- 7. A wall advisory sign must be provided on the inside of the wall to the north-western boundary asking patrons to be respectful of the nearby residents and to keep noise to a minimum. The sign must comply with development standards and be located and designed in a manner that minimises impact on cultural heritage significance of the precinct to the satisfaction of the Manager Development Services.
- 8. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Manager Development Services. The sign(s) must be constructed and maintained to the satisfaction of the Manager Development Services.
- 9. The area set aside for parking of vehicles and so delineated on the approved engineering design drawings must be made available for such use and must not be used for any other purpose.
- 10. Graffiti on the site which is visible to the public must be removed promptly to the satisfaction of the Manager Development Services.
- 11. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

### ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

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

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- E. It is advised that cars should be directed to use parking spaces on the south-eastern side of the carpark between the hours of 9pm and 7am to minimise any potential for nuisance to residential land, or alternatively utilise on-street parking.
- F. Uses within the site are limited to those that are typical for a fitness centre (gym) and other events such as major competitions or other uses that are not subservient to the primary use of the site are not permitted by this Planning Permit.

If there are events or activities that vary from the approval, further Council approval may be required or an amendment to the Planning Permit.

### ATTACHMENTS

- 1. Checklist DA-2022-313
- 2. TasWater Condition
- 3. Advertised plan set



## Assessment Checklist for Development Applications for Use and/or Development within the Local Business Zone

### Local Business Zone Provisions (use and/or development)

Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)

Clause	Compliance/Comments
<b>20.3 Use Standards</b>	
<p><b>Clause 20.3.1 – Hours of Operation</b></p> <p><b>A1</b> – Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p><b>A1 – Does not comply.</b></p> <p>Proposed use is for 24 hours, 7 days a week.</p> <p>Within 0m of a residential zone.</p> <p>Private membership hours – 120 members between 8pm and 6am.</p> <p>Open to public and staffed 7am – 9pm Monday to Saturday.</p>
<p><b>Clause 20.3.2 – Noise</b></p> <p><b>A1</b> – Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAmix) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	<p><b>A1 – Does not comply.</b></p> <p>(a) Complies – predicted noise to be 39 dbh</p> <p>(b) Complies – predicted noise to be 31 dbh</p> <p>(c) Noise report predicts levels over 65dB(a) (LAmix) – 68dBA - due to the slamming of car doors.</p>
<p><b>Clause 20.3.3 – External Lighting</b></p> <p><b>A1</b> – External lighting within 50 m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p><b>A1 – Does not comply.</b></p> <p>Lighting will not be switched off between 10pm and 6am.</p> <p>Sensor floodlight to parking area. 2000 lumens. Not baffled. Wall proposed to provide screening of light.</p> <p>Security lighting will be baffled – provided over doorway.</p>
<p><b>Clause 20.3.4 – Commercial Vehicle Movements</b></p> <p><b>A1</b> – Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Saturdays;</p> <p>(c) 10.00 am to 12 noon Sundays and public holidays.</p>	<p><b>A1 – Complies.</b></p> <p>No commercial vehicle movements proposed during use of the gym.</p> <p>Only required for delivery of equipment to fit out the facility.</p>

Clause	Compliance/Comments
<b>20.4 Development Standards for Buildings and Works</b>	
<b>Clause 20.4.1 – Building Height</b> <b>A1</b> – Building height must be no more than: 9 m.	<b>A1 – n/a</b> No change to building height.
<b>A2</b> – Building height within 10 m of a residential zone must be no more than 8.5 m.	<b>A2 – n/a</b> No change to building height.
<b>Clause 20.4.2 – Setback</b> <b>A1</b> – Building setback from frontage must be parallel to the frontage and must be no more than: 5 m, if fronting Channel Highway. 2 m, if fronting any other street.	<b>A1 – n/a</b> No change to setback
<b>A2</b> – Building setback from a residential zone must be no less than: (a) 3 m; (b) half the height of the wall, whichever is the greater.	<b>A2 – n/a</b> No change to setback
<b>Clause 20.4.3 – Design</b> <b>A1</b> – Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place.	<b>A1 – Complies.</b> <b>A1(a)</b> – Complies. Main pedestrian entrance will be clearly visible from the road and publicly accessible areas on the site. <b>A1(b)</b> – Complies. Windows and glazed doors in excess of 40% surface area of the ground floor level front facade. Windows remain unobscured with the exception of wall signs. <b>A1(c)</b> – Complies. No alterations to the southern or western façade proposed. No blank wall proposed in eastern façade. Retains approximately 50% window/door openings. <b>A1(d)</b> – n/a – no mechanical plant or miscellaneous equipment proposed. <b>A1(e)</b> – n/a - No roof top infrastructure proposed. <b>A1(f)</b> – n/a No awnings over public footpath. <b>A1(g)</b> – Complies. No security shutters proposed.
<b>A2</b> – Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	<b>A2 – n/a - existing</b> No change proposed to current colour.
<b>Clause 20.4.4 – Passive Surveillance</b> <b>A1</b> – Building design must comply with all of the following:	<b>A1 – Complies.</b> <b>A1(a)</b> – Complies. Entry clearly visible from the road and car park

Clause	Compliance/Comments
<p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade ;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade;</p> <p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) provide well-lit public access at the ground floor level from any external car park.</p>	<p>area.</p> <p><b>A1(b)</b> – Complies.</p> <p>Windows remain unobscured with the exception of window sign.</p> <p><b>A1(c)</b> – Complies. – no alterations proposed to the southern or western façade. Changes to front (eastern) façade include a replacement of the existing doors, however, these will remain glazed. The windows and glazed doors will retain no less than 30% of the surface area (approximately 50%).</p> <p><b>A1(d)</b> – Complies - No entrapment spaces created.</p> <p><b>A1(e)</b> – Complies – Lighting design provided to illuminate car parking areas.</p> <p><b>A1(f)</b> – Complies – Lighting design provides for lighting of the public access point from the external car park.</p>
<p><b>Clause 20.4.5 – Landscaping</b></p> <p><b>A1</b> – Landscaping along the frontage of a site <u>is not required if all of the following apply:</u></p> <p>(a) the building extends across the width of the frontage, (except for vehicular access ways);</p> <p>(b) the building has a setback from the frontage of no more than 1 m.</p>	<p><b>A1 – Does not comply.</b></p> <p>Landscaping is not provided along the frontage and the building has a setback of more than 1m.</p>
<p><b>A2</b> – Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p>2 m.</p>	<p><b>A2 – Does not comply.</b></p> <p>Landscaping is provided to a depth of less than 2m (600mm) on the boundary with a residential zone.</p>
<p><b>Clause 20.4.6 – Outdoor Storage Areas</b></p> <p><b>A1</b> – Outdoor storage areas for non-residential uses must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p><b>A1 – Complies.</b></p> <p>(a) Complies – waste storage located behind building line</p> <p>(b) Waste storage proposed to be behind existing screen doors to workshop area and as such would be screened from public view.</p> <p>(c) Complies. Storage area is not proposed as parking area, driveway or landscaped area.</p>
<p><b>Clause 20.4.7 – Fencing</b></p> <p><b>A1</b> – Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</p>	<p><b>A1 – n/a</b></p> <p>No fencing proposed.</p>
<p><b>Clause 20.4.8 – Environmental Values</b></p> <p><b>A1</b> – No trees of high conservation value will be impacted.</p>	<p><b>A1 – Complies</b></p> <p>No trees of high conservation will be impacted.</p>

## Code Provisions

Clause	Compliance/Comments
<b>E5.0 Road and Railway Assets Code</b>	
<b>Clause E5.5.1 – Existing road accesses and junctions</b> <b>A1</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	<b>A1 – n/a</b>
<b>A2</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	<b>A2 – n/a</b>
<b>A3</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	<b>A3 – Complies.</b> For road/area with speed limit of 60km/h or less, the increase in AADT of vehicle movements from the site using the existing vehicular access is not likely to increase by more than 20% or 40 vehicle movements per day. This assessment is supported by the submitted 'review of TIA and response to council RFI' by Keith Midson from Midson Traffic dated 29 November 2022.
<b>Clause E5.6.2 - Road access and junctions</b> <b>A1</b> – No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	<b>A1 – n/a</b>
<b>A2</b> – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	<b>A2 – Complies.</b> Existing access to provide both entry and exit.
<b>Clause E5.6.4 - Sight distance at accesses, junctions and level crossings</b> <b>A1</b> – Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	<b>A1 – n/a</b>
<b>E6.0 Parking and Access Code</b>	
<b>Clause E6.6.1 - Number of car parking spaces</b> <b>A1</b> - The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking	<b>A1 – Does not comply.</b> In accordance with Table E6.1, the proposal with floor area of 485 sq.m requires 22 on-site carparking spaces at the rate of 4.5 carparking spaces per 100 sq.m of floor area. As the proposal is proposing to provide 14 on-site carparking including 1 accessible carparking, the proposal does not meet the acceptable solution (A1) as it has 8 on-site carparking deficit.

Clause	Compliance/Comments
provision (spaces or cash-in-lieu) must be in accordance with that plan;	
<p><b>Clause E6.6.2 – Number of Accessible Car Parking Spaces for People with a Disability</b></p> <p><b>A1</b> - Car parking spaces provided for people with a disability must:</p> <ul style="list-style-type: none"> <li>(a) satisfy the relevant provisions of the Building Code of Australia;</li> <li>(b) be incorporated into the overall car park design;</li> <li>(c) be located as close as practicable to the building entrance.</li> </ul>	<p><b>A1 – Complies.</b></p> <p>One accessible car parking space for people with a disability is proposed close to the entrance.</p> <p>NOTE: Conditioned to be constructed as per AS2890 Part 6: Off-street parking for people with disabilities</p>
<p><b>Clause E6.6.3 – Number of Motorcycle Parking Spaces</b></p> <p><b>A1</b> - The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.</p>	<p><b>A1 – n/a</b> – only 14 spaces are proposed</p>
<p><b>Clause E6.6.4 – Number of Bicycle Parking Spaces</b></p> <p><b>A1</b> - The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.</p>	<p><b>A1 – n/a</b></p>
<p><b>Clause E6.7.1 - Number of vehicular accesses</b></p> <p><b>A1</b> – The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</p>	<p><b>A1 – Complies.</b></p> <p>Existing one vehicular access</p>
<p><b>Clause E6.7.2 - Design of vehicular accesses</b></p> <p><b>A1</b> – Design of vehicle access points must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</li> <li>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</li> </ul>	<p><b>A1 – n/a</b></p> <p>Existing approved vehicular access</p>

Clause	Compliance/Comments
<p><b>Clause E6.7.3 - Vehicular passing areas along an access</b></p> <p><b>A1</b> – Vehicular passing areas must:</p> <ul style="list-style-type: none"> <li>(a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> <li>(i) it serves more than 5 car parking spaces;</li> <li>(ii) is more than 30 m long;</li> <li>(iii) it meets a road serving more than 6000 vehicles per day</li> </ul> </li> <li>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</li> <li>(c) it meets a road serving more than 6000 vehicles per day;</li> <li>(d) have the first passing area constructed at the kerb;</li> <li>(e) be at intervals of no more than 30 m along the access.</li> </ul>	<p><b>A1 – Complies</b></p> <p>The carparking module and the existing vehicular access is capable to allow two-way traffic</p>
<p><b>Clause E6.7.4 - On-site turning</b></p> <p><b>A1</b> – On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</p> <ul style="list-style-type: none"> <li>(a) it serves no more than two dwelling units;</li> </ul>	<p><b>A1 – Complies.</b></p> <p>Vehicles can turn on-site and exit the site in forward direction</p>
<p><b>Clause E6.7.5 - Layout of parking areas</b></p> <p><b>A1</b> – The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</p>	<p><b>A1 – Complies.</b></p>
<p><b>Clause E6.7.6 - Surface treatment of parking areas</b></p> <p><b>A1</b> – Parking spaces and vehicle circulation roadways must be in accordance with all of the following:</p> <ul style="list-style-type: none"> <li>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</li> <li>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</li> </ul>	<p><b>A1 – Complies</b></p> <p>Existing sealed surface with stormwater drainage</p>
<p><b>Clause E6.7.7 - Lighting of parking areas</b></p> <p><b>A1</b> – Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>	<p><b>A1 – Does not comply.</b></p> <p>The proposal provides one light at the northern corner of the existing building which is not sufficient to comply with AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>
<p><b>Clause E6.7.8 - Landscaping of parking areas</b></p> <p><b>A1</b> – Landscaping of parking and circulation areas</p>	<p><b>A1 – Complies.</b></p> <p>Landscaping is proposed. Parking area is</p>

Clause	Compliance/Comments
must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	approximately 465m <sup>2</sup> . Landscaping equates to approximately 19.5m <sup>2</sup> (screening vegetation to boundary) plus 5m <sup>2</sup> (potted plants). 24.5 equates to 5%.
<b>Clause E6.7.9 – Design of motorcycle parking areas</b> <b>A1</b> - The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	<b>A1 – n/a</b>
<b>Clause E6.7.10 – Design of bicycle parking facilities</b> <b>A1</b> - The design of bicycle parking facilities must comply with all the following: (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	<b>A1 – n/a</b>
<b>A2</b> - The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard. R1	<b>A2 – n/a</b>
<b>Clause E6.7.11 – Bicycle end of trip facilities</b> <b>A1</b> - For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	<b>A1 – n/a</b>
<b>Clause E6.7.12 – Siting of car parking</b> <b>A1</b> - Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	<b>A1 – Does not comply.</b> The carparking is already provided, and is proposed, in front of the building line. As the site is located in the local business zone, and the site is not a shopping centre, it does not comply with acceptable solution (A1).
<b>Clause E6.7.13 – Facilities for commercial vehicles</b> <b>A1</b> - Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a	<b>A1 – n/a</b>  NOTE: The applicant has confirmed no commercial vehicles will be visiting the site during the operation of the proposed gymnasium.



Clause	Compliance/Comments
dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	
<b>Clause E6.7.14 - Access to a road</b> <b>A1</b> – Access to a road must be in accordance with the requirements of the road authority.	<b>A1 – Complies.</b> Existing approved vehicular access from Beach Road. No new works for the access is proposed/required.
<b>E7.0 Stormwater Management Code</b>	
The Code does not apply to use, and no new impervious surfaces are proposed, therefore under Clause E7.2.1, the Code does not apply	
<b>E13.0 Historic Heritage Code</b>	
<b>E13.8 - Development standards for heritage precincts</b>	
<b>Clause E13.8.1 – Demolition</b> <b>A1</b> – No acceptable solution (requires assessment against performance criteria)	<b>A1 – n/a</b> – no demolition proposed
<b>Clause E.13.8.2 Buildings and works other than demolition</b> <b>A1</b> – No acceptable solution (requires assessment against performance criteria)	<b>A1 – Does not comply.</b> <b>No Acceptable Solution</b>
<b>A2</b> – No acceptable solution (requires assessment against performance criteria)	<b>A2 – n/a</b> – no relevant design criteria/policy
<b>A3</b> – No acceptable solution (requires assessment against performance criteria)	<b>A3 – n/a</b> – no extension proposed
<b>A4</b> – New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.	<b>A4 – n/a</b> – no new front fence or gates proposed
<b>E15.0 Inundation Prone Areas Code</b>	
The site is within a Riverine Inundation Hazard Area, as it is located an area subject to risk of flooding of 1% Annual Exceedance Probability (AEP) in 2100, therefore the code applies.	
<b>Clause E15.6 - Use standards</b> <b>A1</b> – Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following: (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding.	<b>A1 – n/a</b> The proposed change of use does not involve a habitable use or habitable rooms. Therefore, 15.6.1 is not applicable.
<b>Clause E15.7.4 - Riverine inundation hazard areas</b> <b>A1</b> - A new habitable building must have a floor level no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.	<b>A1 – n/a</b>  Not a new habitable building
<b>A2</b> – An extension to an existing habitable building must comply with one of the following: (a) floor level of habitable rooms is no lower than the 1% AEP (100 yr ARI) storm event plus 300mm;	<b>A2 – n/a</b>  Not an extension to an existing habitable building

Clause	Compliance/Comments
(b) floor area of the extension no more than 60 m <sup>2</sup> as at the date of commencement of this planning scheme.	
<b>A3</b> – The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m <sup>2</sup> .	<b>A3 – Does not comply.</b> Floor area of non-habitable building is more than 60m <sup>2</sup>
<b>Clause E15.7.5 - Riverine, coastal investigation area, low, medium high inundation hazard area</b> <b>A1</b> – For landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution (requires assessment against performance criteria).	<b>A1 – n/a</b> – no landfill or solid wall proposed.
<b>A2</b> – No acceptable solution (requires assessment against performance criteria)	<b>A2 – n/a</b> – no mitigation measures proposed.
<b>A3</b> – A land application area for onsite wastewater management must comply with all of the following: (a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must be no less than 100 m; (b) vertical separation distance from the water table must be no less than 1.5 m.	<b>A3 – n/a</b> – no land application area.
<b>E17.0 Signs Code</b>	
<b>Clause E17.6.1 – Use of Signs</b> <b>A1</b> – A sign must be a permitted sign in Table E.17.3.	<b>A1 – Complies.</b> Table E17.3 Status of Signs in Zones: Window Signs are Permitted.
<b>A2</b> - A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.	<b>A2 – Complies.</b> Signs relate to the sale of services at the subject building.
<b>A3</b> - A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign	<b>A3 – Complies.</b> No flashing lights or moving parts.
<b>A4</b> - An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign	<b>A4 – n/a</b> Not illuminated.
<b>Clause E17.7.1 - Standards for Signs</b> <b>A1</b> - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	<b>A1 – Does not comply.</b> <b>Table E17.2 Sign Standards:</b> Window Sign: (a) Does not Comply. Obscures more than 10% of the window surface: Total window area would be: 24m <sup>2</sup> sign area would be : 1.2m diameter. A=pi x r <sup>2</sup> = 1.9m <sup>2</sup> Total 3.8m <sup>2</sup> (b) Complies – is on a ground floor level window. <b>Table E17.3 Status of Signs in Zones:</b> Window Signs are Permitted. Remainder of windows remain unobscured.
<b>A2</b> - The number of signs per business per street frontage must comply with all of the following:	<b>A2 – Does not comply.</b> (a) Does not comply - 2 window signs proposed.

Clause	Compliance/Comments
(a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.	(b) Complies – 1 window sign per window. (c) Complies - 2 signs on the frontage – length of frontage 15.195m (d) n/a
<b>A3</b> - Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	<b>A3 – Complies.</b>
<b>A4</b> - Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	<b>A4 – Complies.</b>
<b>Clause E17.7.2 - Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts</b> <b>A1</b> - No acceptable solution (requires assessment against performance criteria)	<b>A1 – Does not comply.</b> <b>Heritage precinct – No Acceptable Solution.</b>

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



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA-2022-313	<b>Council notice date</b>	2/08/2022
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2022/01254-KIN	<b>Date of response</b>	15/08/2022
<b>TasWater Contact</b>	Ahmad Khateib	<b>Phone No.</b>	0476 184 094
<b>Response issued to</b>			
<b>Council name</b>	KINGBOROUGH COUNCIL		
<b>Contact details</b>	kc@kingborough.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	22-24 BEACH RD, KINGSTON BEACH	<b>Property ID (PID)</b>	2709734
<b>Description of development</b>	Change of use to Gymnasium		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
Atlas Barbell	A103 – Construction Plan	--	15/07/2022
<b>Conditions</b>			
<p><b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b></p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee of \$226.71 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.</li> </ol> <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			
<b>Advice</b>			
<p><b>General</b></p> <p>For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a></p> <p>For application forms please visit <a href="https://www.taswater.com.au/building-and-development/development-application-form">https://www.taswater.com.au/building-and-development/development-application-form</a></p>			



#### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.  
Further information can be obtained from TasWater
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies
- (c) TasWater will locate residential water stop taps free of charge
- (d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

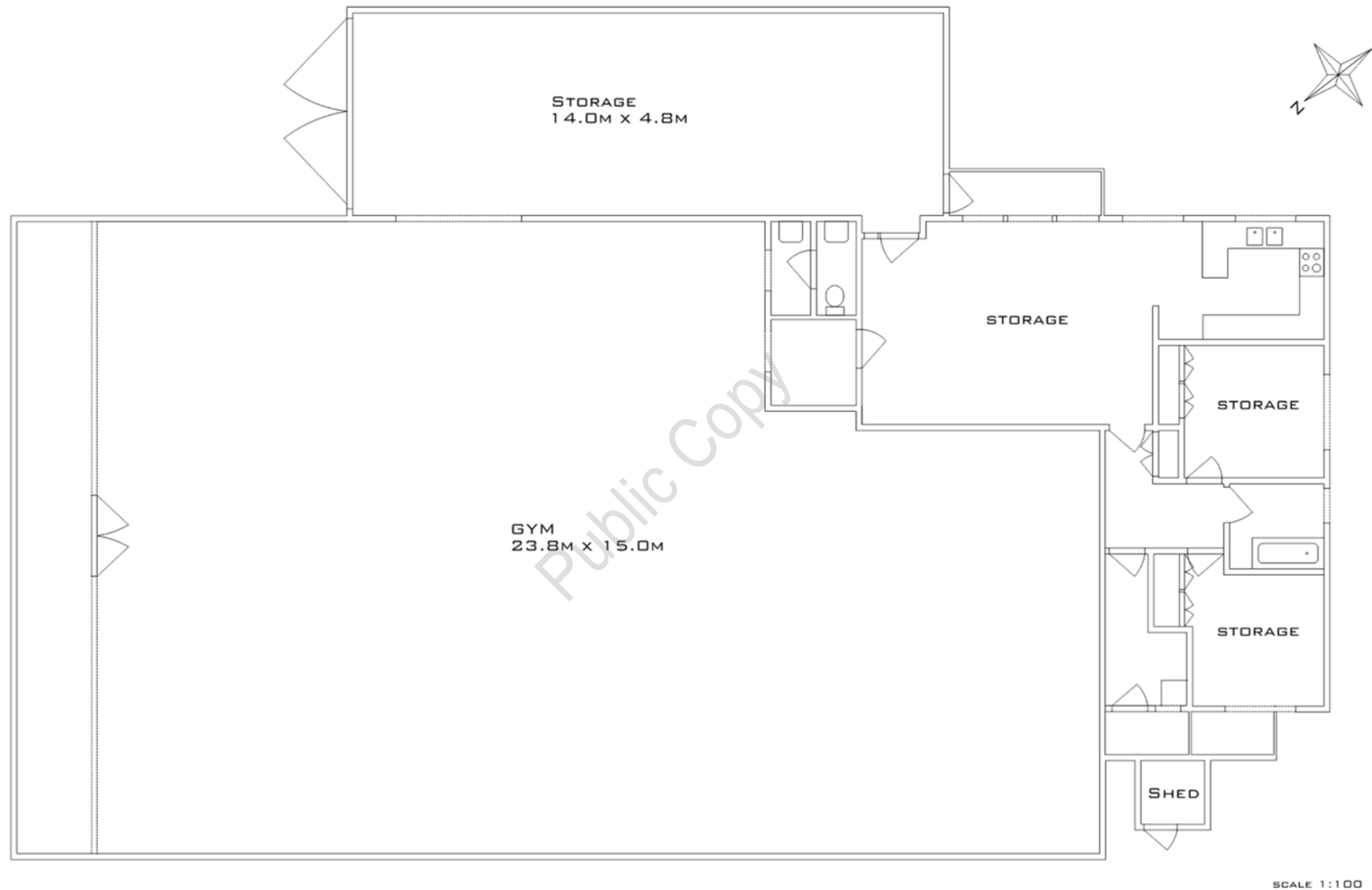
#### Declaration

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

#### TasWater Contact Details

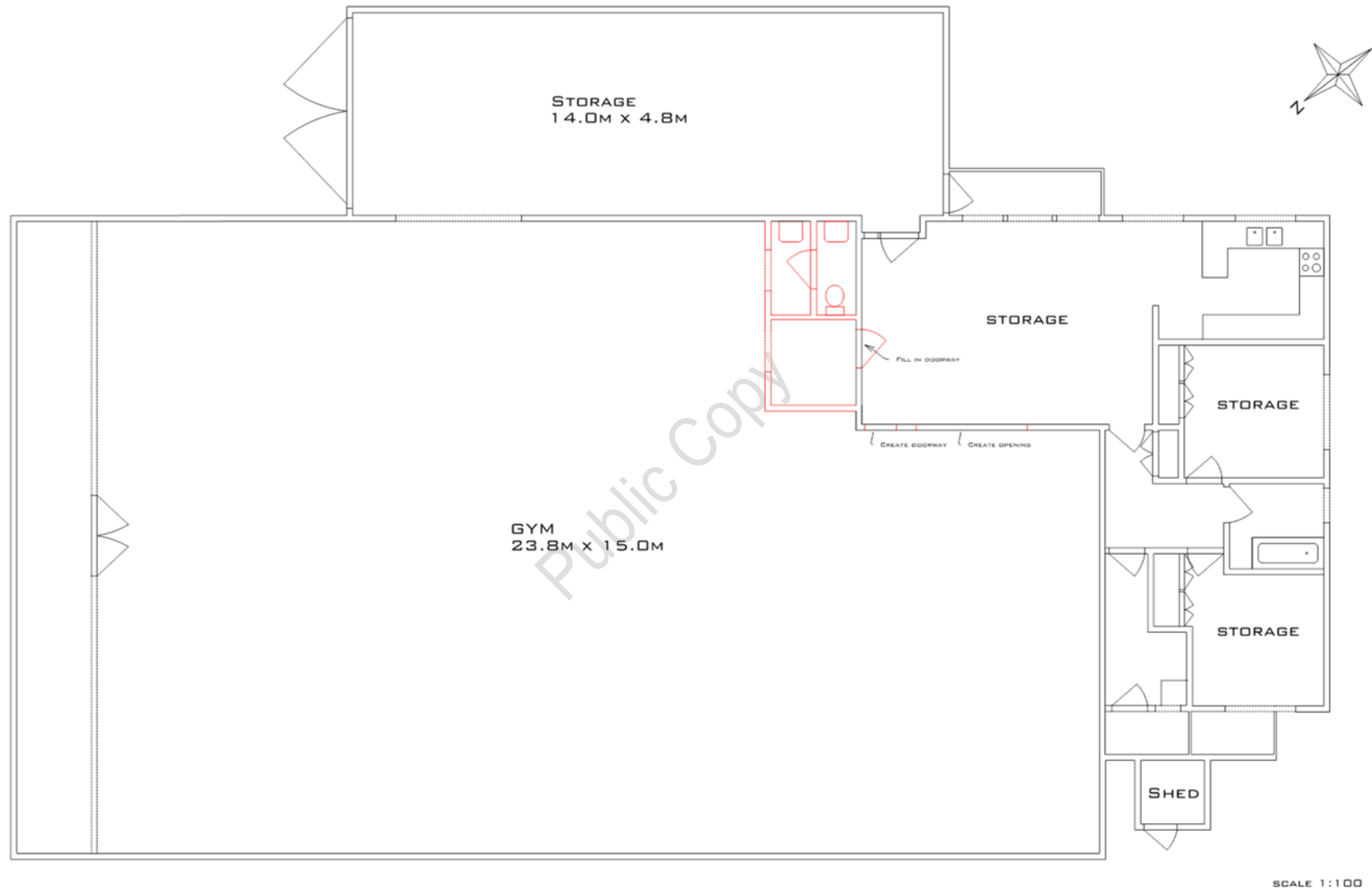
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Public Copy



**Kingborough Council**  
 Development Application: DA-2022-313  
 Plan Reference No.: P4  
 Date Received: 14/11/2022  
 Date placed on Public Exhibition: 14/12/2022

ATLAS BARBELL  
 20-24 BEACH ROAD KINGSTON BEACH  
 DATE: 6/10/2022 SIZE A3  
 A101 - PLAN

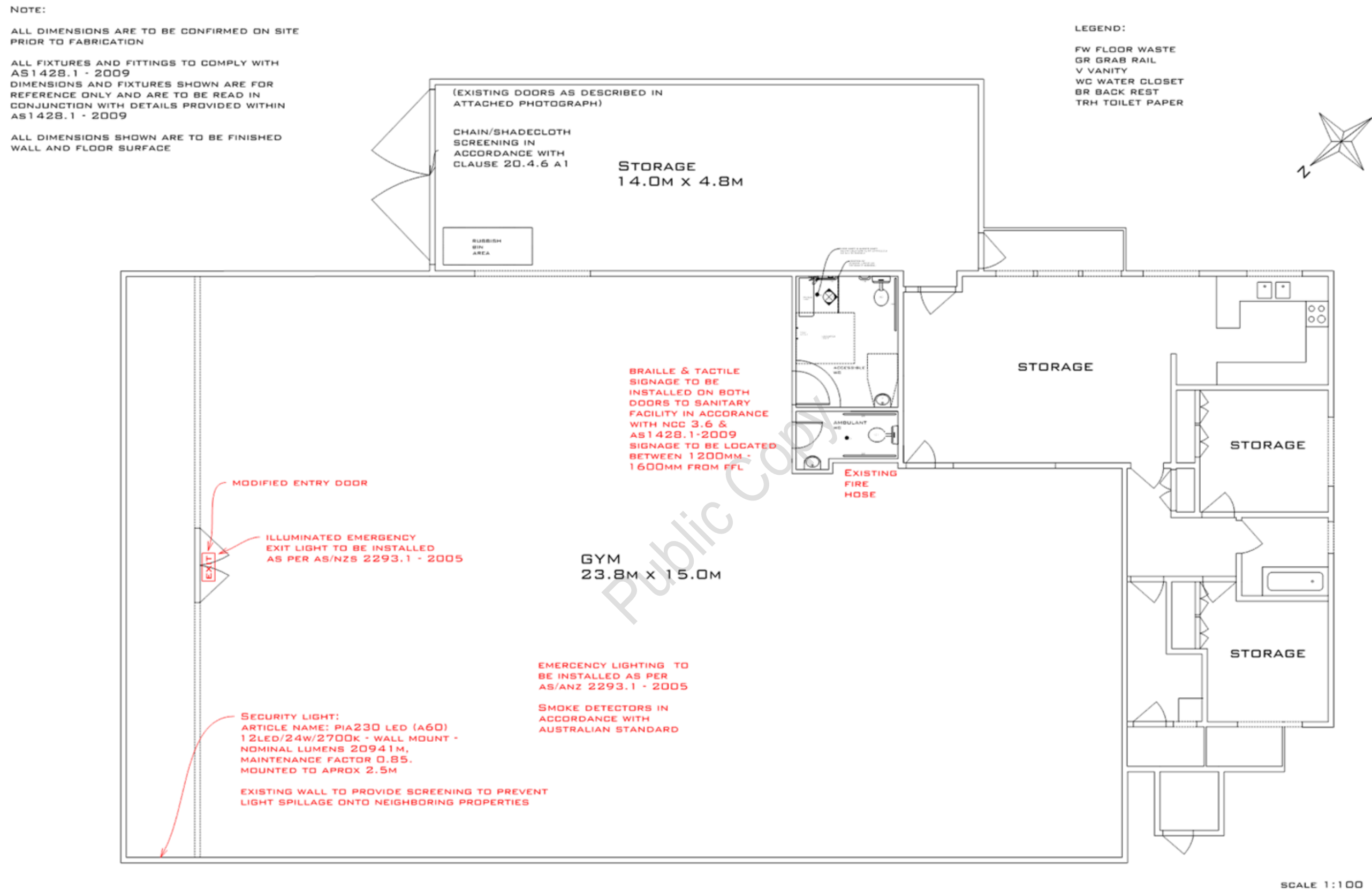


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ATLAS BARBELL  
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 A102 - DEMOLITION PLAN





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ATLAS BARBELL  
20-24 BEACH ROAD KINGSTON BEACH  
DATE: 31/10/2022 SIZE A3  
A103 - CONSTRUCTION PLAN



## NOTE:

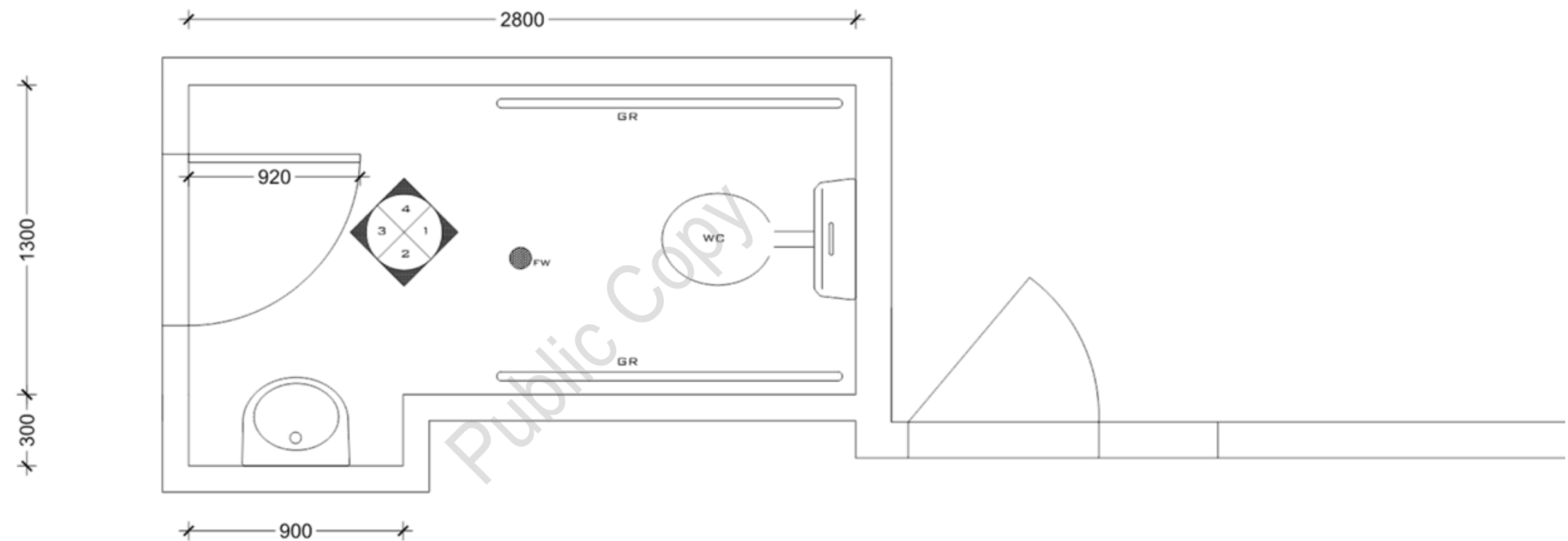
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PRIOR TO FABRICATION

ALL FIXTURES AND FITTINGS TO COMPLY WITH  
AS1428.1 - 2009  
DIMENSIONS AND FIXTURES SHOWN ARE FOR  
REFERENCE ONLY AND ARE TO BE READ IN  
CONJUNCTION WITH DETAILS PROVIDED WITHIN  
AS1428.1 - 2009

ALL DIMENSIONS SHOWN ARE TO BE FINISHED  
WALL AND FLOOR SURFACE

## LEGEND:

FW FLOOR WASTE  
GR GRAB RAIL  
V VANITY  
WC WATER CLOSET  
BR BACK REST  
TRH TOILET PAPER



PLAN - AMBULANT WC  
SCALE 1:20

SCALE 1:20

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ATLAS BARBELL  
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DATE: 6/10/2022 SIZE A3

A104 - AMBULANT WC



NOTE:

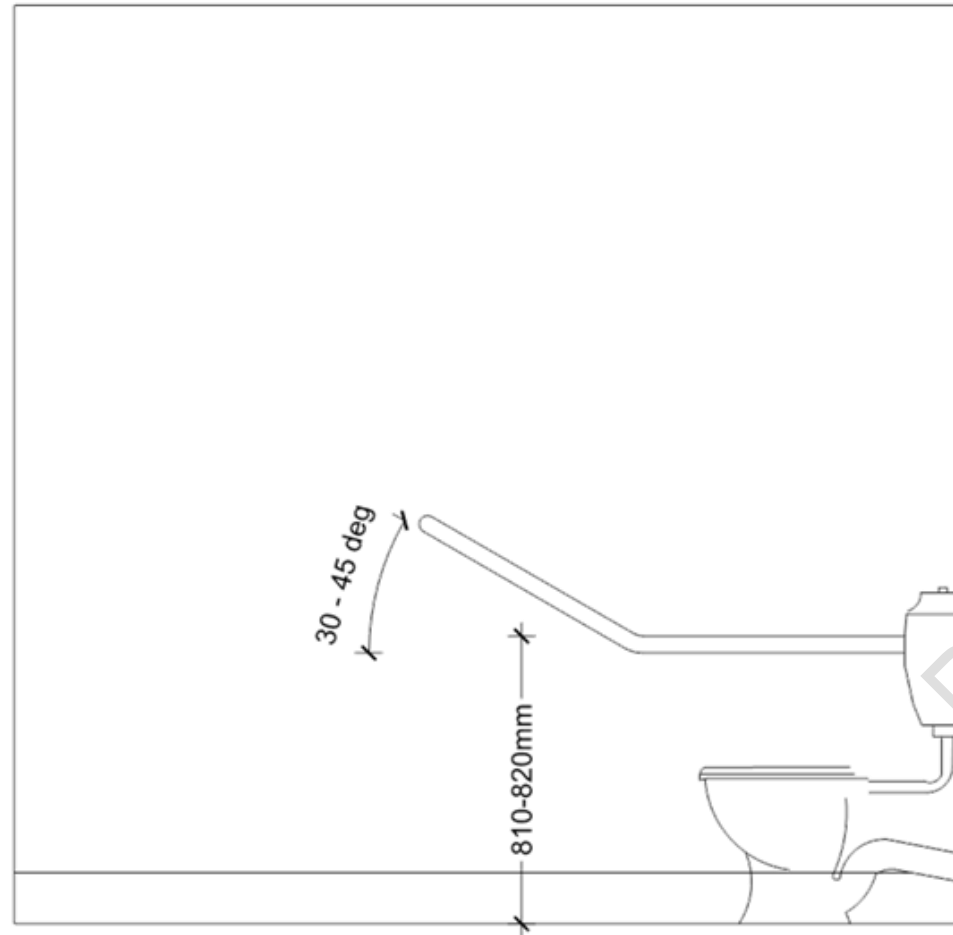
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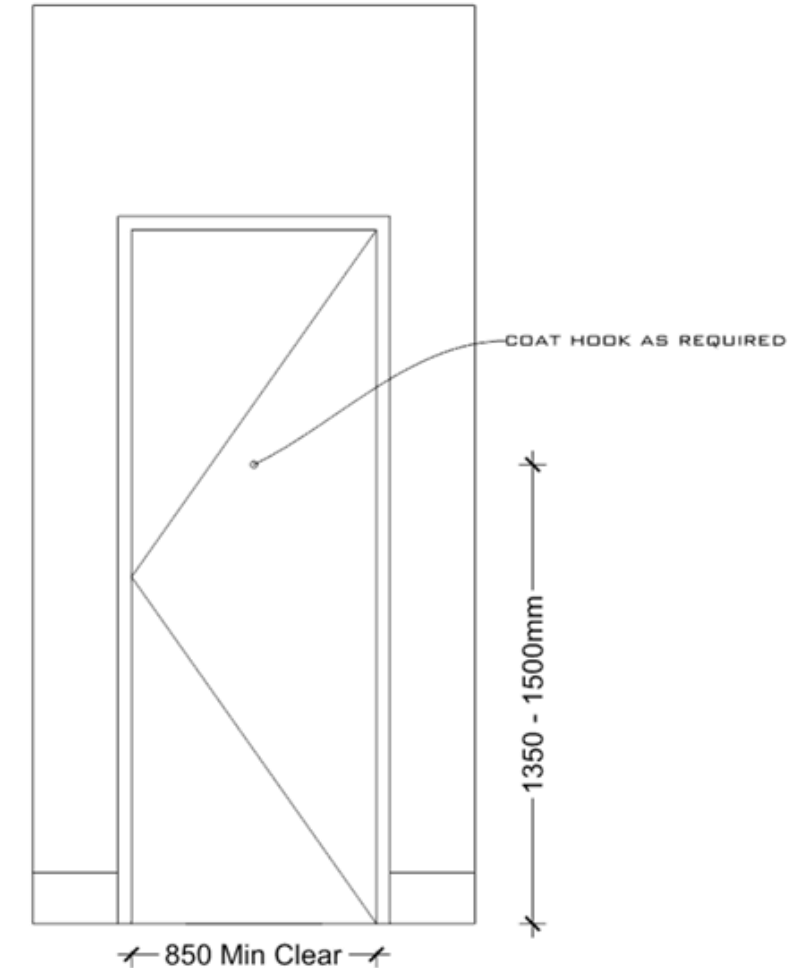
ALL DIMENSIONS SHOWN ARE TO BE FINISHED  
WALL AND FLOOR SURFACE

LEGEND:

FW FLOOR WASTE  
GR GRAB RAIL  
V VANITY  
WC WATER CLOSET  
BR BACK REST  
TRH TOILET PAPER



ELEVATION 4  
SCALE 1:20



ELEVATION 3  
SCALE 1:20

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ATLAS BARBELL  
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A106 - AMBULANT WC

NOTE:

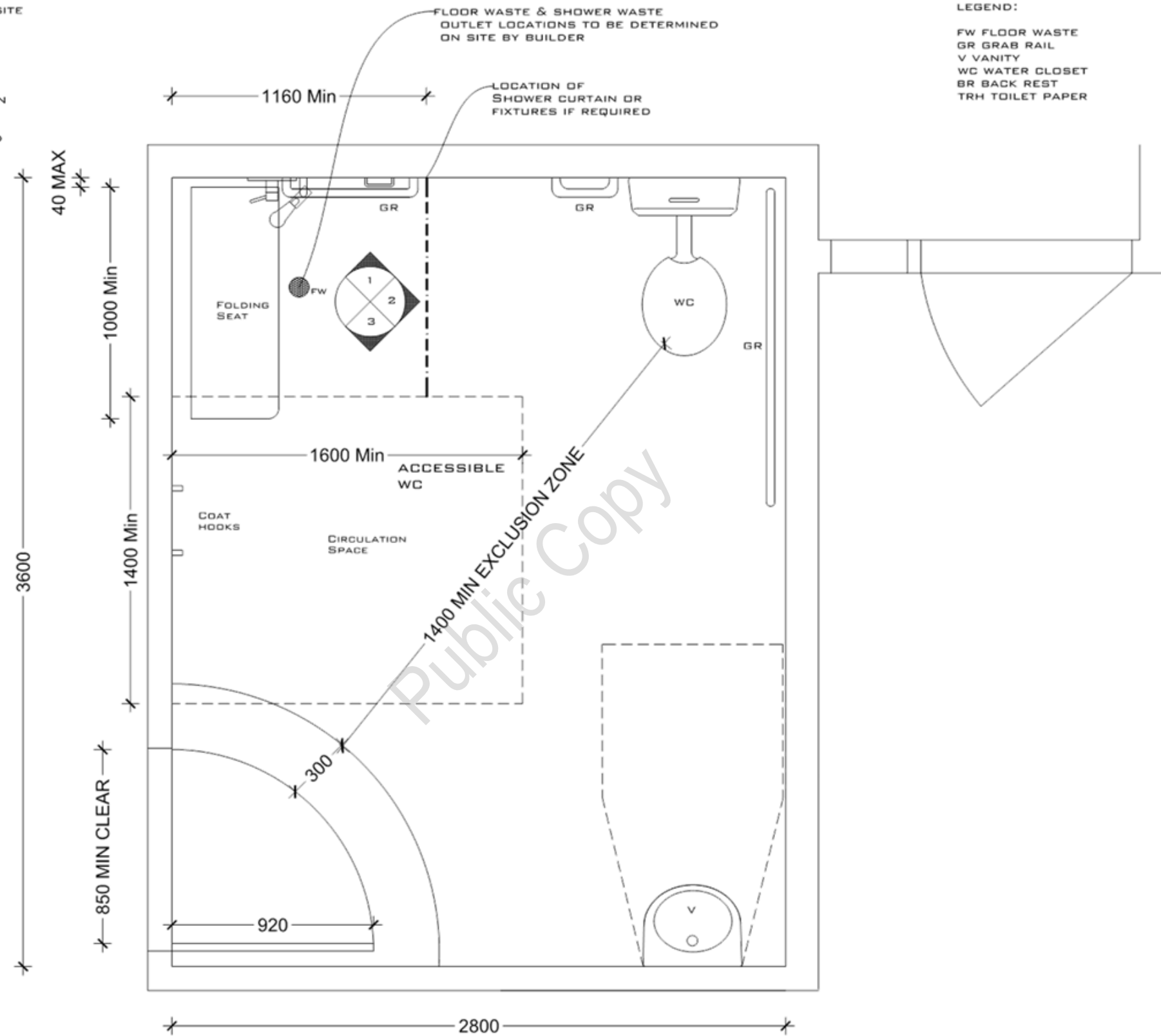
ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE PRIOR TO FABRICATION

ALL FIXTURES AND FITTINGS TO COMPLY WITH AS1428.1 - 2009  
DIMENSIONS AND FIXTURES SHOWN ARE FOR REFERENCE ONLY AND ARE TO BE READ IN CONJUNCTION WITH DETAILS PROVIDED WITHIN AS1428.1 - 2009

ALL DIMENSIONS SHOWN ARE TO BE FINISHED WALL AND FLOOR SURFACE

LEGEND:

FW FLOOR WASTE  
GR GRAB RAIL  
V VANITY  
WC WATER CLOSET  
BR BACK REST  
TRH TOILET PAPER



PLAN - ACCESSIBLE WC  
SCALE 1:20

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ATLAS BARBELL  
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DATE: 6/10/2022 SIZE A3

A107 - ACCESSIBLE WC

NOTE:

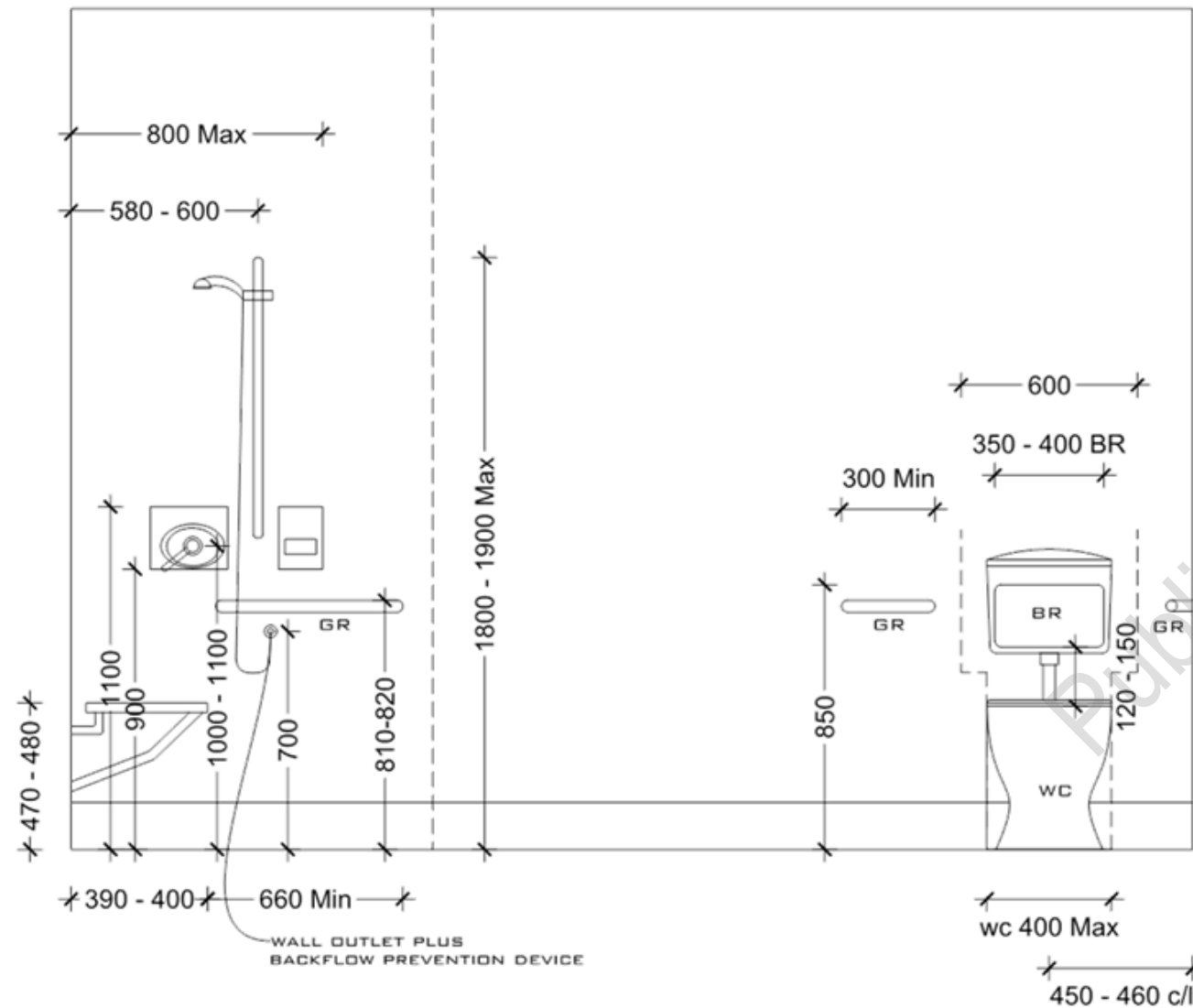
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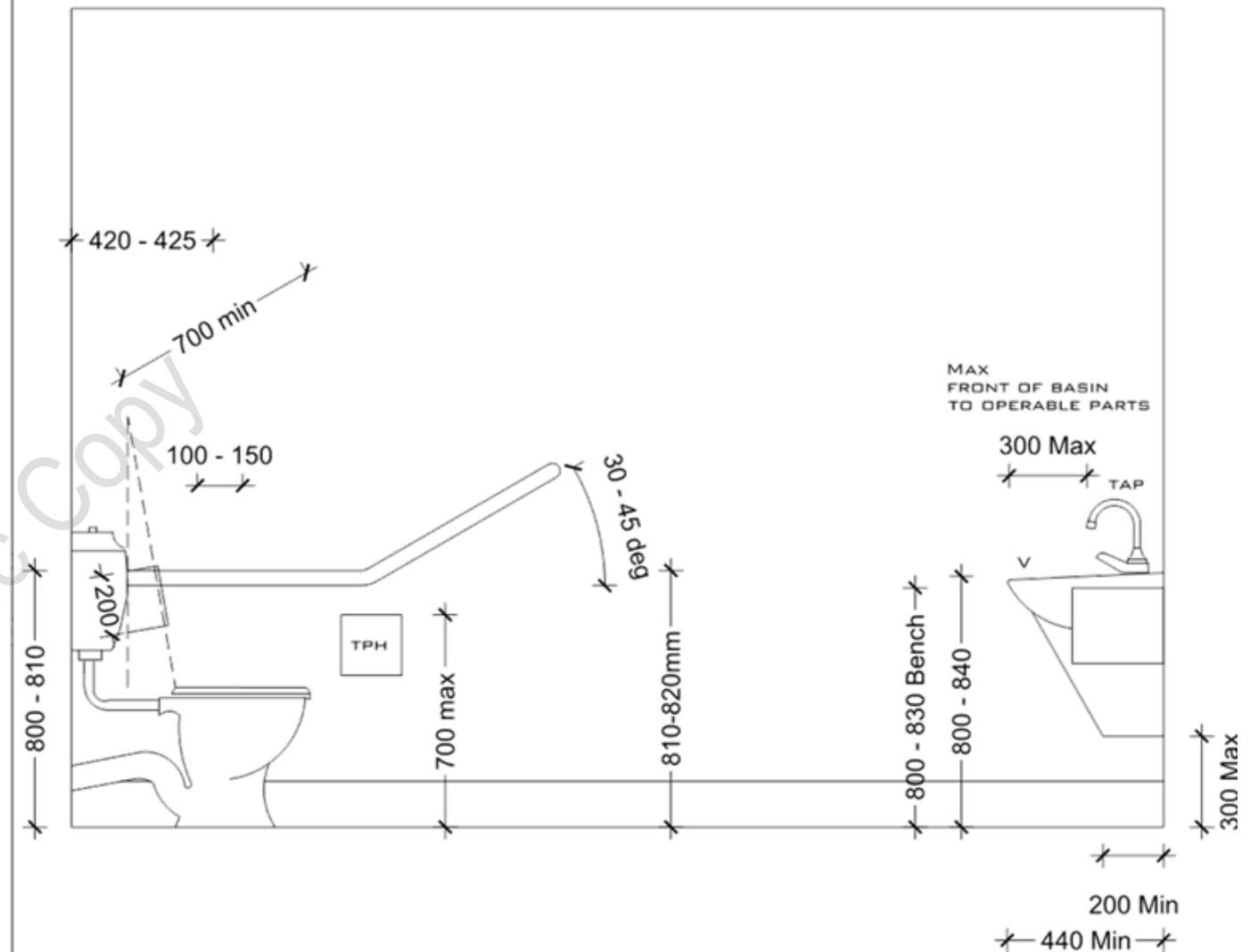
ALL DIMENSIONS SHOWN ARE TO BE FINISHED  
WALL AND FLOOR SURFACE

LEGEND:

FW FLOOR WASTE  
GR GRAB RAIL  
V VANITY  
WC WATER CLOSET  
BR BACK REST  
TRH TOILET PAPER



ELEVATION 1  
SCALE 1:20



ELEVATION 2  
SCALE 1:20

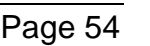
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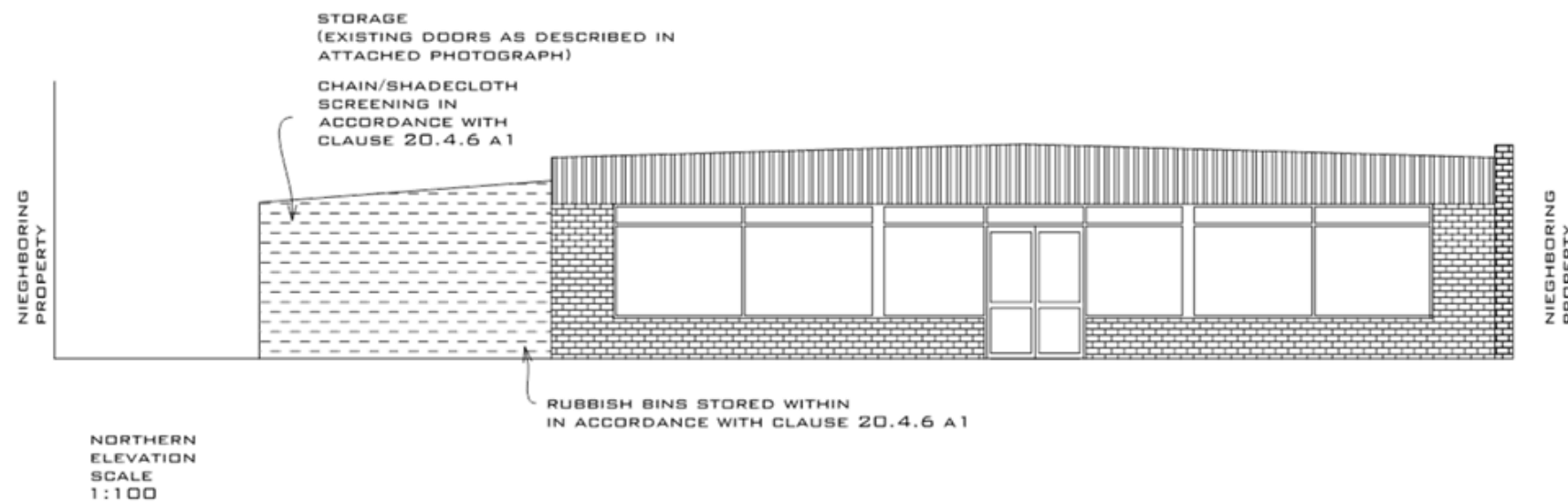
ATLAS BARBELL  
20-24 BEACH ROAD KINGSTON BEACH  
DATE: 6/10/2022 SIZE A3

A108 - ACCESSIBLE WC

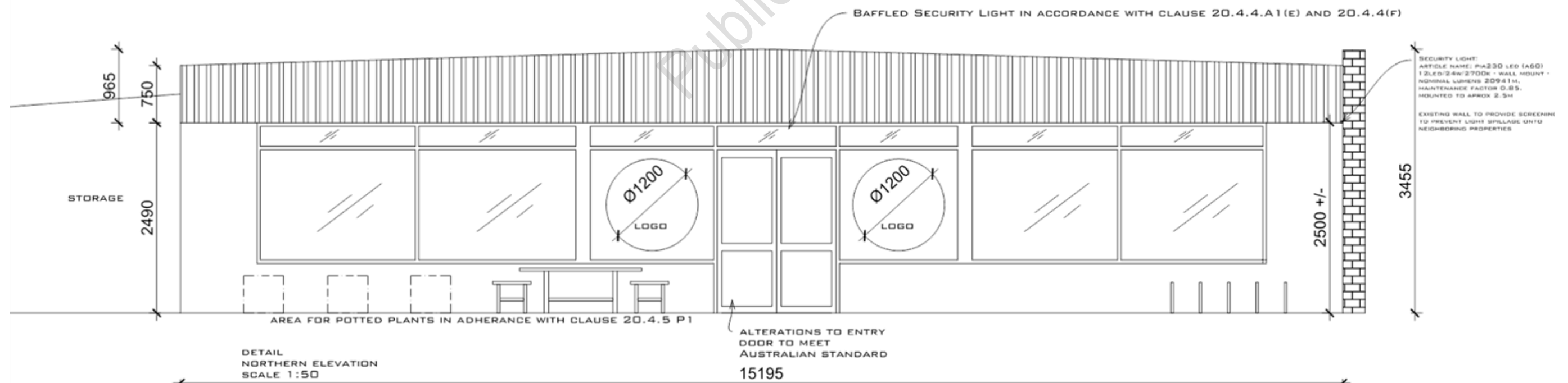








\*OTHER THAN SIGNAGE INDICATED; ALL OTHER WINDOWS REMAIN CLEAR UNOBSCURSED IN COMPLIANCE WITH CLAUSES 20.4.3 A2(B) AND 20.4.4.A1 (B)



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DATE: 31/10/2022 SIZE A3

A111 - EXTERNAL ELEVATION



**14.2 DAS-2022-4 - SUBDIVISION CREATING 7 LOTS AND 1 ROAD LOT AT 388, 398 AND 402A HOWDEN ROAD, PART OF 366 HOWDEN ROAD, HOWDEN AND CROWN ROAD RESERVE (HOWDEN ROAD)**

**File Number:** DAS-2022-4

**Author:** Timothy Donovan, Senior Planning Officer

**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	All Urban Planning Pty Ltd
<b>Owner:</b>	Mr J P Bourke and Ms V A Jacob
<b>Subject Site:</b>	388, 398 and 402A Howden Road, part of 366 Howden Road, Howden and Crown Road Reserve (Howden Road) (CT 11961/4, 157016/3, 167860/1 and 3243067)
<b>Proposal:</b>	Subdivision creating 7 lots and 1 road lot
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015
<b>Zoning:</b>	Low Density Residential (Area C)
<b>Codes:</b>	E1.0 Bushfire-Prone Areas Code E5.0 Road and Railway Assets Code E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity Code E16.0 Coastal Erosion Hazard Code
<b>Use Class/Category:</b>	Subdivision
<b>Discretions:</b>	<ul style="list-style-type: none"> <li>Low Density Residential Zone (Area C) Cl.12.4.2 Setbacks and building envelope A4 Cl.12.5.1 – Lot Design A2, A3, A4 Cl.12.5.2 – Roads A1(no new road) Cl.12.5.3 – Ways and Public Open Space A1, A2 Cl.12.5.4 – Services A4 (no new road)</li> <li>E5.0 Road and Railway Assets Code Cl.E5.5.1 – Existing road accesses and junctions A1 Cl.E5.6.2 - Road access and junctions A1 Cl.E5.6.4 - Sight distance at accesses, junctions and level crossings</li> <li>E11.0 Water and Coastal Protection Code Cl.E.11.8.1 - Subdivision</li> <li>E16.0 Coastal Erosion Hazard Code Cl.E16.8.1 Subdivision in Coastal Erosion Hazard Areas A1, A2</li> </ul>
<b>Public Notification:</b>	Public advertising was undertaken between 21 September 2022 and 5 October 2022 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
<b>Representations:</b>	Eight representations were received, the issued raised include: <ul style="list-style-type: none"> <li>Lot Design,</li> <li>Traffic,</li> <li>Vegetation Management and Clearing,</li> <li>Infrastructure</li> </ul>
<b>Recommendation:</b>	Approval with Conditions

## 1. PROPOSAL

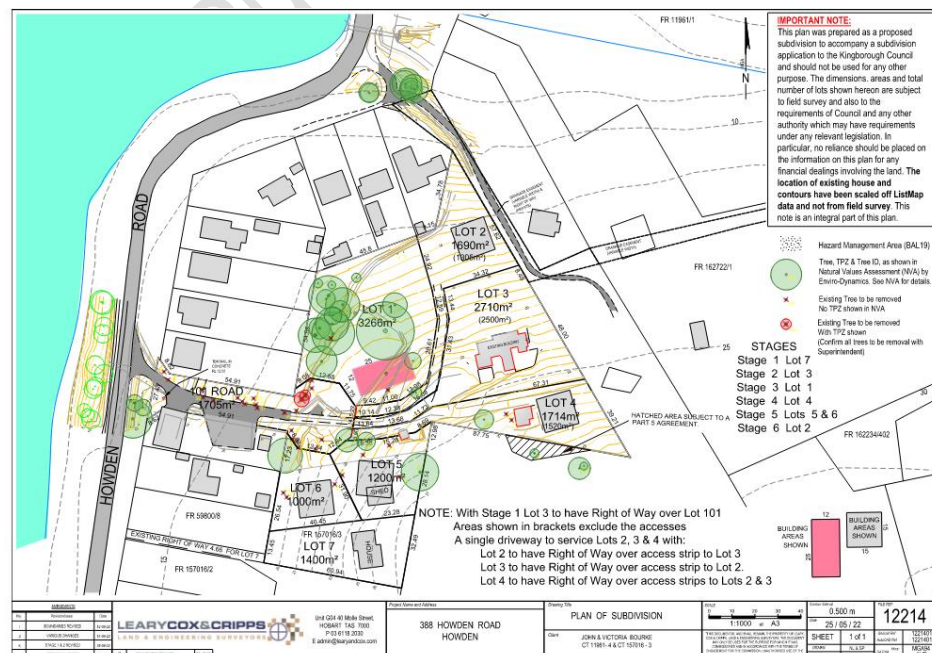
### 1.1 Description of Proposal

The subdivision application is over three properties at 366, 388 and 398 Howden Road, Howden and part of Howden Road and is for the creation of 7 lots and a road lot. The lots are to be subdivided from 388 and 398 while 366 is used for infrastructure and also Bushfire Management. The lots range in size as follows:

- Lot 1 3266 m<sup>2</sup>
- Lot 2 1690 m<sup>2</sup>
- Lot 3 2710 m<sup>2</sup>
- Lot 4 1714 m<sup>2</sup>
- Lot 5 1200 m<sup>2</sup>
- Lot 6 1000 m<sup>2</sup>
- Lot 7 1400 m<sup>2</sup>
- Lot 101 Road 1705 m<sup>2</sup>

The subdivision is to occur in stages:

- Stage 1 – Lot 7 plus a ROW for Lot 3 over the area of proposed road Lot 101.
- Stage 2 – Lot 3
- Stage 3 – Lot 1
- Stage 4 – Lot 4 including construction of the proposed road
- Stage 5 – Lots 5 and 6
- Stage 6 – Lot 2



**Figure 1 - proposed Plan of Subdivision**

The subdivision includes the construction of a new road off Howden Road that involves the area of No 388 Howden Road located between No's 386 and 392 Howden Road. Lots 1, 5 and 6 have frontages to the new road and Lots 2, 3 and 4 are internal lots.

Lot 7 will retain the existing dwelling on No 398 Howden Road and also retain a 4.66m wide ROW (Private) and Service Easement on No 402A Howden Road (CT 157016/3) onto Howden Road.

Stormwater and sewer infrastructure is proposed through No 366 Howden Road (CT 167860/1) and north onto Howden Road to connect to the existing Council stormwater and TasWater sewer infrastructure to service part of the estate. No 366 is also required for bushfire hazard management area purposes.

Howden Road is also included in the application for the purposes of infrastructure including stormwater and sewer.

NOTE: Following public advertising the applicant submitted amended plans in response to the issues raised in relation to the proposed new road design and impacts on adjacent vegetation. The assessment of the application is based on the amended plan as shown in Figure 1 above. The amended road design and the impacts on the vegetation are discussed in the Report below.

## 1.2 Description of Site

The subdivision for the new lots involves the two properties at No's 388 and 398 Howden Road being Lot 4 on CT 11961/4 and Lot 3 on 157016/3. The two lots have areas of 1.164ha and 3083m<sup>2</sup> respectively. No. 388 Howden Road has frontage to Howden Road via an area of private road shown on the title. No. 398 Howden Road has a benefitting right of way to Howden Road over the access strip that forms part of No 402A Howden Road.

The subdivision also includes No's 366 (CT) and 402A (CT) Howden Road. No 366 will contain sewer and stormwater infrastructure services and also is required for bushfire hazard management area purposes. No 402A will provide vehicular access to proposed lot 7 by a right of way. Neither of these two lots is being subdivided.

Both No's 388 and 398 Howden Road contain existing dwellings and associated outbuildings. Both lots contain remnant vegetation including a small area of native vegetation adjacent to the driveway and there are stands of native trees remaining in the paddock area along the western side of No 388.



**Figure 2 - Aerial photo of properties associated with the subdivision**



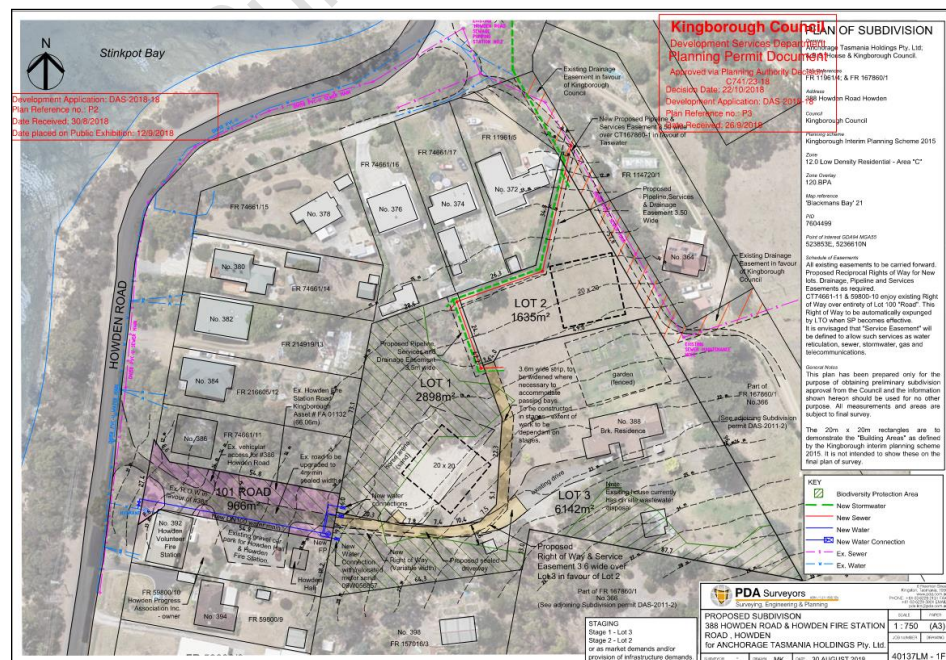
### 1.3 Background

A subdivision application DAS 2007-20 for subdivision of one lot and balance and boundary adjustment for 388 Howden Road was refused on 19 April 2007 on the basis that it did not comply under section 57(2) of the *Land Use Planning and Approvals Act 1993* (did not comply with sections 109(3)(i) and 85(a) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*). That application was assessed under the previous Planning Scheme, *Kingborough Planning Scheme 2000*.



**Figure 3 - Proposed subdivision DAS 2007-20**

Planning permit DAS 2018-18 for a 3 lot subdivision was issued on 24 October 2018 under the *Kingborough Interim Planning Scheme 2015*. The subdivision approval had not been acted upon and Council on the 25 November 2022 granted an Extension of Time to allow the permit to stay valid if commenced by October 2024. Council is not aware of any reasons why this subdivision has not proceeded.



**Figure 4 - Approved Plan of Subdivision DAS 2018-18**

## 2. ASSESSMENT

### 2.1 State Policies and Act Objectives

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

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

### 2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

#### *Zone Purpose Statements of the Low Density Residential zone*

The relevant zone purpose statements of the Low Density Residential zone are to:

12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.1.4 To provide for existing low density residential areas that usually do not have reticulated services and have limited further subdivision potential

#### *Clause 12.1.2 – Local Area Objectives and Desired Future Character Statements*

There are no Local Area Objectives and Desired Future Character Statements for the Howden area.

The proposal complies with the above-mentioned statements as the subdivision provides for residential use or development on larger lots in residential areas and does not cause any land use conflict with adjacent Rural Resource or Significant Agricultural zoned land.

### 2.3 Statutory Planning

The development is categorised as Subdivision under the Scheme, which is a development that requires discretionary assessment in the Low Density Residential Zone (Area C).

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

### 2.4 Use and Development Standards

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

**Low Density Residential Zone Clause 12.4.1(A1)(d)- Non-dwelling development** which takes you to **Clause 12.4.2 – Setbacks and building envelope**

<b>Acceptable Solution A4</b>
No trees of high conservation value will be impacted.
<b>Performance Criteria P4</b>
Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.

**Proposal**

The proposal does not comply with A4 as trees of high conservation value will be impacted adjacent to the proposed new road.

There are 71 native trees on and adjacent to the proposed subdivision and associated works, including 36 trees of high – very high conservation value. Of these trees, 15 are identified for removal for the purpose of the subdivision works (services and access), including:

- one (1) very high conservation value trees, a *Eucalyptus ovata* (black gum) tree with a dbh >70cm;
- five (5) trees of high conservation value, all *E. ovata* (black gum) trees with a dbh >40cm; and
- nine (9) native trees below the threshold of high conservation value trees.
- There are a further 11 trees which may be impacted by the construction of the road and installation of services, including:
- four (4) trees of high conservation value, all *E. ovata* (black gum) trees with a dbh >40cm; and
- five (5) native trees below the threshold of high conservation value trees.

However, the extent of impact and confirmation of which trees require removal and which are feasible for retention is dependent on the final civil design and an arborist assessment.

As the works impact on trees of high conservation value, they must be assessed against the performance criteria.

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

- the civil works have been redesigned to minimise impacts, including relocating the stormwater to avoid and minimise impacts on trees of high conservation value and a new stormwater discharge point. While the civil design requires further revision to meet engineering requirements and this will result in a higher level of tree removal than shown in the most recent civil drawings, the final civil design will be undertaken in consultation with a suitably qualified arborist to ensure trees are retained to the extent practicable given design requirements;
- implementation of tree protection measures will minimise and mitigate impacts during construction; and
- the loss of very high and high conservation value trees from the civil works is able to be offset via inclusion of a condition in any planning permit issued.

Conditions are recommended for inclusion in any permit issued requiring civil drawings to:

- be developed in consultation with a suitably qualified arborist;
- demonstrate that tree removal is minimised to the extent practicable given design requirements; and
- detail tree protection measures during construction.

A condition is also recommended for inclusion in any permit issued requiring an offset for the loss of high and very high conservation value trees approved for removal as part of the civil drawings.

**Low Density Residential Zone****Clause 12.5.1 – Lot Design****Acceptable Solution A2**

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

- (a) clear of the frontage, side and rear boundary setbacks;
- (b) not subject to any codes in this planning scheme;
- (c) clear of title restrictions such as easements and restrictive covenants;
- (d) has an average slope of no more than 1 in 5;
- (e) is a minimum of 20 m x 20 m in size.
- (f) No environmental values will be adversely impacted.

**Performance Criteria P2**

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

- (a) is reasonably capable of accommodating residential use and development;
- (b) meets any applicable standards in codes in this planning scheme;
- (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;
- (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;
- (e) avoids, minimises and mitigates environmental impact arising from future use and development;
- (f) offsets impacts on trees of high conservation value.

**Proposal**

The proposal does not comply with A2 due to:

- A2(b) – the site is subject to codes in the planning scheme;
- A2(e) – lots 1, 2, 4, 5, and 6 do not provide a minimum 20m x 20m building area;
- A2(f) – there are impacts on environmental values.

Lots 3 & 7 comply as they contain the existing dwellings on 388 & 398 Howden Road.

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

- The lot design provides larger lots than the minimum allowable under the zone, enabling a higher level of tree retention

The building areas for Lots 1, 2, 4, 5, and 6, as shown on the Plan of Subdivision, do not provide a minimum 20 m x 20 m building area as follows:

Lot 1      12m x 25m

Lot 2      15m x 15m

Lot 3 – not applicable, there is an existing dwelling

Lot 4      15m x 15m

Lot 5      15m x 15m

Lot 6      15m x 15m

Lot 7 – not applicable, there is an existing dwelling

The proposed lots provide adequate areas that are reasonably capable of accommodating residential use and development. In relation to Lot 1 the retention of vegetation has been obtained and with an area of 3305m<sup>2</sup> the proposed building area is satisfactory.

Lots 2 and 4 are irregular shaped internal lots and provide areas reasonably capable of accommodating residential use and development. Lots 5 and 6 irregular shaped lots and provide areas reasonably capable of accommodating residential use and development.

- The relevant Codes (Bushfire Prone Areas, Roads and Railway Assets, Parking and Access, Stormwater Management, Biodiversity, Waterway and Coastal Protection, and Coastal Erosion Hazard) are addressed in the report and attached Checklist. The application complies with all Codes.
- The site has a gentle west-north west aspect and provides good solar access for future development.
- The subdivision civil drawings demonstrate that the proposal has been designed to minimise the requirement for earth works, retaining walls, and cut & fill associated with future development. This includes the design for the new road.
- The building areas have been sited to avoid, minimise and mitigate environmental impacts likely to arise from future development. The new road design has addressed, as much as possible with regard to required engineering driving and safety standards, retention of vegetation adjacent to the roadway.
- A tree plan and revised Natural Values Assessment (Enviro-dynamics, May 2022, v2.0) submitted in response to a further information request demonstrates that the building areas and associated bushfire hazard management areas have been located in existing cleared areas and adjusted to minimise the impacts on trees of high conservation value to the extent practicable.
- The impacts from future development are able to be mitigated through a Part 5 Agreement requiring future development to be designed and located to retain individual trees and minimise collision risk.
- The loss of four (4) high conservation value trees for future development of the lots is able to be offset via inclusion of a condition in any planning permit issued.

To ensure the impact of future development of the lots is consistent with the impact assessed as part of the subdivision application, it is recommended that a condition is included in any permit issued requiring future development to be designed and located to retain trees identified for retention and minimise collision risk. A condition is also recommended requiring the loss of trees within the building area and requiring removal for bushfire hazard management to be offset.

### **Low Density Residential Zone**

#### **Clause 12.5.1 – Lot Design**

<b>Acceptable Solution A3</b>
The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot 30m.
<b>Performance Criteria P3</b>
The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than 6m.



**Proposal**

Lots 5, 6 and 7 do not provide a 30m frontage. They have frontages of:

Lot 5	6.66m
Lot 6	16.5m
Lot 7	0.0m

(Note: Existing No.398 Howden Rd does not have any road frontage and relies on right of way access. This situation is being maintained.)

Lot 1 complies with a frontage of 32.14m.

Lots 2,3 and 4 are internal lots and not subject to this Standard

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

- Lots 5 and 6 provide a minimum of 6m frontage. The Development Engineer is satisfied that these lots will provide reasonable vehicular and pedestrian access in accordance with the required standards.
- Lot 7 does not have any road frontage and relies on the ROW across No. 402A Howden Rd. This retains the existing access arrangement for No 398 Howden.

**Low Density Residential Zone**  
**Clause 12.5.1 – Lot Design**

**Acceptable Solution A4**

No lot is an internal lot

**Performance Criteria P4**

An internal lot must satisfy all of the following:

- access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;
- it is not reasonably possible to provide a new road to create a standard frontage lot;
- the lot constitutes the only reasonable way to subdivide the rear of an existing lot;
- the lot will contribute to the more efficient utilisation of living land;
- the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;
- the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;
- passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;
- the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;
- a sealed driveway is provided on the access strip prior to the sealing of the final plan.
- the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.

**Proposal**

Not Complying – there are 4 internal lots 2, 3, 4 and 7

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

- The site has a relatively small frontage (similar to a single residential lot) to Howden Road and is mostly internal. The existing internal configuration of No's 388 and 398 provides a constraint in the efficient utilisation of the land without the creation of a cul-de-sac and some internal lots. It is considered that it is not reasonably possible, due to the existing shape of the lots to provide a new road and create standard frontages to all lots without reducing the yield.
- The proposed lots will contribute to the more efficient utilisation of living land and prevent underutilisation of the land for residential purposes.
- The design of the proposed lots and the location of the building areas indicates that the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use in accordance with the Low Density Residential Zone and relevant Codes.
- The internal lots have a fee simple frontage over 3.5m. Lot 3 will have an interim frontage via a ROW to Howden Road over the proposed road Lot 101 during Stage 1 of the subdivision.
- Lot 7 maintains the existing internal access for No 398 Howden Road.
- The application is supported by a Bushfire Hazard Management Plan and a Traffic Impact Statement. The adequacy of the proposed access to each lot is addressed in these documents. Lot 3 with the existing No.388 dwelling and Lots 4 and 5 are internal lots and will provide sealed driveways. Lots 3 and 4 will have a common shared driveway with reciprocal ROWs for the first 10m. Lot 2 provides a passing bay near the mid point. Lot 7 with the existing No. 398 dwelling retains its benefitting ROW to Howden Road.
- There are no more than 3 adjacent internal lots and it is considered not to be practical or efficient to extend the public road to provide access to these lots.
- The lots will be provided with sealed driveways and appropriate drainage prior to the sealing of the final plan.
- There are no public open spaces and public rights of way.

### Low Density Residential Zone

#### Clause 12.5.2 - Roads

<b>Acceptable Solution A1</b>
The subdivision includes no new road
<b>Performance Criteria P1</b>
<p>The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <p>(a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</p> <p>(b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</p> <p>(c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</p>

- |  |
|--|
| <ul style="list-style-type: none"> <li>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</li> <li>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</li> <li>(f) connectivity with the neighbourhood road network is maximised;</li> <li>(g) the travel distance between key destinations such as shops and services is minimised;</li> <li>(h) walking, cycling and the efficient movement of public transport is facilitated;</li> <li>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</li> <li>(j) multiple escape routes are provided if in a bushfire prone area</li> </ul> |
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<b>Proposal</b>
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Not Complying - a new road is proposed to service the estate and is located between No's 386 and 392 Howden Rd
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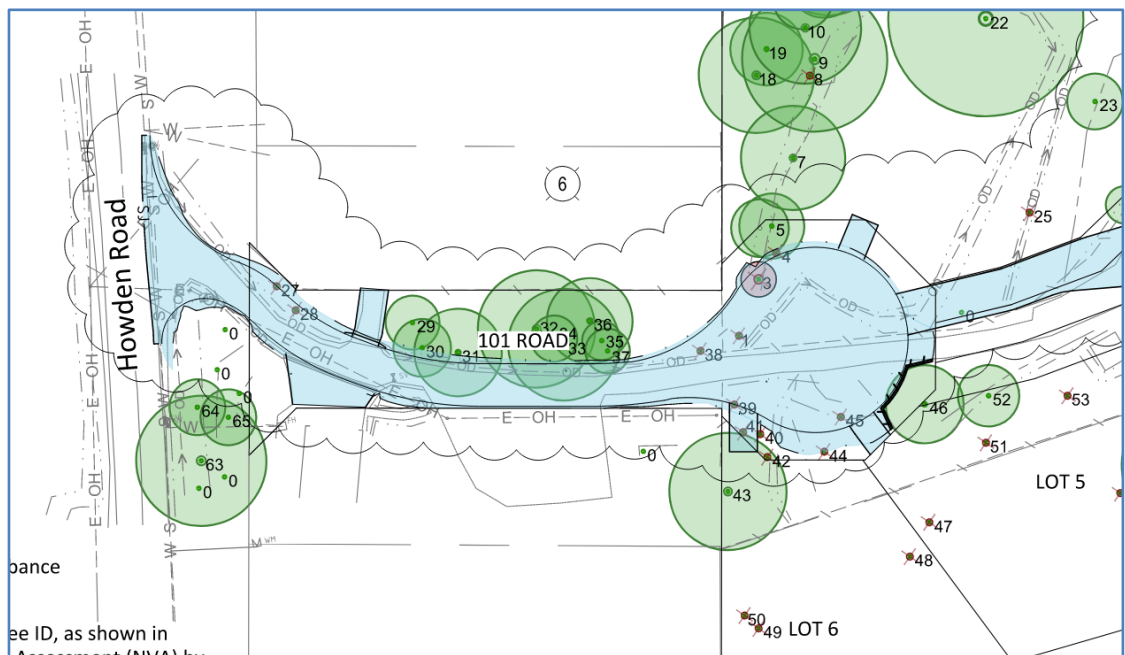
The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The proposed subdivision has been designed to utilise the entire site efficiently with regards to the Low Density Residential Zone and relevant Code subdivision standards.
- The Traffic Impact Statement (Meredith McQueen, undated) submitted with the application demonstrates that the new road meets council's standards. There is no Council road network plan for Howden. The Kingborough Integrated Transport Strategy does not identify any future road network plan for the area. The new public road will provide improved and formal access upgrading the existing "Howden Fire Station Road".
- The adjoining land to the east No. 366 Howden Rd is of sufficient size to have subdivision potential does not form part of the land being subdivided and is only used for service infrastructure. The applicant submits that extension of the new road through to the east boundary would result in the removal of proposed lots 5 and 6 and there is no guarantee that No.366 would be developed on the future. The applicant also notes that the road construction and lots 5 and 6 are in stage 3. Any activity on No 366 at this time could be considered. There are also no existing pedestrian paths, cycling paths or equestrian ways in the area.
- Upgrading of the access to the fire station and also the community hall through the provision of the road is of benefit to these organisations and the proposed road standard will provide a suitable transition to Howden Road.
- It is not possible to connect the new road to another existing public road. There is no neighbourhood road network in the area or one that is able to be connected to.
- The road will not impact on the travel distance between key destinations such as shops and services and will assist in this regard. The road will assist in walking and cycling in the area (which is concentrated along Howden Road and the foreshore, and provides a direct pedestrian link for the proposed lots to Howden Road for public transport).
- There are no arterial or collector roads involved.

- The Bushfire Hazard Management Report confirms that the subdivision design provides acceptable escape routes for the land.

In relation to the design of the new road the application was originally submitted with an urban standard road complying to the relevant Road Standards of Council and the Road and Railway Asset Code. A number of representations were received with regards to the standard of the public road construction. The representations indicate the public road standard with kerb and channel and pavement width is not suitable for Howden area. Concerns have also been raised about retention of a number of existing trees within the public road.

The Council advised the applicant of these concerns and the applicant advised that he was prepared to consider amendment to the design of the road to a lower standard to reduce impacts on the adjacent vegetation. An amended plan was submitted to Council after the close of the public advertising period with an amended design.



**Figure 5 - Amended Road design.**

While not approving the amended plan Council has assessed the amended design in light of the intention of the applicant to minimise impacts on the adjacent vegetation. In doing so Council has a minimum requirement for a residential cul-de-sac road in accordance with the LGAT Standards. This is required for public and emergency service vehicles access, public road maintenance standards and service authority connections to service the development.

The Development Engineer recommends that Council approve a reduction in the minimum residential road pavement width standard (TSD-R06 Urban Roads Standard) from 6.9m between face of kerbs (6.0m pavement width) to 5.9m between face of kerbs (5.0m pavement width). The requirement for the inclusion of a concrete footpath has been removed as there is no footpath on Howden Road. Further the alignment of the proposed road has been shifted to the south as much as possible. This is to facilitate the retention of some of the trees on the north side of the proposed road and reduce the impact of the road as outlined in the representations.

Council is not able to approve further variations to the minimum road standards without impacts on safety and maintenance requirements.

A condition has been included in the permit in relation to the above amendments and the lodgement of an amended road plan for endorsement. A condition has also been included requiring the amended road plan to be developed in consultation with a suitably qualified arborist to ensure impacts on trees are minimised to the extent practicable and any trees identified for retention are safe and feasible to retain.

### Low Density Residential Zone

#### Clause 12.5.3 Ways and Public Open Space

<b>Acceptable Solution A1</b>
No acceptable solution
<b>Performance Criteria P1</b>
<p>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</li> <li>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</li> <li>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</li> <li>(d) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</li> <li>(e) topographical and other physical conditions of the site are appropriately accommodated in the design;</li> <li>(f) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority;</li> <li>(g) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following: <ul style="list-style-type: none"> <li>(i) the width of the way;</li> <li>(ii) the length of the way;</li> <li>(iii) landscaping within the way;</li> <li>(iv) lighting;</li> <li>(v) provision of opportunities for 'loitering';</li> <li>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</li> </ul> </li> <li>(h) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.</li> </ul>
<b>Proposal</b>
No acceptable solution and requires assessment against the Performance Criteria

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

- There are no arrangement of ways or public open space within the subdivision.
- There are no ways or public open space adjacent to the subdivision.

**Low Density Residential Zone**  
**Clause 12.5.3 Ways and Public Open Space**

<b>Acceptable Solution A2</b>
No acceptable solution
<b>Performance Criteria P2</b>
Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.
<b>Proposal</b>
No acceptable solution and requires assessment against the Performance Criteria

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

- The proposed subdivision does not provide an opportunity to obtain land that meets the objectives of the Kingborough Public Open Space Contribution Policy and the public open space dedication guidelines. It is considered that there is no demonstrable community benefit that will support active or passive recreation outcomes through a land dedication. The subdivision does not contain land that is of strategic importance in providing for the open space needs of the community.
- The subject land is not identified in the Kingborough Open Space Strategy 2019 (or subsequent versions).
- The land does not adjoin or is nearby an existing public open space managed by Kingborough Council or another authority. Nor does the land provide or improve connectivity (e.g. for pedestrians and cyclists) to other existing or prospective open space areas or public destinations.
- The proposed subdivision will result in an increased demand for public open space. There is a demonstrated need due to the additional Low Density Residential lots being created. The development is required therefore to contribute to the provision of public open space commensurate with the scale and type of the development.
- As the development is not able to provide a public open space component of substantial community benefit and accordance with the guidelines, then cash-in-lieu will be required.

Where a cash-in-lieu contribution is required, the developer will be required to provide a current valuation of the land calculated in accordance with s117(2) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

**Low Density Residential Zone**  
**Clause 12.5.4 - Services**

<b>Acceptable Solution A4</b>
The subdivision includes no new road.
<b>Performance Criteria P4</b>
The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.

**Proposal**

Not Complying - a new road is proposed to service the estate and is located between No's 386 and 392 Howden Road.

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

- The provision of a new road has been assessed under Cl. 12.5.2 – Roads above in the report.
- In relation to Performance Criteria P4 the engineering design specifications for the road include provision of conduits to Telstra's requirements and also for underground electricity supply.

**E5.0 Road and Railway Assets Code****Clause E5.5.1 – Existing road accesses and junctions****Acceptable Solution A3**

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

**Performance Criteria P3**

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- the increase in traffic caused by the use;
- the nature of the traffic generated by the use;
- the nature of the road;
- the speed limit and traffic flow of the road;
- any alternative access to a road;
- the need for the use;
- any traffic impact assessment; and
- any written advice received from the road authority.

**Proposal**

The 7 lots (6 additional lots) will generate 56 vpd (48 additional vpd) movements to Howden Road. The proposed subdivision includes the extension of a public road with cul-de-sac turning head from Howden Road. This road extension will service the 7 residential lots. The public road will also provide access to the Howden Fire Station and Howden Progress Association Hall.

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

- The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 40 vehicle movements per day.
- The applicant has provided a Traffic Impact Statement (Meredith McQueen, undated) with the application.

- The proposed 7 lot subdivision is expected to generate 56 vehicles/day and around 6 vehicles/hour during peak traffic periods for the road network. This additional traffic will not create any operational issues Howden Road intersection.
- the subdivision is in accordance with the objectives and purposes of the Low Density Residential Zone and provides an efficient and safe access to the propose lots and results in a more effective lot layout.
- The submitted TIS provided an assessment of the performance criteria P3 (a-i) and the conclusion was that the increase in vehicle traffic was safe and did not unreasonably impact on the efficiency of Alfred Gardens and the Alfreds Gardens/Redwood Road intersection. The conclusions of the TIS are supported.

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

### **Clause E5.6.4 Sight Distance at Accesses and Junctions**

#### **Acceptable Solution A1**

Sight distances at:

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and
- (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

#### **Performance Criteria P1**

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

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

#### **Proposal**

The TIS assessment of the available sight distance to the north of the road junction onto Howden Road is provided. The available sight distance of 75m is marginally less than the 80m required to satisfy the acceptable solution Table E5.1.

The sight distance to the south exceeds 100m.

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

- The submitted TIS provided an assessment of the sight distance of the proposed public road intersection with Howden Road. Howden Road at this location is a residential road with a speed limit of 60 km/h. The sight distance to the south is over 100m and approximately 75m to the north. The sight distance to the north is limited due to series of curves in the vicinity of Stink Pot Bay.
- The TIS provided a measurement of typical vehicle speed from the north around the curves of 45 km/h. The minimum sight distance as per Table E5.1 for a vehicle speed of 50km/h is 80m. The TIS concludes the available sight distance to the north is suitable for the measured vehicle speeds and marginally less than



the 80m required to satisfy the acceptable solution Table E5.1. The TIS also indicates that roadside vegetation maintenance in front of 382 & 384 Howden Road will be required to maintain this available sight distance

- The assessment and recommendations in the TIS are supported.

## **E10.0 Biodiversity Code**

### **Clause E10.8.1 - Subdivision**

#### **Acceptable Solution A1**

Subdivision within the Biodiversity Protection Area must comply with one or more of the following:

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

#### **Performance Criteria A1**

Clearance and conversion or disturbance must satisfy the following:

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

<p>hazard management measures are retained and protected by appropriate mechanisms on the land title;</p> <p>(iv) special circumstances exist;</p> <p>(v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2016.</p> <p>(vi) clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development.</p>
<p><b>Proposal</b></p> <p>Part of the subject land is within a Biodiversity Protection Area (BPA). The vegetation within the BPA includes:</p> <ul style="list-style-type: none"> <li>• a small area (0.045 hectares) of <i>Eucalyptus ovata</i> forest and woodland (DOV), located in the vicinity of the proposed new road. DOV is a threatened native vegetation community under the <i>Nature Conservation Act 2002</i> and is a high priority biodiversity value under Table E10.1 of the Scheme; and</li> <li>• an area dominated by <i>E. ovata</i> (black gum) trees over cleared land (FAG Eo). These trees are of high and very high conservation value and are a moderate priority under Table E10.1 of the Scheme.</li> </ul> <p>A revised Natural Values Assessment (Enviro-dynamics, May 2022, v2.0) submitted in response to a further information request confirms that the DOV will be impacted by the civil works including the proposed new road and services. While individual trees may be capable of retention in this area, the maintenance of any remaining vegetation as DOV is realistic. In addition, all of the high and very high conservation value trees identified for removal are within the BPA.</p> <p>The proposal cannot comply with A1 as the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility. Therefore, the proposal must be assessed against P1 (b) and (c).</p>

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

- While the subdivision works will result in the loss of the DOV as a vegetation community, the works have been redesigned to minimise impacts, including relocating the stormwater to avoid and minimise impacts on trees of high conservation value. While the civil design requires further revision to meet engineering requirements and this will result in a higher level of tree removal than shown in the most recent civil drawings, the final civil design will be undertaken in consultation with a suitably qualified arborist to ensure trees are retained to the extent practicable given design requirements.
- While some high conservation value trees will require removal or modification for bushfire hazard management, the building areas and their associated hazard management areas minimise impacts on trees of high conservation value through designing to BAL-19, being located in existing cleared areas and adjusted to minimise the impacts on trees of high conservation value to the extent practicable.
- The remaining moderate and high priority biodiversity values are proposed to be retained and where located within the lots can be appropriately protected through a mechanism on the title requiring future development to be designed and

located to ensure retention of high conservation value trees. There is also scope to protect and rehabilitate the understorey vegetation on Lot 1.

- The proposal relies upon special circumstances (iv), wherein the extent of impact is insignificant relative to the extent of that community elsewhere in the vicinity. While the removal of 0.045 hectares of DOV will contribute to the incremental loss of the community, the linear nature of this patch and its partially degraded condition and isolation from other remnant means that its loss is not overly significant relative to the extent of the community in the local area.
- The loss of 0.045 hectares of DOV and at least 12 high-very high conservation value trees require offsetting. With a required offset ratio of 5:1 for the DOV, the loss of this vegetation requires the protection and management of a minimum of 0.2250 hectares of DOV. There is approximately 1000m<sup>2</sup> available within Lot 1 which could be protected under a Part 5 Agreement and revegetated with understorey species, contributing to the offset for the DOV. However, there would still be a shortfall of 0.1250 hectares requiring offsetting via a financial contribution at a rate of \$12,000/hectare. The loss of individual trees of high conservation value are able to be offset via the payment of a financial contribution at a rate of \$500/tree for very high conservation value trees and \$250/tree for high conservation value trees. This offset is in accordance with the *Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013* and Council Policy 6.10; and
- The clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity values in the vicinity of the development providing the remaining values are protected and impacts are offset.

Conditions should be included in any permit issued limiting clearing, requiring detailed civil drawings which confirm the extent of high conservation value tree removal and demonstrate it is minimised, requiring implementation of vegetation protection measures during construction, requiring the protection and retention of remaining trees under a Part 5 Agreement and requiring securing of the offset.

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

### **Clause E11.8.1 Subdivision**

#### **Acceptable Solution A1**

Subdivision within a Waterway and Coastal Protection Area must comply with one or more of the following:

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

#### **Performance Criteria P1**

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

- minimise impact on natural values;
- provide for any building area and any associated bushfire hazard management area to be either:

- (i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or
- (ii) able to accommodate development capable of satisfying this code.
- (c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.

#### **Proposal**

The proposed civil works, including stormwater works, road works and sewer connections, encroach into a Waterway and Coastal Protection Area (WCPA). The proposal is not for the purposes of separating existing dwellings or the creation of a lot for public open space, public reserve or utility, works other than boundary fencing works are required within a WCPA and services and vehicular access encroach into the WCPA. Therefore, the proposal requires assessment against the performance criteria.

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

- The works minimise impacts on natural values, with native trees within the WCPA proposed for retention (subject to an arborist assessment), the stormwater for lots 1-3 being relocated to utilise an existing stormwater discharge point with minimal native vegetation rather than rely upon a new stormwater discharge point impacting on numerous very high conservation value trees.
- Impacts on natural values during construction are able to be minimised and mitigated through the appropriate design of the rock headwall and implementation of soil, water and tree protection management measures.
- All building areas and associated bushfire hazard management areas are located entirely outside the WCPA.
- The subdivision is not within a Potable Water Supply Area.

Conditions are recommended for inclusion in any permit issued requiring the civil drawings to be finalised in consultation with a suitably qualified arborist, the rock headwall to be appropriately designed, the stormwater for lots 1-3 to utilise the existing stormwater discharge point and implementation of soil, water and tree protection management measures during construction.

### **E16.0 Coastal Erosion Hazard Code**

#### **Clause E16.8.1 Subdivision in Coastal Erosion Hazard Areas**

##### **Acceptable Solution A1**

No Acceptable Solution

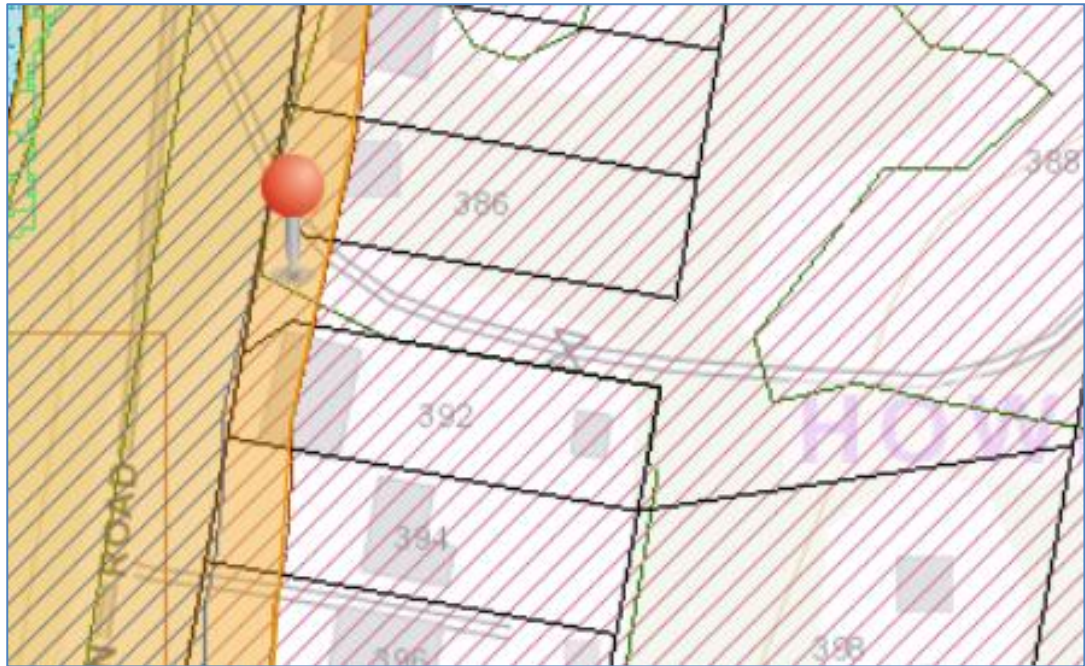
##### **Performance Criteria P1**

Subdivision of a lot, all or part of which is within an Coastal Erosion Hazard Area must be for the purpose of one or more of the following:

- (a) separation of existing dwellings;
- (b) creation of a lot for the purposes of public open space, public reserve or utilities;
- (c) creation of a lot in which the building area, access and services are outside the Coastal Erosion Hazard Area.

##### **Proposal**

No Acceptable Solution and needs assessment against the Performance Criteria



**Figure 6 - Extent of Coastal Erosion Hazard Area on No 388 Howden Rd**

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

- The area of the site containing the Coastal Erosion Hazard Area is restricted to the frontage on Howden Road and is the area containing the new road.
- There are no building areas, accesses and services for any of the lots within the Coastal Erosion Hazard Area.

#### **E16.0 Coastal Erosion Hazard Code**

##### **Clause E16.8.1 Subdivision in Coastal Erosion Hazard Areas**

###### **Acceptable Solution A2**

No Acceptable Solution

###### **Performance Criteria P2**

Subdivision must satisfy all of the following:

- not increase risk to adjoining or nearby property;
- any increased reliance on public infrastructure must not result in a unacceptable level of risk;
- need for future remediation works is minimised;
- access to the lot will not be lost or substantially compromised by coastal hazards on or off-site;
- no building area is located within the Coastal Erosion Hazard Area;
- provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;
- not be prohibited by the relevant zone standards.

###### **Proposal**

No Acceptable Solution and needs assessment against the Performance Criteria

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

- The subdivision does not increase risk to adjoining or nearby property.
- The increased reliance on public infrastructure does not result in any unacceptable level of risk. The subdivision provides for stormwater infrastructure in accordance with the Council standards.
- The need for future remediation works is minimised.
- The access to the lot will not be lost or substantially compromised by coastal hazards on or off-site.
- There is no building area located within the Coastal Erosion Hazard Area.
- There is no requirement of a developer contribution for mitigation works consistent with any adopted Council Policy, prior to commencement of works.
- The subdivision is not prohibited by the relevant zone standards.

## **2.5 Public Consultation and Representations**

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 21 September 2022 to 5 October 2022). Eight (8) representations were received during the public exhibition period. The following issues were raised by the representors:

### **2.5.1 Traffic**

Concerns have been expressed in relation to the proposed new road and its impacts on the existing vegetation and adjacent No 392 (Fire Station and Howden Progress Association) as follows:

- New road is out of character for roads in the area.
- Approval of the road will result in the loss of a significant vegetation Eucalyptus Ovata Woodland (DOV) adjacent to 386 Howden Road. Between the removal of the trees and the clearing of understorey for the installation of an extension to the Taswater water main it would appear that all the trees between the current access road and the boundary of number 386 will be removed and the soil disturbed.
- The entrance adjacent to the fire station seems adequate, however the single 3.6m wide entrance to the parking area is not adequate for the reason that the parking lot is fully utilized during times of fire training and fire call outs and by the HPA. Inc. when public meetings are called.

A single entrance would create a bottle neck and result on the under utilization of the area. It is therefore suggested that a second 3.6m wide access at the other end of the car park, or mountable curbing the full length of the car park. Either of these options would allow greater and full use of the parking area and easier access and egress.

- The proposed 3.6 metre vehicular access crossover near the Howden Progress Association hall will restrict vehicular access and turning of vehicles in the car park, especially given that the useable area of the car park will also be reduced by the wider road and footpath.
- The Traffic Impact Statement provided by the developer provides inadequate data.

Comment:

The new road is addressed in the report above in relation to cl.12.5.2 – Roads in the Low Density Residential Zone. The Traffic Impact Statement and design of the road have been assessed by the Councils Development Engineer in relation to compliance with the required Standards.

Council engineers have reviewed the design of the road in light of the submissions and agreed that the design of the road was able to be amended to reduce impacts on the adjacent vegetation. As discussed in the report Council is required to ensure that the road design meets minimum road standards without impacts on safety and maintenance requirements in accordance with the LGAT Standards.

The amended design provides for access to the adjacent No 392 Howden Road Fire Station and Howden Progress Hall.

A condition has been included in the permit in relation to the amended road design and the lodgement of an amended road plan for endorsement.

The impact of the road and services on adjacent vegetation, including DOV and individual trees has been assessed by Council's Environmental Planning Coordinator in relation to the requirements of , cl 12.4.1 – Non-dwelling development (impacts on high conservation values trees) and cl E10.8.1 – Subdivision in a Biodiversity Protection Area.

It is acknowledged that the road and services impact will result in the loss of 0.045 hectares of DOV, contributing to the incremental loss of this vegetation community. However, this loss is unavoidable as a result of the proposed subdivision, irrespective of the design of the road and services. Given the linear and degraded nature of this vegetation and isolation from other remnant means, its loss is not considered significant relative to the extent of the community in the local area and has been assessed as meeting the planning scheme requirements.

Notwithstanding, there is scope to retain additional trees adjacent to road and services beyond those identified in the advertised plans. To ensure impacts on trees are minimised to the extent practicable and any trees identified for retention are safe and feasible to retain, a condition has been included requiring the amended road plan to be developed in consultation with a suitably qualified arborist.

### **2.5.2 Stormwater**

There are concerns at previous flooding from 388 Howden Road on to adjacent land/s. Need to see an appropriate cut off drain with silt traps to all stormwater pits feeding the proposed underground stormwater pipe.

Comment:

The submitted drawings include details of proposed stormwater reticulation mains to service the road extension and connections to all proposed lots. The proposal satisfies the Stormwater Infrastructure Code.

The proposal includes an upgrade of existing road culvert across Howden Road to an existing stormwater outfall discharging to North-West Bay. The stormwater reticulation mains that drain the public road and lots 4 to 6 also connect to this existing outfall point. The proposal does not require the construction of a new stormwater point discharge in North-West Bay.

Lots 1 to 3 fall to the North towards Stink Pot Bay and drainage reticulation services cannot connect to the proposed public road. The proposal included the extension of a stormwater main from an existing culvert across Howden Road (in front of 372 Howden Road) near the creek connection to Stink Pot Bay. This proposal also negates the construction of a new stormwater point discharge to North-West Bay.

Lot 7 has an existing stormwater connection point at the common boundary access adjacent to 400 Howden Road.

A stormwater detention system for the subdivision is not required due to the site location adjacent to North-West Bay. A stormwater quality treatment system is not required to be installed due to the proposed road impervious area not exceeding the threshold of 600 m<sup>2</sup>.

The provision of stormwater services are included as a condition of approval.

**2.5.3 Sewer Infrastructure**

The existing sewer infrastructure is under pressure resulting in constant callouts to TasWater to rectify. There is a lack of capacity in local sewer SPS No2 in front of 372 Howden Road. Can TasWater assure the capacity of SPS and commit to upgrade SPS and line capacity? The proposed subdivision and future dwellings and development will overload it further.

Comment:

TasWater have assessed the proposal and approved the subdivision subject to conditions. TasWater is aware of the issues and requested further information from the applicant. They have provided Council with an Amended Submission to Planning Authority Notice (TWDA 2022/00177-KIN dated 03/01/2023) which is attached to the Permit.

**2.5.4 Privacy**

Concerns at overlooking from new dwelling on proposed lot 2. A new dwelling will overlook adjacent dwelling bedroom windows and private yard. Would like to see any future house design on lot 2 mitigated against downward looking e.g. low height screens and deep set windows

Comment:

The development of any dwelling on Lot 2 will be subject to the Development Standards for Buildings and Works in the relevant Zone in the Planning Scheme at the time. Council is unable to impose conditions at this time on the subdivision. Note is made that the nominated building area on the subdivision



plan for Lot 2 is not a “Building Envelope” and has been provided to demonstrate that the lot is able to provide a suitable building area. Any discretions to the Development Standards at the time of development of a dwelling would be publicly advertised and Council would consider any submissions received in assessing a development application.

#### **2.5.5 Loss of Trees and Vegetation**

Approval of this subdivision will result in the loss of a significant number of *Eucalyptus ovata* and *E amygdalina* woodland, listed as a Threatened Vegetation Community under the *Nature Conservation Act 2002*. This community is recognised as having high priority biodiversity value by the *Kingborough Interim Planning Scheme 2015*.

Continual loss of habitat trees reduces the biodiversity values in Howden, particularly for threatened species such as 40-spotted pardalotes, swift parrots and a number of endemic birds including almost all of the honeyeaters, parrots, thornbills, herons, and marsupials such as ringtail possums.

##### Comment:

It is acknowledged that the proposal will impact upon *Eucalyptus ovata* woodland (DOV), which is a threatened native vegetation community, and individual *E. ovata* and *E. amygdalina* trees.

The impact of the subdivision on native vegetation has been assessed by Council’s Environmental Planning Coordinator in relation to the requirements of , cl 12.4.1 – Non-dwelling development (impacts on high conservation values trees), cl 12.5.1 – Lot design and cl E10.8.1 – Subdivision in a Biodiversity Protection Area.

It is acknowledged that the road and services impact will result in the loss of 0.045 hectares of DOV, contributing to the incremental loss of this vegetation community. However, as discussed above, this loss is unavoidable as a result of the proposed subdivision and has been assessed as meeting the planning scheme requirements and there is also scope to retain additional trees adjacent to road and services beyond those identified in the advertised plans. The assessment of the proposed lot design also concludes that the location of building areas and associated bushfire hazard management areas have been located in existing cleared areas and adjusted to minimise the impacts on trees of high conservation value to the extent practicable. Conditions have been recommended for inclusion in any permit to ensure future development is designed and located to retain these trees.

#### **2.5.6 Inappropriate subdivision and loss of semi-rural environment.**

The subdivision will create further destruction of Howden by allowing more Bonnie Vale type subdivisions which are inappropriate and will uglify what is still a beautiful semi-rural environment, highly valued by residents and visitors. Most residents value the semi-rural and rural nature of Howden. There are two many lots considering the Biodiversity Overlay and traffic issues.

##### Comment:

The Low Density Residential Zone (Area C) allows further subdivision and development subject to meeting the Development Standards. The number and size of the lots complies with the Development Standards in the Low Density Residential Zone Area C. The Report and Checklist (attached) have assessed

the proposed which has demonstrated compliance with the Acceptable Solutions and Performance Criteria for the Zone and relevant Codes.

## 2.6 Other Matters

### Bushfire Prone Areas Code

The application is accompanied by a Certificate under s51(2)(d) of the *Land Use Planning and Approvals Act 1993* certified by an accredited bushfire practitioner which demonstrates that the proposed subdivision meets Clause E1.6.1 A1 (b) in that it provides hazard management areas equal to or greater than that the separation distances required for BAL 19 for all lots.

A subdivision plan was also submitted with the application demonstrating that the proposal complies with A1 (b) as follows:

- The plan shows all lots that are located within a bushfire prone area;
- The plan identifies a compliant building area for each lot;
- the bushfire hazard management area for each lot is equal to or greater than the separation distances required for BAL-19;
- the application is accompanied by a bushfire hazard management plan certified by an accredited person and showing hazard management areas equal to or greater than the separation distances required for BAL 19.

As the hazard management area for proposed Lot 4 relies upon land external to the subdivision, to demonstrate compliance with A1 (c) the written consent of the owner of that land has been provided confirming in principle consent to enter into an agreement under section 71 of the Act. This agreement is to be registered on the title and will provide for the affected land to be managed in accordance with the bushfire hazard management plan.

To ensure the bushfire hazard management requirements are satisfied, a condition should be included in the permit requiring a Part 5 Agreement which:

- requires the measures contained within the plan to be implemented in relation to any future development on the lots, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas are contained within the designated development areas shown on the title; and
- provide for the management of that part of the hazard management area for Lot 4 which is located on 366 Howden Road.

In addition, as each lot relies upon neighbouring lots for their hazard management areas, either:

- the hazard management areas must be established prior to the sealing of the final plan of survey, with the maintenance of these areas in a low fuel state required under the Part 5 Agreement; or alternatively,
- the Part 5 Agreement must provide for interim HMAs to be established as follows:
  - Stage 1 – Lot 3 – Agreement to manage portion of balance lot to maintain BAL 12.5 HMA around existing dwelling.

- Stage 2 – Lot 7 – Agreement to manage balance lot to north to maintain BAL 12.5 HMA around existing dwelling.
- Stage 3 – Lot 1 - Agreement to manage balance lot to south to establish and maintain BAL 19 HMA from building envelope.
- Stage 4 – Lot 4 – Agreement with adjoining landholder to establish and maintain BAL 19 HMA from building envelope.
- Stage 5 – Lots 5 & 6 – no agreement required as land to north will be managed when lots developed.
- Stage 6 - Lot 2 - Agreement to maintain managed land to south on Lot 3 to maintain BAL 19 HMA.

#### TasWater

The application was referred to TasWater for comment. TasWater requested further information from the applicant which was provided. TasWater have assessed the proposal and approved the subdivision subject to conditions. They have provided Council with an Amended Submission to Planning Authority Notice (TWDA 2022/00177-KIN dated 03/01/2023) which is attached to the Permit.

#### Weed Hygiene Measures

The Environmental Planner advises that as there are weeds on the subject land, consistent with the Natural Values Assessment (Enviro-dynamics, May 2022, v2.0), weed hygiene measures are required during construction. A condition has been included on the Permit.

### **3. CONCLUSION**

The subdivision application has been assessed against the Development Standards in the Low Density Residential Zone and relevant Codes in the *Kingborough Interim Planning Scheme 2015*. The proposal is designed to avoid, minimise and mitigate impacts on environmental values, including the new road. The subdivision complies with the Acceptable Solutions and Performance Criteria and is recommended for approval with conditions.

### **4. RECOMMENDATION**

That the Planning Authority resolves that the development application for subdivision creating 7 lots and 1 road lot at 388, 398 and 402A Howden Road, part of 366 Howden Road, Howden and Crown Road Reserve (Howden Road) for All Urban Planning Pty Ltd be approved subject to the following conditions:

1. Before the approved development commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted to and approved.

When approved, the plans will be endorsed and will then form part of this permit.

The plans must be generally in accordance with the plans Council Plan Reference No. P7. submitted on 21/12/2022 and prepared by AD Design & Consulting (Project 21074), and Council Plan Reference No. P8 submitted on 3/01/2023 and prepared by Leary Cox & Cripps (Drawing No122214 Rev. L dated 18/11/2022) but modified to show:

- a) The amended internal road design as required in condition 11.

Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with the endorsed plans (and/or reports).

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

2. Unless otherwise approved in writing, the development must only proceed in accordance with the approved stages as set out below:
  - Stage 1 – Lot 7 plus a ROW for Lot 3 over the area of proposed road Lot 101.
  - Stage 2 – Lot 3
  - Stage 3 – Lot 1
  - Stage 4 – Lot 4 including construction of the proposed road
  - Stage 5 – Lots 5 and 6
  - Stage 6 – Lot 2
3. Prior to the sealing of the Final Plan of Survey, a cash contribution must be paid, in lieu of providing Public Open Space on-site, equivalent to 5% of the unimproved value of the gross area of the subdivision. The process and calculation must be in accordance with section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council's Public Open Space Contributions Policy.
4. Prior to the permit coming into the effect, the landowner must enter into a Part 5 Agreement with and to the satisfaction of Council which:
  - (a) requires the measures contained within the Bushfire Hazard Report and accompanying certified Bushfire Hazard Management Plan (Andrew Welling, Enviro-dynamics, June 2022) to be implemented in relation to any future development on the lots, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas:
    - (i) are no greater than that shown in the subdivision BHMP;
    - (ii) are consistent with the vegetation classifications in the subdivision BHMP;
    - (iii) do not impact upon additional individual native trees with a diameter >25cm at 1.4m from natural ground level; and
    - (iv) do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), 'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation', Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments;
  - (b) provides for the establishment and management of that part of the hazard management area for Lot 4 which is located on 366 Howden Road in accordance with the Bushfire Hazard Report and certified Bushfire Hazard Management Plan (Andrew Welling, Enviro-dynamics, June 2022); and

- (c) where the hazard management areas have been established prior to the sealing of the final plan of survey, requires the maintenance of these areas in a low fuel state required under the Part 5 Agreement; or
- (d) where the hazard management areas are not established prior to the sealing of the final plan of survey, provides for interim HMAs to be established as follows:
  - (i) Stage 1 – Lot 3 – Agreement to manage portion of balance lot to maintain BAL 12.5 HMA around existing dwelling.
  - (ii) Stage 2 – Lot 7 – Agreement to manage balance lot to north to maintain BAL 12.5 HMA around existing dwelling.
  - (iii) Stage 3 – Lot 1 - Agreement to manage balance lot to south to establish and maintain BAL 19 HMA from building envelope.
  - (iv) Stage 4 – Lot 4 – Agreement with adjoining landholder to establish and maintain BAL 19 HMA from building envelope.
  - (v) Stage 5 – Lots 5 & 6 – no agreement required as land to north will be managed when lots developed.
  - (vi) Stage 6 - Lot 2 - Agreement to maintain managed land to south on Lot 3 to maintain BAL 19 HMA.

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

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

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

5. Prior to the permit coming into effect and the commencement of any on-site works, the owner must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council to the effect that:
  - (a) no felling, lopping, ringbarking or otherwise injuring or destroying of native trees with a diameter >25 cm at 1.5m from natural ground level can take place without the prior written consent of Council;
  - (b) development, including buildings, structures, boundary fences and works, must be designed, located and constructed to ensure trees identified in the Tree Plan are able to be retained and any impacts are tolerable, including:
    - (i) minimising encroachment into the tree protection zone through the design and location of development; and
    - (ii) ensuring there is no cut, fill or placement of materials within the tree protection zones.

- (c) Council will only approve impacts on these trees, including encroachment into the tree protection zone or lopping, where it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the impacts are tolerable, the trees are capable of retention within the context of the development and the development will not compromise the long-term viability or expected life of the trees;
- (d) Council will only approve removal of these trees where:
  - (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because the health and viability of the trees is such that they represent a danger, irrespective of the development;
  - (ii) the written consent of the landowner has been obtained; and
  - (iii) loss of these trees is offset to the satisfaction of Council.
- (e) buildings and structures must not pose an unacceptable risk of bird collision by incorporating design elements and strategies in accordance with the document “Minimising the swift parrot collision threat – Guidelines and recommendations for parrot-safe building design”.

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

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

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

The Part 5 Agreement must also include a tree plan which:

- accurately shows the surveyed location, tree number and tree protection zones of the trees to be retained and protected under this condition, which includes trees 7, 9-24, 26, 43, 46, 52, 56 and 59-61 as identified in Council Plan Reference P8 received on 3 January 2023 (Plan of Subdivision, Leary Cox & Cripps; and
- includes a table of trees showing the tree ID, species, diameter at breast height and tree protection zone at the time of the sealing of the Final Plan of Survey.

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

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

6. The following vegetation removal and modification is approved for the purposes of the development:
  - (a) no more than 0.045 hectares of *Eucalyptus ovata* woodland as shown in Figure of the Natural Values Assessment (Enviro-dynamics, May 2022, v2.0), excluding individual trees identified for retention in Council Plan Ref. Council Plan Reference No. P8 submitted on 3/01/2023 and prepared by Leary Cox & Cripps (Drawing No122214 Rev.L dated 18/11/2022) and the endorsed engineering drawings required under Condition11;
  - (b) no more than eleven (11) trees numbered 5-6, 8, 25, 47-51 and 53-54 on Council Plan Reference P8 received on 3 January 2023 are approved for removal for future development of the lots, including building areas and bushfire hazard management; and
  - (c) trees identified for removal in the endorsed engineering drawings required under Condition 11.

This vegetation must not be removed prior to securing the conservation offset and approval of an 'Application for Approval of Planning Start of Works Notice'.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council.

7. Prior to the commencement of on-site works, including vegetation removal or modification, demolition, construction, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings, an 'Application for Approval of Planning Start of Works Notice' must be lodged with Council's Planning Department.

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

8. To offset the loss of 0.045 hectares of *Eucalyptus ovata* woodland and individual trees of high and very high conservation value, the following offset package must be secured and implemented prior to approval of an 'Application for Approval of Planning Start of Works Notice' and removal of the trees:
  - a) a financial contribution of \$250/tree for the loss of six (6) high conservation value trees approved for removal future development of the lots under Condition 5, including building areas and bushfire hazard management, totalling \$1,500;
  - b) a financial contribution of a financial contribution of \$250/tree for the loss of high conservation value trees and \$500/tree for the loss of very high conservation value trees approved for removal under Condition 5 in accordance with the endorsed engineering drawings required under Condition 11; and either
  - c) a financial contribution for the protection of 0.225 hectares of *Eucalyptus ovata* forest and woodland, totalling \$2700; or

- d) a financial contribution for the protection of 0.125 hectares of *Eucalyptus ovata* forest and woodland, totalling \$1500, and the rehabilitation and protection of 0.1 hectares of *Eucalyptus ovata* over cleared land to *Eucalyptus ovata* woodland on Lot 1 as 'secure conservation land' under Part 5 of the Land Use Planning and Approvals Act 1993. This Part 5 Agreement must:
- (i) verify the extent of the conservation zone, which must encompass all *Eucalyptus ovata* over cleared land outside the bushfire hazard management area;
  - (ii) provide for the protection for all native vegetation and habitat values within the conservation zone in perpetuity;
  - (iii) include a baseline vegetation condition assessment; and,
  - (iv) include a Rehabilitation and Conservation Management Plan for the conservation zone, to ensure that the conservation zone is rehabilitated to *Eucalyptus ovata* woodland and the environmental values within the conservation zone are managed for their long term survival. This plan must be prepared by a suitably qualified environmental consultant and include a detailed action plan and timeline for the effective control of declared and environmental weeds, specifications and timelines for native revegetation of the site, two (2) follow up vegetation condition assessments at five year intervals, a ten (10) year maintenance schedule and a schedule of works specifying timeframes, details and costings for each action.

All costs associated with drafting and registering the Part 5 Agreement on the title must be borne by the developer.

The Rehabilitation and Conservation Management Plan for the conservation zone must be implemented as per a schedule of works to be included within the plan. Reporting to Council on the progress with respect to actions required by the plan must be undertaken as recommended by a suitably qualified consultant and not less than once annually for a minimum period of 5 years.

In addition, an environmental works bond equivalent to the costs of implementing, monitoring and reporting actions required as part of the Rehabilitation and Conservation Management Plan must be bonded to Council prior to issue of building approval and the commencement of onsite works.

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

9. Prior to the commencement of on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all individual trees identified for retention in the Part 5 Agreement Tree Plan required under Condition 4 and the endorsed engineering drawings required under Condition 11, must be retained and appropriately protected during construction through the installation of signage and temporary fencing between any on-site works and the trees in accordance with the endorsed engineering drawings and AS 4970-2009 to exclude:



- (a) machine excavation including trenching;
- (b) excavation for silt fencing;
- (c) cultivation;
- (d) storage;
- (e) preparation of chemicals, including preparation of cement products;
- (f) parking of vehicles and plant;
- (g) refuelling;
- (h) dumping of waste;
- (i) wash down and cleaning of equipment;
- (j) placement of fill;
- (k) lighting of fires;
- (l) soil level changes;
- (m) temporary or permanent installation of utilities and signs; and
- (n) physical damage to the tree(s).

Evidence of satisfactory installation of this fencing must be provided to the Manager Development Services prior to the commencement of on-site works.

In addition, the following tree protection measures must be adhered to following construction for all areas within the Tree Protection Zone but outside the footprint of the approved works:

- (i) the existing soil level must not be altered around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
  - (ii) the Tree Protection Zone must be free from the storage of fill, contaminants or other materials;
  - (iii) machinery and vehicles are not permitted to access the Tree Protection Zone; and
  - (iv) development and associated works are not permitted unless otherwise approved by Council in writing.
10. Underground power and telecommunication services must be provided to all lots on the endorsed plan of subdivision in accordance with the requirements of TasNetworks and the telecommunications authority requirements. Services conduits must be provided to the lots proper at the developer's cost. Services conduits must be provided to the service authority requirements. The underground cabling and street lighting design including annual operating costs must be submitted to Council for approval prior to engineering plan approval.
11. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South

Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.

12. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer, in consultation with a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment or equivalent methodology). Plans must be to satisfaction of the Director Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines
- The subdivision Bushfire Hazard Report and Bushfire Hazard Management Plan (*Enviro-dynamics, June 2022*).

The Plans must include, but are not limited to:

- (a) Design of the internal road network, including junctions, vehicular crossovers to all lots, fire hydrants and associated stormwater drainage system.
- (b) Road pavement width to be 5.9m between face of kerbs (5.0m between lip of kerbs).
- (c) The back of Kerb offset a minimum of 0.3m to the boundary of 392 Howard Rd adjacent to the carpark entrance of the Howden Progress Association Hall to allow width for crossover layback.
- (d) Northern kerb return onto Howden Road to be amended to smaller radius than currently proposed (remove long sweeping entrance return).
- (e) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) Stormwater maintenance holes relocated from the road pavement to entry pits in or behind the kerb and channel;
  - (ii) A water sensitive urban design system that achieves the acceptable stormwater quality and quantity targets, required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling;
  - (iii) The reticulated stormwater system sized to accommodate at least the estimated 5% AEP flow based on a future fully-developed catchment;
  - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow based on a future fully-developed catchment;
  - (v) Disposal of stormwater for Lots 1-3 to the existing stormwater discharge point; and
  - (vi) Details of the rock headwall design, demonstrating it minimises impacts on the coastal protection area.

- (f) A cut and fill plan, including:
  - (i) details on the extent of cut and fill;
  - (ii) storage locations for the stockpiling of fill on site;
  - (iii) demonstration that the stockpiling of fill will not encroach into the Tree Protection Zones of trees identified for retention; and
  - (iv) confirming the location for the disposal of any excess fill off site and demonstration this site is either a certified landfill facility for Level 1 fill or a site that has been approved for the disposal or use of Level 1 fill under a development use permit issued by Council.
- (g) A Tree Plan which:
  - (i) identifies the location, diameter at chest height and species of all trees with a DBH >25cm within and directly adjacent to the subdivision works, including road construction, services and utilities;
  - (ii) specifies which trees are to be removed and which can be retained;
  - (iii) demonstrates the road, services and utilities are designed, located and constructed to minimise impacts on high conservation value trees, including any E. ovata trees >40cm and any eucalypts >70cm;
  - (iv) identifies mitigation and protection measures to be implemented to minimise the impacts of the development on the health of trees to be retained and avoid their loss within the scope of the approved development, including the location and specifications for tree protection fencing required under Condition 8;
  - (v) in accordance with Australian Standard 4970-2009 for the protection of trees on development sites; and
  - (vi) to the satisfaction of the Manager Development Services.

Once endorsed the plans will form part of the permit.

13. All existing sewer, water, stormwater, TasNetworks and telecommunication authorities supply infrastructure traversing newly created lots, must be removed and/or replaced as necessary so that they are contained wholly within the boundaries of the specific lot which they service with all associated costs borne by the applicant. The requirements of the relevant service authorities must be strictly complied with by the applicant.
14. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.
15. All existing and proposed water, sewer and stormwater pipelines must be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing.

Specific easements as required by other authorities must also be provided and shown on the Final Plan of Survey lodged for sealing.

16. Site filling that exceeds a depth of 300mm must be placed in accordance with AS3798 guidelines for commercial and residential developments 1996. Upon completion of the works, the supervising engineer must confirm in writing that the works have been carried out in accordance with AS 3798. The location of fill areas must be shown on the “as constructed drawings” and Final Plan of Survey submitted for sealing.
17. Declared weeds under the *Weed Management Act 1999* are present on the site, including blackberry, boneseed and Montpelier broom. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

18. At practical completion and the satisfactory completion of all mandatory audit inspections for each approved stage of the subdivision works the supervising engineer must:
  - a) Request a joint on-site practical completion inspection with the Council’s authorised representative;
  - b) Provide written confirmation that the works have been substantially completed in accordance with the Council approved plans and specifications and that the appropriate levels of quality and workmanship have been achieved;
  - c) Provide a copy of relevant documentation that all requirements have been carried out as applicable by the following:
    - i. Telecommunication authorities
    - ii. TasNetworks
    - iii. TasWater;
  - d) Provide supervising engineer’s certification that site filling exceeding 300mm has been placed in accordance with AS3798 (guidelines on earthworks for commercial and residential developments). Fill areas must be shown on the ‘As Constructed’ drawings;
  - e) Provide a signed checklist for ‘As Constructed’ drawings;
  - f) Submit A1 size ‘As Constructed’ drawings in accordance with Council’s Survey Brief, at a scale of 1:200 or 1:500 as appropriate, unless approved otherwise, certified as correct by a registered land surveyor in accordance with Council’s Survey requirements for subdivisions, developments and capital works projects;
  - g) Provide CCTV inspection and report (by Council approved contractor) of any new public stormwater infrastructure to be taken over by Council; and

Council will issue a Certificate of Practical Completion including a minor defects list, upon the successful completion of:

- All mandatory audit inspections;
- Provision of acceptable documentation;
- Practical completion inspection;

- Provision of Bond and Bank guarantees.
19. The applicant must lodge a maintenance bond and bank guarantee of 10% of the total contract sum including GST to cover the satisfactory rectification of all defects and defective works during the statutory 52 weeks maintenance period prior to the issue of Certificate of Practical Completion for each approved stage of the subdivision.
  20. All works associated with each approved stage of the subdivision must be completed to the satisfaction of the Executive Manager – Engineering Services prior to the sealing of the Final Plan of Survey by Council for the respective stage. Quality assured contractors may lodge a notice of intent to Council requesting assessment and approval that security be accepted to cover the completion of any outstanding works to enable the sealing of the Final Plan of Survey. The assessment must be in accordance with Council's policy at the time, is subject to an onsite inspection and report by Council's officers. The following must be confirmed in writing:
    - (a) That all sewer, stormwater, water mains and associated house connections are constructed and capable of satisfactory operation; and
    - (b) That all requirements of the Electricity and Telecommunication agencies and other relevant service authorities have been satisfactorily completed.

Acceptable "As Constructed" drawings must be provided.

21. The satisfactory completion of all public infrastructure for each stage of the subdivision works will be considered achieved when:
  - (a) A Certificate of Practical Completion has been issued;
  - (b) All defects and any defective works have been satisfactorily rectified at the completion of the 52 week maintenance period;
  - (c) Council will be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
  - (d) At the end of the statutory 52 week maintenance period, the supervising Engineer must request a joint onsite inspection with the Council's authorised representative to confirm that all outstanding defects and defective works have been satisfactorily completed;
  - (e) Upon satisfactory completion of all outstanding defects and defective works Council will issue a notice of satisfactory 'Final Inspection' and the public assets will be taken over by Council;
  - (f) After takeover of the works, it will be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee monies.
22. Prior to Sealing the Final Plan of Survey for this subdivision, the following documentary evidence is to be provided to Council regarding the proximity of existing buildings to new property boundaries on the proposed lots and on 392 Howden Road, Howden:
  - a) buildings have been modified in accordance with the relevant provisions of the Building Act 2016 to comply with the fire separation requirements of the National Construction Code;

or

- b) buildings have been removed in accordance with the relevant provisions of the *Building Act 2016*.
23. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

### ADVICE

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

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	1 'Un-named' Road, Howden
2	3 'Un-named' Road, Howden
3	5 'Un-named' Road, Howden
4	7 'Un-named' Road, Howden
5	4 'Un-named' Road, Howden
6	2 'Un-named' Road, Howden
7	398 Howden Road, Howden

### ATTACHMENTS

1. Subdivision Plans
2. Assessment Checklist
3. TasWater Submission to Planning Authority

DRAWING LIST	
NUMBER	DESCRIPTION
D-1-00-01	Cover Sheet
D-1-00-02	Legend
D-1-00-03	Project Notes
D-1-01-01	Key Plan
D-1-02-01	Existing Conditions
D-1-04-01	Erosion and Sediment Control
D-1-06-01	Roadworks and Drainage General Arrangement - Sheet 1
D-1-06-02	Roadworks and Drainage General Arrangement - Sheet 2
D-1-06-03	Roadworks and Drainage General Arrangement - Sheet 3
D-1-08-01	Roadworks Typical Sections and Details
D-1-10-01	Water and Sewer General Arrangement - Sheet 1
D-1-10-02	Water and Sewer General Arrangement - Sheet 2
D-1-10-03	Water and Sewer General Arrangement - Sheet 3
D-1-15-01	Road Longitudinal Section
D-1-18-01	Tree Protection Zone Plan

1

1	25/07/22	Drawing added to list	BW	M8	AD
0	14/06/22	For Approval	BW	M8	AD
Rev No	Date	Revision Note	Dm	Ver.	App.

Client	John Bourke
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Project

Lot Subdivision  
388 Howden Road, Howden  
Tasmania

Drawn BW	Signed	Date 11/11/21
Designed MB	Signed	Date 11/11/21
Checked AD	Signed	Date 14/06/22
Approved AD	Signed	Date 14/06/22

[illegible]

Project No. 21074	
Scale NTS	Sheet Size A3
Drawing No. D-1-00-01	Rev. 1

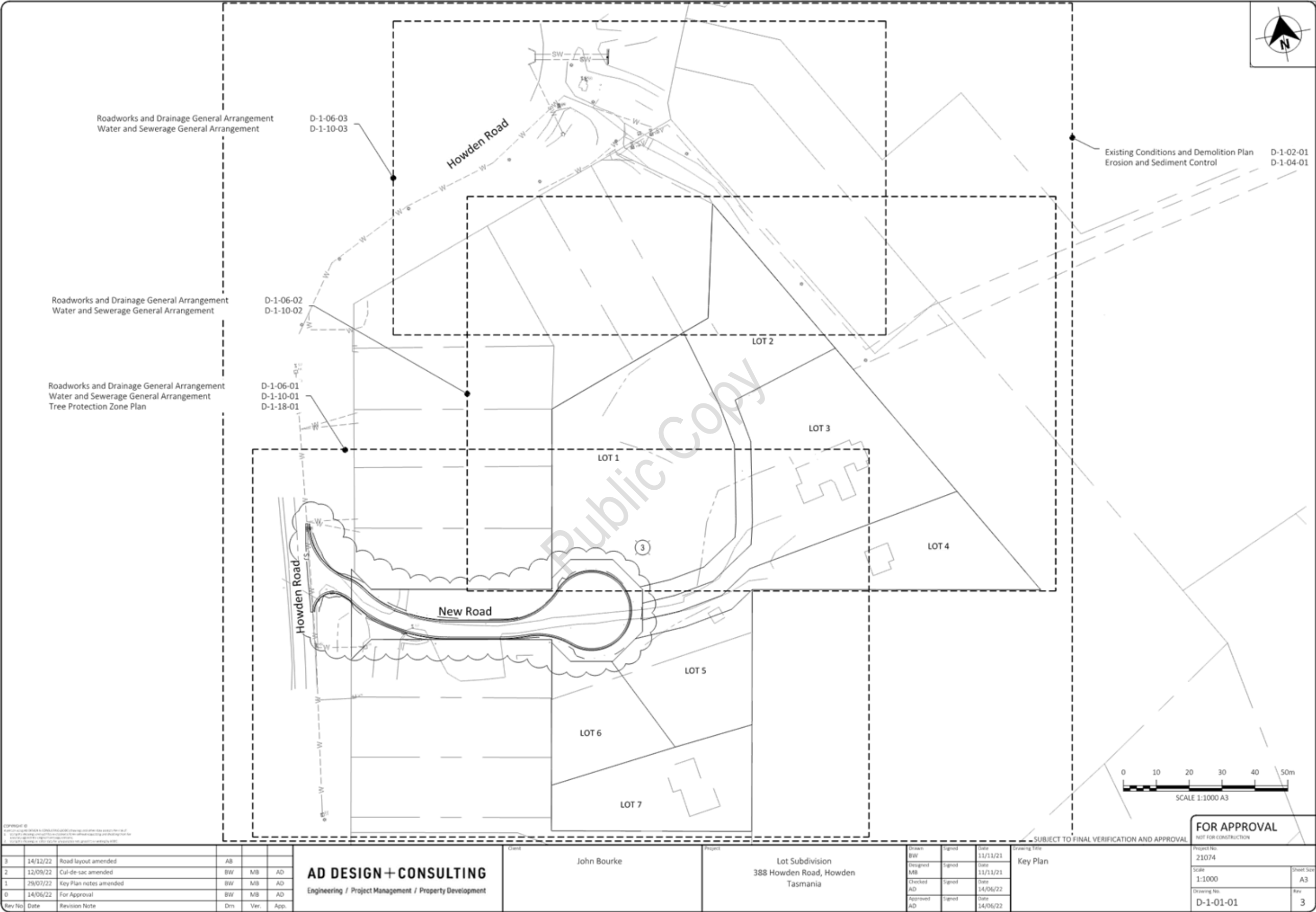
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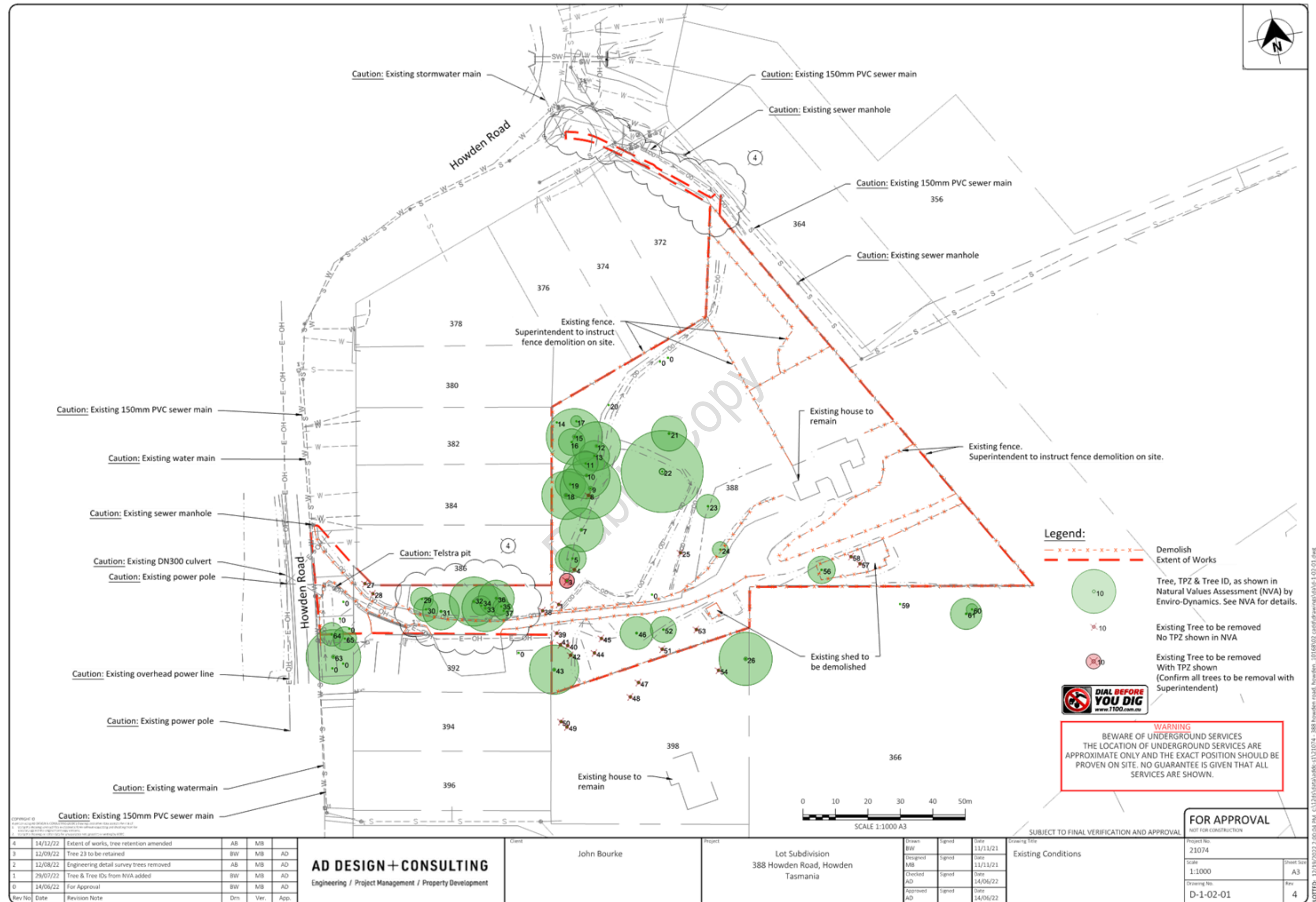


### Legend

Design				Existing			
12.5	Design Contours Labels		Retaining wall		Ex Drainage Dish Drain	12	Ex Boundary Lot Numbers
	Design Contours Major		Design Fence		Ex Drainage Open Drain		Ex Boundary Property Line
	Design Contours Minor		Design Comms		Ex Drainage Pipe		Ex Building Outline
	Design Boundaries Easement		Design Comms Optical Fiber		Ex Drainage Spoon Drain		Ex Building Retaining Wall
	Design Boundaries Property		Design Comms Tele Conc Pit		Ex Drainage Table Drain		Ex Building Roof Cover
	Design Crossovers		Design Comms Tele Conc Pit Twin		Ex Drainage Water Course		Ex Building Stairs
	Design Road Edge of Concrete		Design Gas main		Ex Services Comms		Ex Building Wall
	Design Road Kerb Back		Design Gas Manhole		Ex Services Elec OH		Ex Misc Demolish
	Design Road Kerb Invert		Design Power Underground		Ex Services Elec UG		Ex Road CL
	Design Road Kerb Lib		Design Power Overhead		Ex Sewer Main		Ex Road Footpath
	Design Road Kerb Top		Design Power Junction Box		Ex Sewer Rising Main		Ex Road Kerb
	Design Road Control Line		Design Power Light Outreach		Ex Sewer Trunk Main		Ex Services Gas
	Design Road Edge Of Lane		Design Power Pole Light		Ex Water Pipe		Ex Services Gas High Pressure
	Design Road Shoulder		Design Power Pole Power		Ex Water Recycled		Ex Services Optic Fibre
	Design Road Edge Of Median		Design Flow Path Arrow		Ex Water Trunk Main		Ex Services Elec Tel OH
	Design Road Verge				Ex Water Fittings		
	Design Road Footpath				Ex Boundary Cadastral		
	Design Road Table Drain				Ex Boundary Fence		
	Design Road Barrier W-Beam				EX Contours Labels		
	Design Road Barrier Wire Rope				EX Contours Major		
	Design Road Sawcut				EX Contours Minor		
	Design Line Marking						
	Design Earthworks Batter				EX Power Junction Box		
	Design Sewer Pipe				EX Power Light Outreach		
	Design Sewer Internal				EX Power Pole Light		
	Design Sewer Structures Internal				EX Power Pole Power		
	Design Sewer Structures				EX Comms Tele Conc Pit		
	Design Water Main				EX Comms Tele Conc Pit Twin		
	Design Water Internal				EX Sewer Structures		
	Design Water Fittings				EX Water Fittings		
	Design Water Fittings						
	Design Drainage Pipe						
	Design Drainage Internal						
	Design Drainage Structure Internal						
	Design Drainage Subsoil						
	Design Drainage GVP						
	Design Drainage SEP Type 1						
	Design Drainage SEP Type 2						
	Design Drainage SEP Type 3						
	Design Drainage SEP Type 4						
	Design Drainage SEP Type 5						
	Design Drainage SEP Type 6						
	Design Drainage Field Inlet						
	Design Drainage Manhole						







1. Areas of ground disturbance are shown. Works to be confined to within these areas. Clearing for works to be limited to within 5 metres from the edge of any essential construction activity. (refer fact sheet 5: minimize soil disturbance)
2. All excavation is to comply with "Fact Sheets: Soil & Water Management for Building & Construction Sites - 2008". These are available at [www.derwentestuary.org.au](http://www.derwentestuary.org.au).
3. Excavation to be carried out over a minimum time period. Top soil to be stockpiled separately and spread over backfilled areas. Spoil to be stockpiled in a narrow corridor on the upstream side of all excavation. Temporary catch drains to be constructed on the upstream side of stockpiles and excavated areas, directing runoff to existing stormwater system. (refer fact sheet 9: protect service trenches & stockpiles)
4. Sediment fences & fibre rolls to be used on the downstream side of all stockpiles and to extents shown on this drawing. Prevent entry of silt to existing stormwater inlets and water courses during construction. (Refer fact sheet 14: sediment fences & fibre rolls)
5. No trees with trunk diameter >150mm are to be removed outside areas of ground disturbance unless authorized by Council. Avoid trenching close to the root system of existing trees, or placing fill material against the trunks of mature trees. (refer fact sheet 6: preserve vegetation)
6. Every effort to be made to minimize spreading sediment on to sealed areas when vehicles leave the site, including the washing down of tyres. (refer fact sheet 13: wheel wash)
7. No topsoil shall be removed from land outside the areas of ground disturbance shown.
8. All areas of ground disturbance must be dressed with 50mm top soil. Sow with grass seed. Mix appropriate for embankment batters. Seed mix to include 60% rye grasses and 40% perennial grasses. (refer fact sheet 19: site revegetation)
9. All stockpiles to be positioned clear of water courses and to ensure that no silt runoff can enter water courses.
10. During windy conditions and/or hot weather, wet down exposed soil slightly & regularly to prevent dust nuisance. (refer fact sheet 18: dust control)
11. No topsoil or fill material to be removed from site as weed control measure prevent entry of silt into existing watercourse during works notes - soil & water management plan.

Notwithstanding the details on these drawings the contractor is ultimately responsible for erosion and sediment control within the site, the contractor shall complete all design measures and more as any additional measures and maintenance required to suit their construction staging, all costs in relation to erosion and sediment control are to be included in the tender.

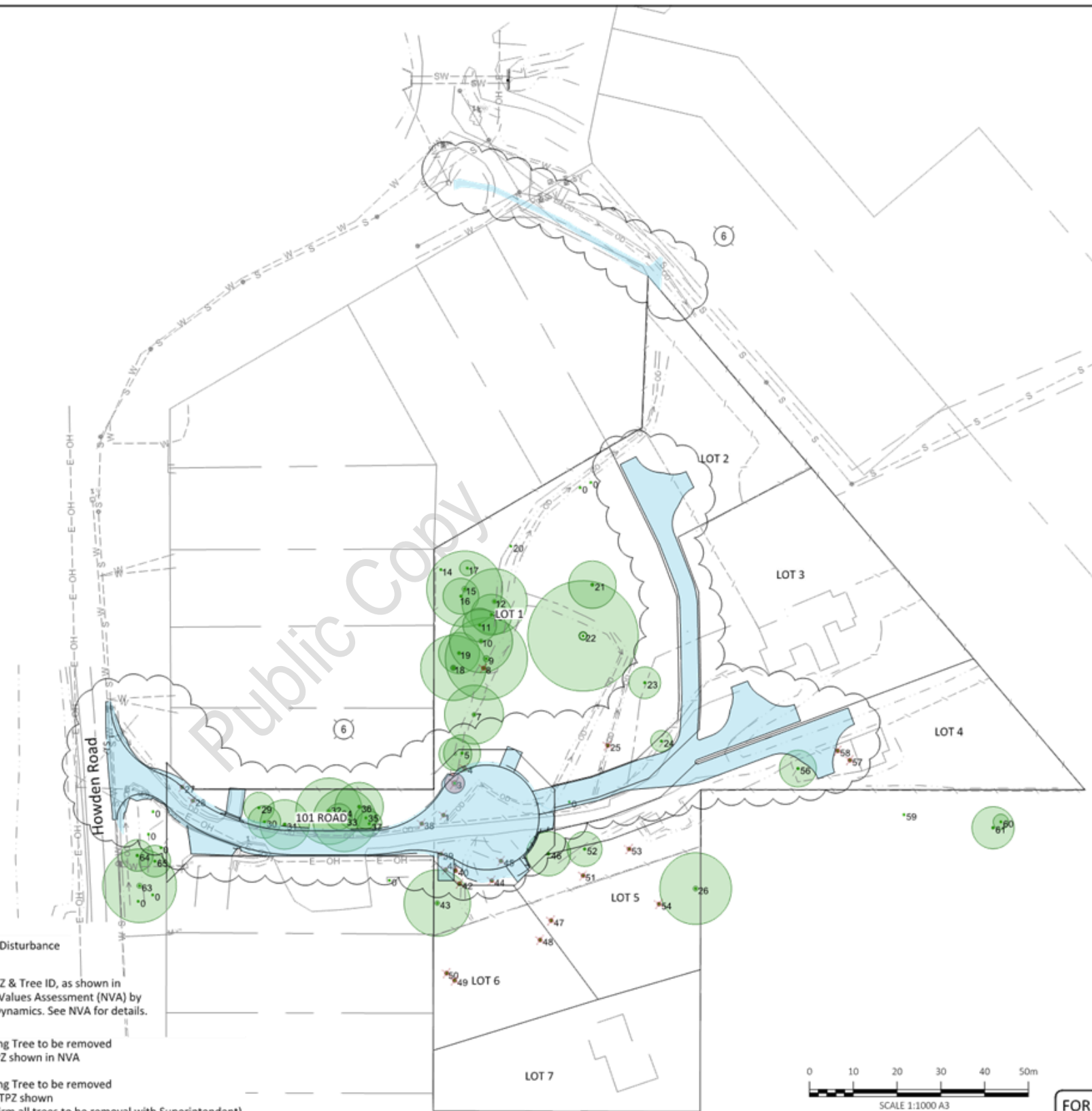


10

Tree, TPZ & Tree ID, as shown in Natural Values Assessment (NVA) by Enviro-Dynamics. See NVA for details.

Existing Tree to be removed  
No TPZ shown in NVA

Existing Tree to be removed  
With TPZ shown  
(Confirm all trees to be removal with Superintendent)



0 10 20 30 40 50  
SCALE 1:1000 A3  
SUBJECT TO FINAL VERIFICATION AND APPROVAL

FOR AFFR  
NOTE FOR CONSTRUCTION

Rev	No	Date	Revision Note	Drw	Ver	App
6	14/12/22	Area of disturbance, tree retention amended	AB	M/B		
5	12/09/22	Tree 23 to be retained, Cul-de-sac amended	BW	M/B	AD	
4	12/08/22	Engineering detail survey trees removed	AD	M/B	AD	
3	29/07/22	Tree & Tree IDs from NVA added	BW	M/B	AD	
2	26/07/22	Driveways for lots 3 & 4 amended	BW	M/B	AD	

**AD DESIGN+CONSULTING**  
Engineering / Project Management / Property Development

Client	John Bourke
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Project

Lot Subdivision  
388 Howden Road, Howden  
Tasmania

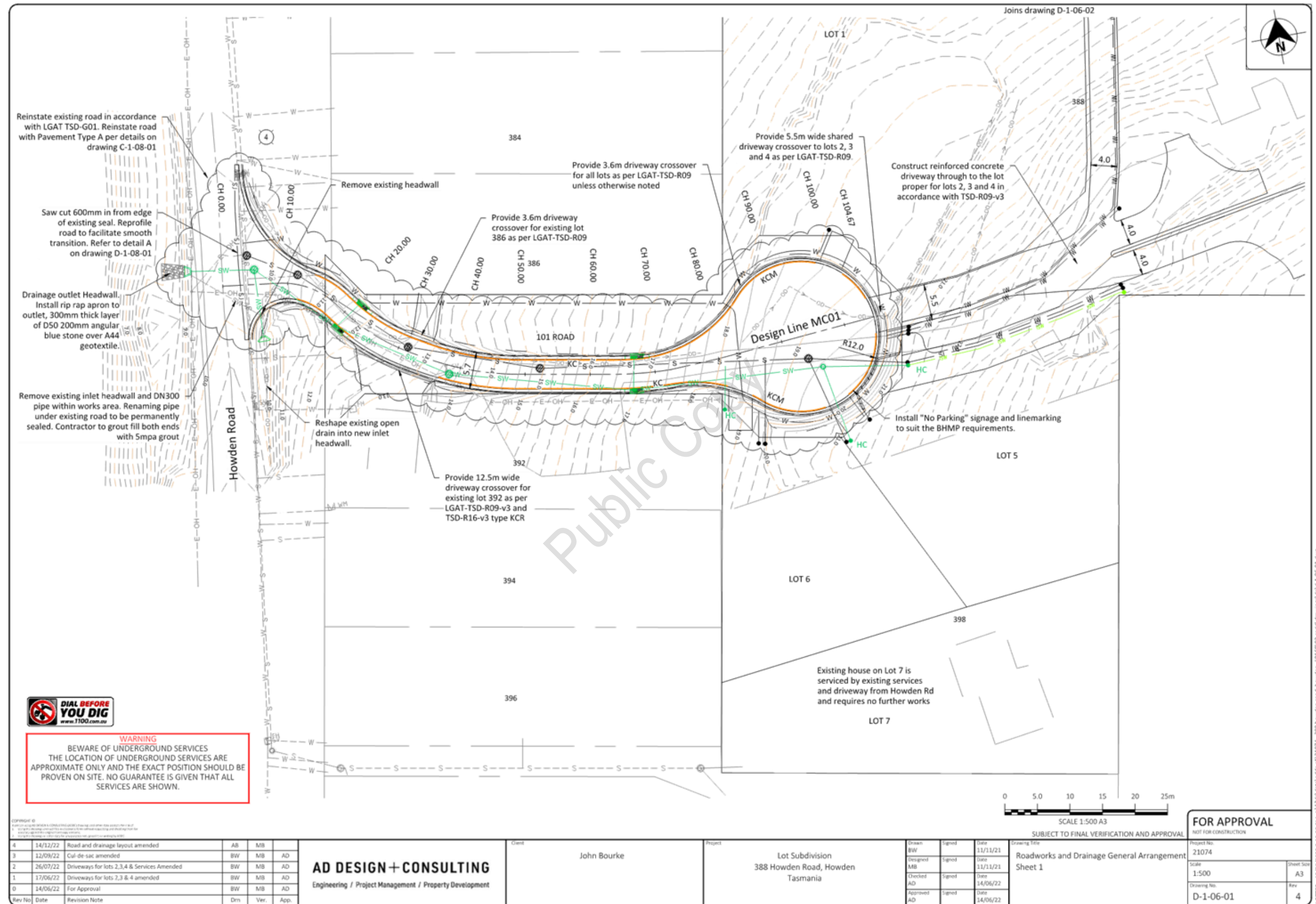
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Approved AD	Signed	Date 14/06/21

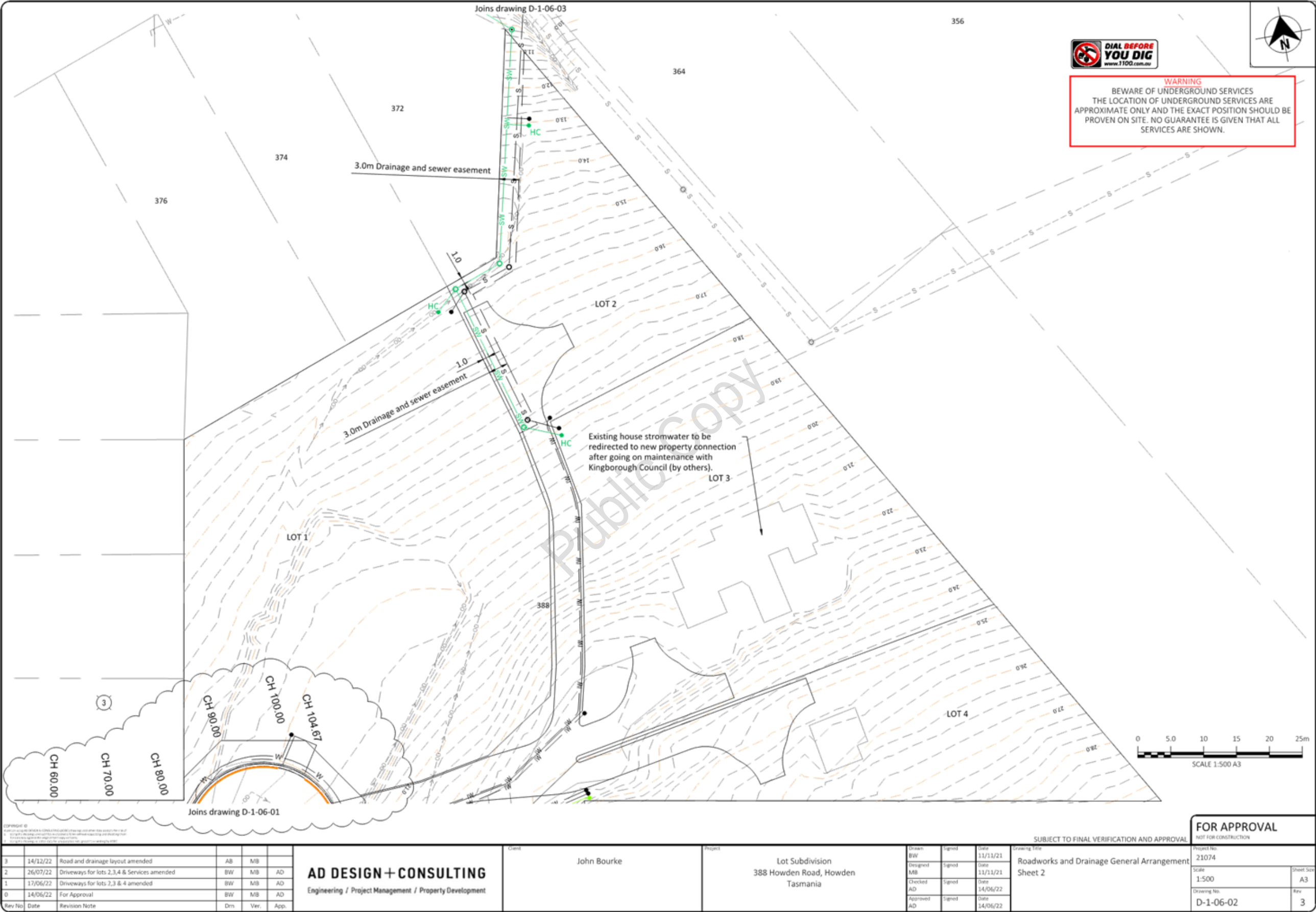
Erosion and Sediment Control

Project No.	21074	
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Drawing No.	D-1-04-01	Rev 6

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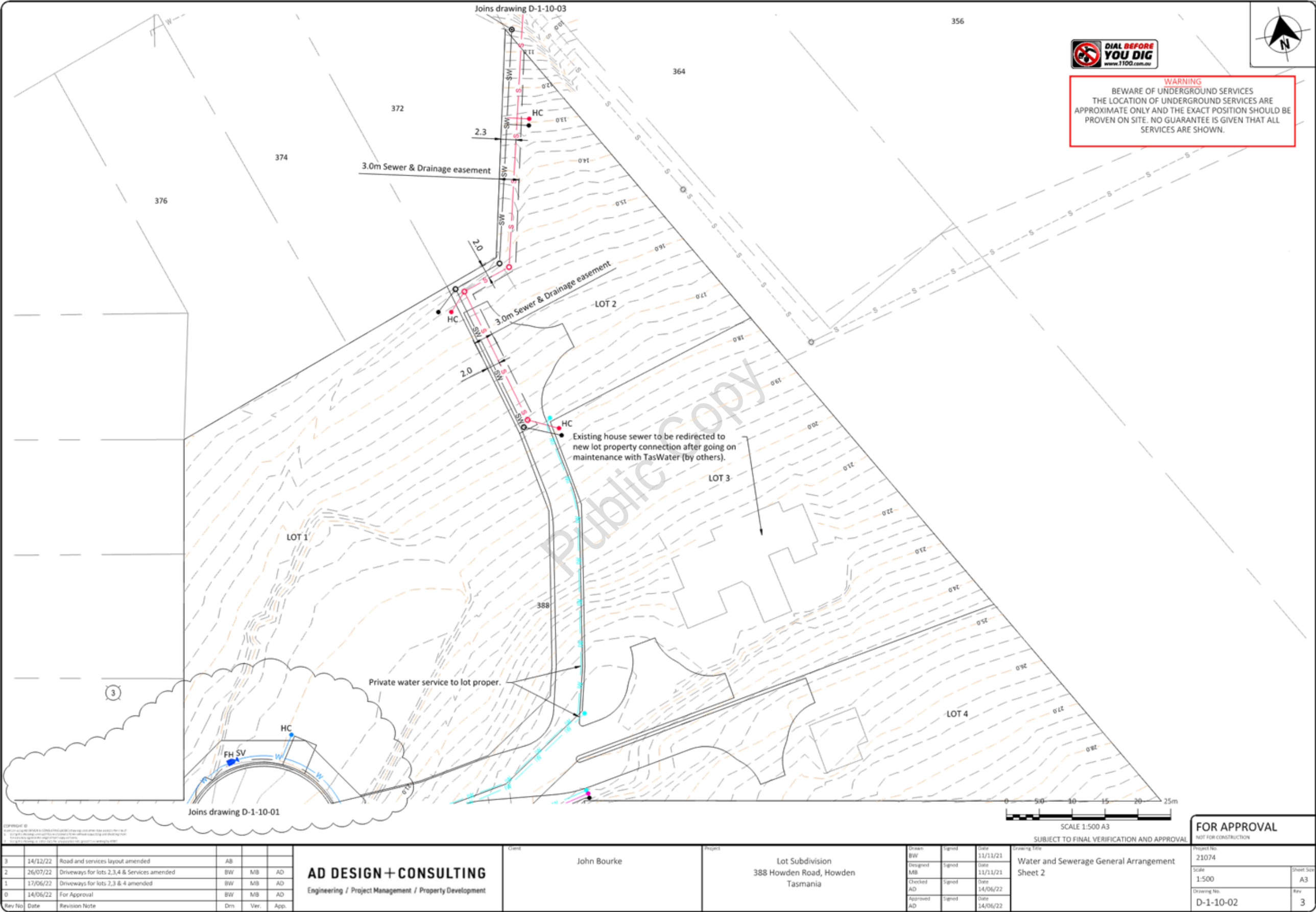






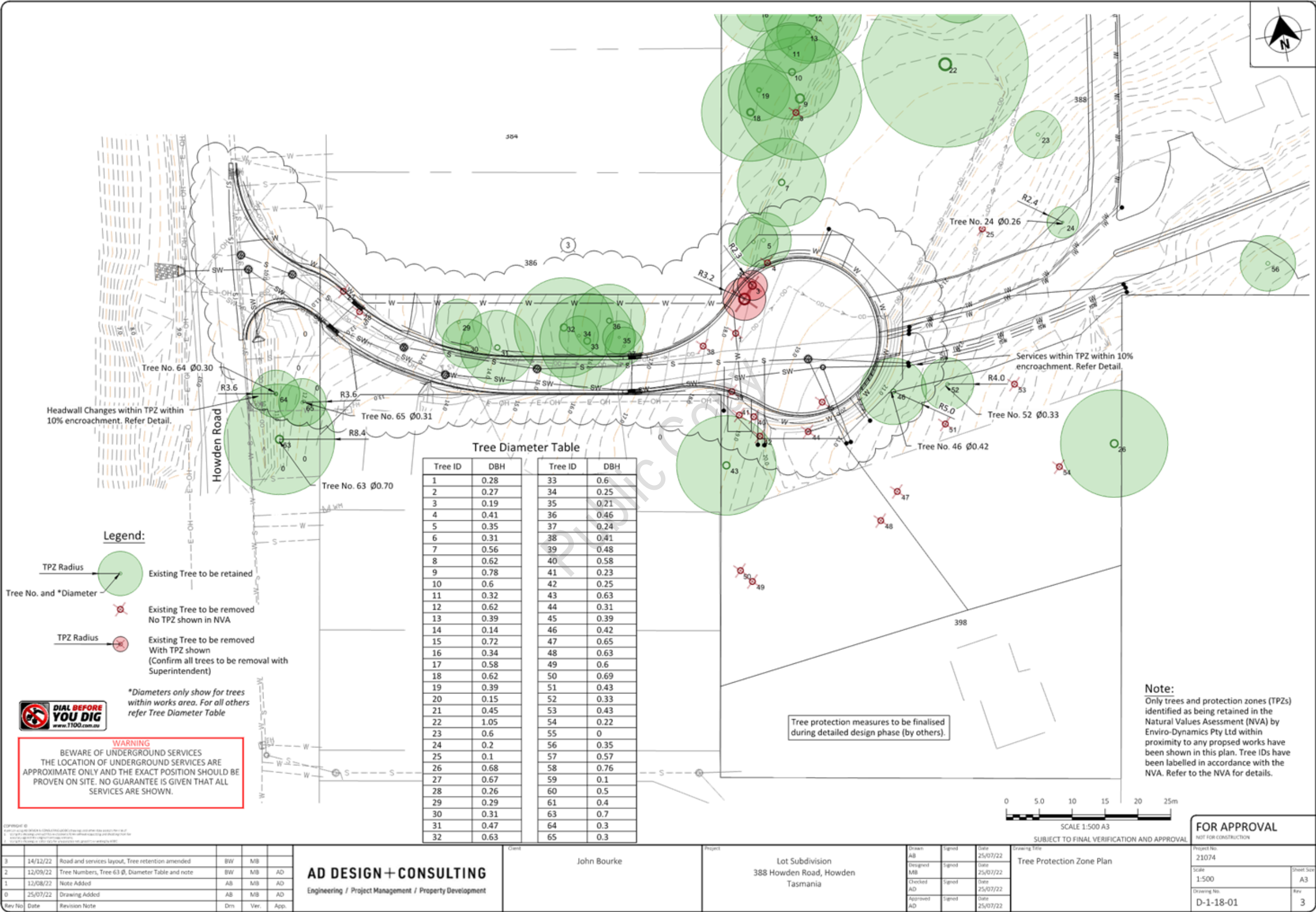






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## Low Density Residential Zone Provisions (subdivision)

Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)

Clause	Compliance/Comments
<b>12.4.2 Setbacks and building envelope</b>	
<b>A4</b> - No trees of high conservation value will be impacted.	<b>A4 – Not Complying</b> Trees of high conservation value will be impacted
<b>12.5 Development Standards for Subdivision</b>	
<b>Clause 12.5.1 – Lot Design</b> <b>A1</b> - The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities: as specified in Table 12.1.	<b>A1 – Complies</b> All lots are more than the minimum size of 1000m <sup>2</sup> for the Low Density Residential (Area C): <ul style="list-style-type: none"> <li>Lot 1 3266 m<sup>2</sup></li> <li>Lot 2 1690 m<sup>2</sup></li> <li>Lot 3 2710 m<sup>2</sup></li> <li>Lot 4 1714 m<sup>2</sup></li> <li>Lot 5 1200 m<sup>2</sup></li> <li>Lot 6 1000 m<sup>2</sup></li> <li>Lot 7 1400 m<sup>2</sup></li> <li>Lot 101 Road 1705 m<sup>2</sup></li> </ul>
<b>A2</b> – The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities; <ul style="list-style-type: none"> <li>(a) clear of the frontage, side and rear boundary setbacks;</li> <li>(b) not subject to any codes in this planning scheme;</li> <li>(c) clear of title restrictions such as easements and restrictive covenants;</li> <li>(d) has an average slope of no more than 1 in 5;</li> <li>(e) is a minimum of 20 m x 20 m in size.</li> <li>(f) No environmental values will be adversely impacted.</li> </ul>	<b>A2 – Not complying</b> – The proposal does not comply with A2 due to: <p><b>A2(b)</b> – the site is subject to codes in the planning scheme.</p> <p><b>A2(e)</b> – several lots do not provide a minimum 20 m x 20 m building area</p> <p><b>A2(f)</b> – A number of the building areas impact on environmental values, including:</p> <ul style="list-style-type: none"> <li>six (6) trees of high conservation value, all <i>E. ovata</i> (black gum) trees with a dbh &gt;40cm; and</li> <li>five (5) native trees below the threshold of high conservation value trees but nonetheless of environmental value.</li> </ul> <p>There is also the potential to adversely impact upon environmental values through the design of future buildings on the lots creating a collision risk for birds such as the endangered swift parrot.</p>
<b>A3</b> – The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot: 30m.	<b>A3 – Not Complying</b> Lots 5 6 and 7 do not provide a 30m frontage. They have frontages of: <ul style="list-style-type: none"> <li>Lot 5 6.66m</li> <li>Lot 6 16.5m</li> <li>Lot 7 0.0m (Note: Existing No.398 Howden Rd does not have any road frontage and relies on right of way access. This situation is being maintained.)</li> </ul> <p>Lot 1 has a frontage of 32.14m.</p> <p>Lots 2,3 and 4 are internal lots and excluded from this development standard.</p>
<b>A4</b> – No lot is an internal lot.	<b>A4 – Not Complying</b> – there are 4 internal lots 2, 3, 4 and 7.

Clause	Compliance/Comments
<b>A5</b> – Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	<b>A5</b> – Complies – the existing buildings on proposed lots 3, 4, 5 and 7 maintain setbacks to the new boundaries.
<b>Clause 12.5.2 - Roads</b> <b>A1</b> - The subdivision includes no new road.	<b>A1</b> – <b>Not complying</b> – a new road is proposed to service the estate and is located between No's 386 and 392 Howden Rd.
<b>Clause 12.5.3 – Ways and Public Open Space</b> <b>A1</b> – No Acceptable Solution.	<b>A1</b> – <b>Not Complying</b> – No acceptable solution and requires assessment against the Performance Criteria.
<b>A2</b> – No Acceptable Solution.	<b>A1</b> – <b>Not Complying</b> – No acceptable solution and requires assessment against the Performance Criteria.
<b>Clause 12.5.4 - Services</b> <b>A1</b> - Each lot must be connected to a reticulated potable water supply where such a supply is available.	<b>A1</b> – Complies
<b>A2</b> – Each lot must be connected to a reticulated sewerage system where available.	<b>A2</b> – Complies
<b>A3</b> – Each lot must be connected to a stormwater system able to service the building area by gravity.	<b>A3</b> – Complies
<b>A4</b> - The subdivision includes no new road.	<b>A4</b> – <b>Not Complying</b> - a new road is proposed to service the estate and is located between No's 386 and 392 Howden Rd.

## Code Provisions

Clause	Compliance/Comments
<b>E1.0 Bushfire-Prone Areas Code</b>	
<b>Clause E1.6.1 - Subdivision: Provision of hazard management areas</b> <b>A1</b> – (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision: (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; (ii) shows the building area for each lot; (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and (iv) is accompanied by a bushfire hazard	<b>A1</b> – Complies <b>A1(a)</b> - The application is accompanied by a Certificate under s51(2)(d) of the <i>Land Use Planning and Approvals Act 1993</i> certified by an accredited bushfire practitioner which demonstrates that the proposed subdivision meets Clause E1.6.1 A1 (b) in that it provides hazard management areas equal to or greater than that the separation distances required for BAL 19 for all lots. <b>A1 (b)</b> - A subdivision plan was also submitted with the application demonstrating that the proposal complies with A1 (b). <b>A1 (c)</b> - As the hazard management area for proposed Lot 4 relies upon land external to the subdivision, to demonstrate compliance with A1 (c) the written consent of the owner of that land has been provided confirming in principle consent to enter into an agreement under section 71 of the Act.

Clause	Compliance/Comments
<p>management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	
<p><b>Clause E1.6.2 - Subdivision: Public and fire fighting access</b></p> <p><b>A1</b> – (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p><b>A1</b> – Complies</p> <p>The subdivision complies with A1 (b) as the proposed plan of subdivision shows the layout of property access to the building areas and demonstrates they comply with Table E1 and the plan has been certified by an accredited person.</p>
<p><b>Clause E1.6.3 - Subdivision: Provision of water supply for fire fighting purposes</b></p> <p><b>A1</b> – In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p><b>A1</b> – Complies</p> <p>Lots 1, 5 and 6 require reticulated supply and must therefore comply with A1 (b).</p> <p>The subdivision complies with A1 (b) for these lots as the proposed plan of subdivision is included in a bushfire hazard management plan and this plan shows the layout of fire hydrants, and building areas and has been approved by an accredited person as being compliant with Table E4.</p>
<p><b>A2</b> – In areas that are not serviced by reticulated water by the water corporation:</p>	<p><b>A2</b> – Complies</p> <p>Lots 2-4 and 7 rely on static water supply (2-4 and</p>

Clause	Compliance/Comments
<p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p>7).</p> <p>The subdivision complies with A2 (b) for these lots, as proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting will be provided at the time of development and located compliant with Table E5 and this plan has been approved by an accredited person as being compliant with Table E5.</p>
<b>E5.0 Road and Railway Assets Code</b>	
<p><b>Clause E5.5.1 – Existing road accesses and junctions</b></p> <p><b>A1</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p><b>A1 – Not Complying</b></p> <p>The 7 lots (6 additional lots) will generate 56 vpd (48 additional vpd) movements to Howden Road.</p>
<p><b>A2</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p><b>A2 – NA</b></p>
<p><b>A3</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p><b>A3 – NA</b></p>
<p><b>E5.5.2 Exiting level crossings</b></p> <p><b>A1</b> – Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p><b>A1 – NA</b></p>
<p><b>Clause E5.6.1 - Development adjacent to roads and railways</b></p> <p><b>A1.1</b> – Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:</p> <p>(a) new buildings;</p> <p>(b) other road or earth works; and</p> <p>(c) building envelopes on new lots.</p>	<p><b>A1.1 – NA</b></p>
<p><b>A1.2</b> – Buildings, may be:</p> <p>(a) located within a row of existing buildings and</p>	<p><b>A1.2 – NA</b></p>

Clause	Compliance/Comments
setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	
<b>Clause E5.6.2 - Road access and junctions</b> <b>A1</b> – No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	<b>A1</b> – NA .
<b>A2</b> – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	<b>A2</b> – Complies. A new public road is proposed to service the subdivision from Howden Rd.
<b>Clause E5.6.3 – New level crossings</b> <b>A1</b> – No acceptable solution (requires assessment against performance criteria)	<b>A1</b> – NA
<b>Clause E5.6.4 - Sight distance at accesses, junctions and level crossings</b> <b>A1</b> – Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	<b>A1</b> – <b>Not Complying</b> The TIA assessment of the available sight distance to the north of the road junction onto Howden Rd is provided. The available sight distance of 75m is marginally less than the 80m required to satisfy the acceptable solution Table E5.1. The sight distance to the south exceeds 100m.
<b>E6.0 Parking and Access Code</b>	
<b>Clause E6.6.1 - Number of car parking spaces</b> <b>A1</b> - The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;	<b>A1</b> – NA
<b>Clause E6.7.1 - Number of vehicular accesses</b> <b>A1</b> – The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	<b>A1</b> – Complies - Each lot is provided with a vehicle access crossover.
<b>Clause E6.7.2 - Design of vehicular accesses</b> <b>A1</b> – Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;	<b>A1</b> – Complies - Each lot is provided with a complying vehicle access crossover.



Clause	Compliance/Comments
(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	
<b>Clause E6.7.3 - Vehicular passing areas along an access</b> <b>A1 – Vehicular passing areas must:</b> (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) it meets a road serving more than 6000 vehicles per day; (d) have the first passing area constructed at the kerb; (e) be at intervals of no more than 30 m along the access.	A1 – NA
<b>Clause E6.7.4 - On-site turning</b> <b>A1 – On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</b> (a) it serves no more than two dwelling units;	A1 – NA
<b>Clause E6.7.6 Surface Treatment of Parking Areas</b> <b>A1 - Details of a sealed construction and associated drainage for the access/driveway and any passing bays needed must be shown on plans</b>	A1 - Complies
<b>Clause E6.7.13 Facilities for Commercial Vehicles</b> <b>A1 - Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial. Vehicle Facilities AS 2890.2:2002</b>	<b>A1 - N/A for residential lot access.</b> Note - The existing access crossovers to Howden Fire Station and Howden Progress Association Hall are maintained in the new proposed public road design.
<b>Clause E6.7.14 - Access to a road</b> <b>A1 – Access to a road must be in accordance with the requirements of the road authority.</b>	A1 – Complies
<b>E7.0 Stormwater Management Code</b>	
<b>Clause E7.7.1 - Stormwater drainage and disposal</b> <b>A1 – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</b>	<b>A1 – Complies</b> Stormwater reticulation mains and lot connections extended to service proposed public road and all lots.

Clause	Compliance/Comments
<p><b>A2</b> – A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <ul style="list-style-type: none"> <li>(a) the size of new impervious area is more than 600 m<sup>2</sup>;</li> <li>(b) new car parking is provided for more than 6 cars;</li> <li>(c) a subdivision is for more than 5 lots.</li> </ul>	<p><b>A2</b> – Complies –</p> <p>A stormwater detention system for the subdivision is not required due to the site location adjacent to North-West Bay. A stormwater quality treatment system is not required to be installed due to the proposed road impervious area not exceeding the threshold of 600 m<sup>2</sup>.</p> <p>The submitted drawings include details of proposed stormwater reticulation mains to service the road extension and connections to all proposed lots. . 3 lots (lots 4-6) connect to the proposed public road stormwater system. 3 lots (lots 1-3) connect to a different existing stormwater outfall. Lot 7 has an existing stormwater connection.</p> <p>The provision of stormwater services are included as a condition of approval.</p>
<p><b>A3</b> – A minor stormwater drainage system must be designed to comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</li> <li>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</li> </ul>	<p><b>A3</b> – Complies</p>
<p><b>A4</b> – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	<p><b>A4</b> – Complies</p>
<b>E10.0 Biodiversity Code</b>	
<p><b>Clause E10.8.1 – Subdivision</b></p> <p><b>A1</b> - Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) be for the purposes of separating existing dwellings;</li> <li>(b) be for the creation of a lot for public open space, public reserve or utility;</li> <li>(c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;</li> <li>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.</li> </ul>	<p><b>A1</b> – <b>Not Complying</b></p> <p>The proposal cannot comply with A1 as the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility. Therefore, the proposal must be assessed against P1 (b) and (c).</p>
<p><b>A2</b> - Subdivision is not prohibited by the relevant zone standards.</p>	<p><b>A2</b> – Complies - The Subdivision is permissible by the relevant zone standards.</p>
<b>E11.0 Waterway and Coastal Protection Code</b>	
<p><b>E11.8.1 Subdivision</b></p> <ul style="list-style-type: none"> <li>• A1 – Subdivision within a Waterway and Coastal Protection Area must comply with one or more of</li> </ul>	<p><b>A1</b> – <b>Not Complying</b></p> <p>The proposed civil works, including stormwater works, road works and sewer connections, encroach</p>

Clause	Compliance/Comments
<p>the following:</p> <ul style="list-style-type: none"> <li>(a) be for the purposes of separating existing dwellings;</li> <li>(b) be for the creation of a lot for public open space, public reserve or utility;</li> <li>(c) no works, other than boundary fencing works, are within the Waterway and Coastal Protection Area;</li> <li>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area.</li> </ul>	<p>into a Waterway and Coastal Protection Area (WCPA). The proposal is not for the purposes of separating existing dwellings or the creation of a lot for public open space, public reserve or utility, works other than boundary fencing works are required within a WCPA and services and vehicular access encroach into the WCPA. Therefore, the proposal requires assessment against the performance criteria.</p>
<b>E16.0 Coastal Erosion Hazard Code</b>	
<p><b>E16.8.1 Subdivision in Coastal Erosion Hazard Areas</b></p> <p><b>A1</b> - No Acceptable Solution.</p> <p><b>A2</b> - No Acceptable Solution</p>	<p><b>A1 Not Complying</b></p> <p>No Acceptable Solution and needs assessment against the Performance Criteria.</p> <p><b>A2 - Not Complying</b></p> <p>No Acceptable Solution and needs assessment against the Performance Criteria</p>

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



## Amended Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DAS-2022-4		<b>Council notice date</b>	10/02/2022
<b>TasWater details</b>				
<b>TasWater Reference No.</b>	TWDA 2022/00177-KIN		<b>Date of response</b>	22/03/2022
			<b>Date amended</b>	03/01/2023
<b>TasWater Contact</b>	Elio Ross	<b>Phone No.</b>	0467 874 330	
<b>Response issued to</b>				
<b>Council name</b>	KINGBOROUGH COUNCIL			
<b>Contact details</b>	kc@kingborough.tas.gov.au			
<b>Development details</b>				
<b>Address</b>	388 HOWDEN RD, HOWDEN		<b>Property ID (PID)</b>	7604499
<b>Description of development</b>	Subdivision 7 lots			
<b>Schedule of drawings/documents</b>				
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>	
AD Design + Consulting	D-1-10-01	4	14/12/2022	
	D-1-10-02	3	14/12/2022	
	D-1-10-03	0	14/06/2022	
Leary Cox & Cripps	122214	F	25/05/2022	
<b>Conditions</b>				
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:				
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>				
<ol style="list-style-type: none"> <li>A suitably sized water supply with metered connections and sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>				
<b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b>				
<ol style="list-style-type: none"> <li>Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) / Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>Prior to applying for a Permit to Construct/the issue of a Certificate for Certifiable Work (Building and/or Plumbing) to construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.</li> <li>Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.</li> </ol>				



7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
8. Prior to the issue of a Certificate for Certifiable Work (Building and/or Plumbing) / Consent to Register a Legal Document / Certificate of Water and sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, are to be completed generally as shown on, and in accordance with, the plans listed in the schedule of drawings, and are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document / applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. Work As Constructed drawings and documentation must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
14. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

**FINAL PLANS, EASEMENTS & ENDORSEMENTS**

15. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.  
*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.*
16. Pipeline easements and/or lots, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions and/or lot creation requirements.  
*Advice: Create easements on the adjacent property 366 HOWDEN RD, HOWDEN (167860/1) as soon as possible for works that are required on the neighbouring land.*
17. Prior to the issue of a Consent to Register a Legal Document / Certificate of Water & Sewerage Compliance (Building and or Plumbing) / Certificate of Practical Completion from TasWater, the applicant must submit a copy of the completed Transfer for the provision of a Pipeline and Services Easement(s) to cover existing/proposed TasWater infrastructure as required by condition 16. All costs and expenses related to the transfer of easement(s)/lots to TasWater are to be paid by the developer.

**DEVELOPMENT ASSESSMENT FEES**

18. The applicant or landowner as the case may be, must pay a development assessment fee of \$363.57, and a Consent to Register a Legal Document fee of \$154.42 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.  
The payment is required within 30 days of the issue of an invoice by TasWater.
19. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

**Advice****General**

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

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

**Declaration**

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

**Authorised by**

**Jason Taylor** - Development Assessment Manager

**TasWater Contact Details**

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



## OPEN SESSION RESUMES

### 15 PETITIONS STILL BEING ACTIONED

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A report on the petition headed “Recall and Revise the Draft Local Provisions Schedule” can be found on page 124 of this agenda.

### 16 PETITIONS RECEIVED IN LAST PERIOD

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

### 17 OFFICERS REPORTS TO COUNCIL

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#### 17.1 THE FUTURE OF LOCAL GOVERNMENT REVIEW

**File Number:** 12.193

**Author:** Gary Arnold, General Manager

#### Strategic Plan Reference

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

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

#### 1. PURPOSE

- 1.1 The purpose of this report is to enable Council to consider the future of local government review Options Paper Review Stage 2 – December 2022

#### 2. BACKGROUND

- 2.1 The Local Government Board is undertaking the future of local government review and has recently released Options Paper Stage 2.

#### 3. STATUTORY REQUIREMENTS

- 3.1 The Local Government Board, established to undertake the review, has been appointed by the Minister for Local Government under section 210 of the *Local Government Act 1993*.

#### 4. DISCUSSION

- 4.1 The Local Government Board has identified eight reform outcomes which the review aims to deliver for the local government sector.
- 4.2 The eight reform outcomes are as follows:
1. Councils are clear on their role, focused on the wellbeing of their communities, and prioritise their statutory functions.

2. Councillors are capable, conduct themselves in a professional manner, and reflect the diversity of their communities.
  3. The community is engaged in local decisions that affect them.
  4. Councils have a sustainable and skilled workforce.
  5. Regulatory frameworks, systems, and processes are streamlined, simple, and standardised.
  6. Councils collaborate with other councils and the State Government to deliver more effective and efficient services to their communities.
  7. The revenue and rating system funds council services efficiently and effectively.
  8. Councils plan for and provide sustainable public assets and services.
- 4.3 In order to deliver these outcomes the Local Government Board have concluded “we must address the fundamental problems with the current structure and design of Tasmania’s existing local government system”.
- 4.4 The Local Government Board identify that competition, fragmentation, and duplication of effort across 29 councils can hinder collaborative effort and outcomes when it comes to managing regional and state-wide challenges which transcend local government boundaries.
- 4.5 The Local Government Board have reached the conclusion that some form of scaling up is critical to delivering the capability that is needed for 21<sup>st</sup> century local government service delivery.
- 4.6 Three broad approaches to achieving consolidation are being considered as follows:
1. Significant (mandated) sharing and consolidation of services  
  
Under this pathway, certain local government functions and services would be consolidated and centralised at the sub-regional, regional, or state- wide scale, where there are clear efficiency and effectiveness benefits in doing so. Current local government areas would be largely, if not entirely preserved, but councils would be required to participate in formalised and consistent shared services arrangements for identified functions.
  2. Boundary consolidation to achieve fewer, larger councils  
  
Under this pathway, the administrative boundaries of Tasmania’s current 29 LGAs would be redrawn, and a series of new, larger LGAs established. New councils would be established to represent and deliver services to these LGAs.
  3. A hybrid model combining both targeted sharing of services and targeted boundary consolidation  
  
This would involve boundary changes (though less than under option two), and some service consolidation where clear benefits can be identified.
- 4.7 The Local Government Board has identified from its engagement with the sector that there is broad agreement that the status quo is not an optimal or sustainable model for the sector.
- 4.8 The Board do not think the status quo is an option.



- 4.9 During February 2023 the Board will be visiting communities all around the state to hold public meetings. In addition, engagement with Tasmanian councillors and council staff will also be supported through a series of meetings.
- 4.10 At this stage of the review the Local Government Board is particularly seeking feedback on the following consultation questions:
- Which of the three broad reform pathways do you think has the best chance of delivering what the community needs from local government? Why?
  - What would be your biggest concerns about changing the current system? How could these be addressed?
  - In any structural reform process, how do we manage the very different needs and circumstances of rural and urban communities?
- 4.11 The future of local government review has been commissioned by the Tasmanian Government to ensure the state's local government sector is robust, capable, and ready for the challenges and opportunities of the future.
- 4.12 The review is described on the Government's web site as an ambitious, generational opportunity to explore the role, function, and design of local government in Tasmania.
- 4.13 The Board is required to present its final report with recommendations for reform to the Minister for Local Government by 30 June 2023.
- 4.14 The next few months provide Council the opportunity to form a position on the review and lodge a submission with the Local Government Board.

## **5. FINANCE**

There are no direct financial implications because of this report.

## **6. ENVIRONMENT**

- 6.1 There are no environmental implications because of this report.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 The future of local government review has already involved a community consultation process, and as outlined on the website, and in this report, this is planned to continue during the next phase of the review.

## **8. RISK**

- 8.1 Any position taken by Council that supports one of the three pathways to reform being considered by the Board is likely to risk criticism from other councils who may not share the same view.

## **9. CONCLUSION**

- 9.1 The Local Government Board is into the final months of its review of the future of local government in Tasmania.
- 9.2 The Local Government Board have outlined a compelling case to explain why they think the status quo is not an option.

- 9.1 It is recommended that over the next couple of months Council workshop the matter, form a position on the review and lodge a submission with the Local Government Board.

## 10. RECOMMENDATION

That Council

- a) Hold a workshop to discuss the future of local government review Options Paper Review Stage 2; and
- b) Receive a further report on this matter by 31 April 2023.

## ATTACHMENTS

Nil

Public Copy

**17.2 KINGBOROUGH SPORT AND RECREATION STRATEGY****File Number: 22.319****Author: Daniel Smee, Director Governance, Recreation & Property Services****Authoriser: Gary Arnold, General Manager****Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

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

**1. PURPOSE**

- 1.1 The purpose of this report is to recommend a process for the review of the Kingborough Sport and Recreation Facilities Strategy.

**2. BACKGROUND**

- 2.1 In 1997, Council commissioned Jeavons Recreation and Tourism Planners to prepare a Recreation, Sport and Open Space Plan. This was a relatively high level document that provided direction for Council's service delivery in sport and recreation over the next 15 years.
- 2.2 In 2013, the Kingborough Sport and Recreation Facilities Strategy was prepared, with a specific focus on the condition, use and improvement of Council owned sport and recreation facilities.
- 2.3 The document had a 10-year life span and was intended for review and updating in 2023.
- 2.4 It is proposed that a Reference Group be established to assist in the development of a new strategy.

**3. STATUTORY REQUIREMENTS**

- 3.1 It is proposed that the Reference Group would be informal rather than constituted as a Special Committee of Council under Section 24 of the *Local Government Act 1993*.

**4. DISCUSSION**

- 4.1 There are a number of potential models that could be adopted by Council in preparing its next Sport and Recreation Strategy, including:
- a. A facilities-based model focussing only on Council owned sport and recreation facilities;
  - b. An area-based model that looks at community sport and recreation needs on the basis of location;
  - c. A sports-based model that assesses the needs of individual sports and recreational activities across the municipality; or
  - d. A high-level strategy focussing on participation trends and best practice principles for the provision of sport and recreation facilities.
- 4.2 Each of these options has its merits and it is proposed that a Reference Group be established to assist in the determination of the most appropriate model to pursue.

- 4.3 The group would be chaired by a Councillor and comprise of staff members and community stakeholders.
- 4.4 It is envisaged that the group would assist in the formulation of a brief for the project and identification of any resourcing requirements required to undertake the preparation of the strategy.
- 4.5 The group would have a finite life and would disband at the completion of the project unless otherwise agreed by Council.
- 4.6 One of the initial tasks for the group would be to develop and agree on Terms of Reference.

## **5. FINANCE**

- 5.1 The preparation of a strategy can either be done in-house or through an external consultancy.
- 5.2 Part of the role of the group will be to make recommendations to Council in regard to required resourcing for the project.

## **6. ENVIRONMENT**

- 6.1 There are no environmental considerations associated with the establishment of the proposed Reference Group.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 The Reference Group would assist in recommending consultation mechanisms for the project as well as providing an avenue for communication.

## **8. RISK**

- 8.1 There is a risk that time and resources will be spent on preparing a strategy that misses the mark and is not used in Council's strategic sport and recreational planning.
- 8.2 A Reference Group will help to ensure that the strategy is relevant to the needs of Council and the community.

## **9. CONCLUSION**

- 9.1 There is a need to prepare a new Sport and Recreation Strategy for Kingborough and it is proposed that a Reference Group comprising of staff and community stakeholders be established to assist with this process.

## **10. RECOMMENDATION**

That:

- (a) Council approve the formation of a Reference Group to assist in the preparation of a Kingborough Sport and Recreation Strategy.
- (b) Councillor \_\_\_\_\_ be appointed as Chair of the group.
- (c) Councillor \_\_\_\_\_ be appointed as proxy.
- (d) Expressions of interest be sought from community members to join the group.

## **ATTACHMENTS**

Nil

**17.3 PETITION - RECALL AND REVISE THE DRAFT LOCAL PROVISIONS SCHEDULE****File Number:** 17.260**Author:** Dr Samantha Fox, Director Environment, Development & Community Services**Authoriser:** Gary Arnold, General Manager**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 consider a petition asking that Council request of the Minister and the Tasmanian Planning Commission to recall the draft Local Provisions Schedule.

**2. BACKGROUND**

- 2.1 A petition containing 339 signatures has been received petitioning Council as follows:

*As a matter of priority, we're asking Council to:*

- *request of the Minister and the Tasmanian Planning Commission to recall the draft Local Provisions Schedule (LPS)*
- *withdraw the widespread application of Landscape Conservation Zone (LCZ) to privately owned land*
- *apply LCZ to Conservation Covenanted land, or at landowners' request only*
- *commit to directly notify all owners of property that has a change of zone proposed in the LPS*
- *refrain from releasing the draft LPS in its current form whilst including LCZ*
- *commit to Council's obligations under S20 of the Local Government Act 1993 and ensure good governance of all actions undertaken.*

- 2.2 The petition commenced on 9 November 2022 and was completed on 21 December 2022.

**3. STATUTORY REQUIREMENTS**

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

**4. DISCUSSION**

- 4.1 The Tasmanian Government is moving to have all Councils use a single Planning Scheme, known as the Tasmanian Planning Scheme. The Tasmanian Planning Scheme provides a consistent set of planning rules for 23 generic zones and 16 codes.

Each Council must prepare its own Local Provisions Schedule (LPS) that (amongst other things) indicates where each zone will apply, and submit it to the Tasmanian Planning Commission for approval.

- 4.2 The draft Kingborough LPS was prepared in accordance with Part 3A of the *Land Use Planning and Approvals Act 1993* (LUPAA) and the Tasmanian Planning Scheme. On 9 December 2019, Council endorsed the draft Kingborough LPS and it was subsequently submitted to the Tasmanian Planning Commission for their review and to obtain approval for its public exhibition.
- 4.3 In recent months, there have been concerns raised about the proposed application of the Landscape Conservation Zone in the draft Kingborough LPS. 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 has had to suggest an alternative zone for land that is currently zoned Environmental Living. Council has proposed conversion of the Environmental Living Zone variously into the Landscape Conservation Zone, the Rural Living Zone, Rural Zone or Environmental Management Zone, depending on the special features and characteristics of individual properties. It is not possible to remove the proposed applications of the Landscape Conservation Zone from the draft Kingborough LPS without replacing it with other zones.
- 4.4 Noting the community's concern, Council met with the Tasmanian Planning Commission in December 2022 to request a review of the proposed application of Landscape Conservation Zone in Kingborough. The Commission has advised that it is undertaking this review, with the intention being to bring a revised draft Kingborough LPS back to Council for endorsement that includes changes required by the Commission, before commencing public exhibition.
- 4.5 Many Councils in Tasmania have already had their LPSs approved. The Huon Valley LPS was exhibited publicly last year, with 411 representations received and similar concerns raised about the application of the Landscape Conservation Zone. In September 2022, the Huon Valley Council resolved to apply to the Tasmanian Planning Commission for approval to withdraw the draft Huon Valley LPS.
- 4.6 It is understood that in December 2022, the Commission advised Huon Valley Council that it was not persuaded that it should approve withdrawal of the draft Huon Valley LPS. The Commission considered the public exhibition process, the ability for the planning authority to express its opinion on the representations received, and the upcoming public hearing process would give adequate opportunity to inform and influence the Commission's decision-making process. Further, the Commission considered that withdrawing the draft Huon Valley LPS would create ongoing uncertainty for the Huon Valley community.
- 4.7 Given the Commission's reluctance to agree to withdrawing the Huon Valley LPS, it appears unlikely that withdrawal of the draft Kingborough LPS would be approved by the Commission or the Minister.
- 4.8 It is recommended that Council does not seek to withdraw the draft Kingborough LPS. However, Council should continue to advise the Commission of community concerns about the application of the Landscape Conservation Zone and facilitate the current review being undertaken by the Commission.
- 4.9 Further, it is recommended that Council ensures the public exhibition process provides adequate opportunity for our community to understand proposed zoning changes and how to make a representation, and that the planning authority expresses its opinion on the representations it receives during public consultation.

**5. ENVIRONMENT**

- 5.1 The Tasmanian Planning Scheme is intended to provide a strategic approach to the long-term use, development and protection of land.

**6. COMMUNICATION AND CONSULTATION**

- 6.1 The Tasmanian Planning Commission will advise when public exhibition can commence on the draft Kingborough LPS (incorporating changes as required by the Commission). Public exhibition will be for at least 60 days, with members of the public encouraged to make written representations outlining any concerns. All representations will be considered by the planning authority, prior to submission to the Tasmanian Planning Commission, who will conduct hearings on the representations.
- 6.2 In light of the concerns raised, Council will also be conducting drop-in sessions in February to enable residents to understand what the proposed zoning changes in relation to the Landscape Conservation Zone mean for their property.

**7. RISK**

- 7.1 Further delay to the implementation of the Tasmanian Planning Scheme in Kingborough may create uncertainty for those seeking to develop in Kingborough.

**8. CONCLUSION**

- 8.1 Given the commitment by the Tasmanian Planning Commission to review the application of the Landscape Conservation Zone, the low likelihood that the Commission would agree to withdrawing the draft Kingborough LPS and the upcoming public consultation process, it is recommended that Council does not take the actions requested by the petition.

**9. RECOMMENDATION**

That Council:

- (a) note the petition requesting Council recall and revise the Draft Local Provisions Schedule;
- (b) note the Tasmanian Planning Commission is undertaking a review of the proposed application of the Landscape Conservation Zone in Kingborough, with revisions to be provided for Council endorsement prior to public exhibition;
- (c) given the Commission appears unlikely to grant a withdrawal, continue to develop the draft Kingborough Local Provisions Schedule and undertake public exhibition when directed to do so by the Commission;
- (d) advise the organiser of the petition of this decision.

**ATTACHMENTS**

Nil

## 17.4 LAND DONATION - HOBART WOMEN'S SHELTER

**File Number:** 13.160

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

**Authoriser:** Gary Arnold, General Manager

### Strategic Plan Reference

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

Strategic Outcome: 1.3 A resilient community with the capacity to flourish.

## 1. PURPOSE

- 1.1 The purpose of this report is to consider the donation of ~4,500m<sup>2</sup> of land in Gormley Drive to the Hobart Women's Shelter (HWS) for the purpose of developing long term housing for women and children.

## 2. BACKGROUND

- 2.1 At the Greater Hobart Mayor's Forum in April 2022, a presentation was provided by the HWS requesting member Councils to identify parcels of land suitable for development for accommodation for women and their children.
- 2.2 A parcel of land in Gormley Drive (shown below) was identified and assessed against criteria developed in a model prepared by the University of Melbourne's Transforming Housing Partnership.



- 2.3 The site meets most of the criteria for land suitable for affordable housing and was subsequently investigated further by the HWS.
- 2.4 A formal proposal has now been received from the HWS (see attached) that requests Council's consideration of the donation of the land for the purpose of developing affordable homes for women and children.
- 2.5 These homes would be for longer term housing, where a woman's situation has been stabilised and there are no safety risks – in effect providing a transitional pathway out of crisis accommodation.



### 3. STATUTORY REQUIREMENTS

- 3.1 The land is part of the Kingborough Sports Precinct title and will need to be subdivided before it could be transferred as a discrete title. It is zoned Community Purposes, in which residential use is discretionary for multiple dwellings or community housing.
- 3.2 In accordance with the above, both subdivision and development applications will need to be submitted to Council for statutory assessment.
- 3.3 The land is classified as Public Land and is included on Council's Public Land Register. It is therefore necessary that consideration of its potential disposal is considered in Open Session of Council in accordance with Section 178 of the *Local Government Act 1993*.
- 3.4 Council must also publicly advertise its intention to dispose of the land and consider any objections received as a result of this process.

### 4. DISCUSSION

- 4.1 The submission from the HWS builds a compelling case for support for their proposal. Their data indicates that eight out of ten women and children seeking assistance in 2020/21 were turned away due to a lack of available accommodation.
- 4.2 For the period 1 July to 31 October 2022, 2742 women and children sought crisis accommodation, with 2136 unable to be assisted. Many of these were from the Kingborough Municipal Area.
- 4.3 The dearth of permanent social housing for women in Tasmania has an impact on the HWS's ability to provide crisis accommodation as women are staying longer due to a lack of alternate options.
- 4.4 The land in Gormley Drive is unsuitable for development as recreational space and its Community Purposes zoning lends itself well to the proposed use for long term housing for women and children.
- 4.5 The Kingborough Sports Precinct Future Directions Plan does not identify a use for the land, other than for the potential for a pathway on the southern end to provide a pedestrian connection to the Kingston High School (that could be developed as part of the HWS proposal).
- 4.6 The gifting of land for affordable housing by Councils has become more common in recent years given the upsurge in need for this service.
- 4.7 The Municipal Association of Victoria has developed a guide to support local councils to progress the delivery of affordable housing on local government land (see attached).
- 4.8 Gifting of land is one of the main mechanisms identified for councils to support the development of social housing and the guide states that this option is most appropriate in circumstances where Council's primary objective is to maximise delivery on a small number of sites.
- 4.9 Recent Tasmanian examples in which councils have donated land for the development of social housing include:
  - Dorset Council – donated 5,500m<sup>2</sup> of public land in 2018 to Catholic Care to develop 16 social housing units;

- Devonport City Council – donated 9,000m<sup>2</sup> of land in 2018 to Possability for shared accommodation homes for people living with disabilities and mobility impairment; and
  - Brighton Council – donated land to Centacare Evolve Housing in 2019 on which St Joseph Affordable Homes have constructed homes for people on low income.
- 4.10 In each of the above examples, the land donation by the respective Councils has been viewed as a partnership with a service provider to meet a local need for disadvantaged members of the community.
- 4.11 The HWS has indicated that they view the proposal for the Gormley Drive site as a collaboration with Council in which the land is gifted, with funds sought from the State and Federal Governments to construct eight or nine homes.
- 4.12 Securing freehold tenure to the site is considered necessary to maximise the chances of obtaining funding for the project.
- 4.13 The alternative to gifting the land is a long-term lease. As noted in the Municipal Association of Victoria's Guidelines, this option is appropriate in circumstances where Council's key objective is to retain the asset, where transfer of the title would be complex and where there is a reasonable expectation that the land will be required for another purpose in the future.
- 4.14 Given that Council has no imperative to retain the asset, transfer of the title can be achieved through a subdivision process and no alternate future use of the land has been identified, gifting of the land is a valid consideration.

## 5. FINANCE

- 5.1 In accordance with Section 177 of the Local Government Act, Council is required to obtain an independent on the land. This has been sought and will be provided to Council as part of a future report.
- 5.2 The HWS has indicated that they would pay full rates in the homes once developed that over time would offset the value of the land donation.
- 5.3 Council would need to write-off the land in the year that the donation takes place and advice from the Tasmanian Audit Office would be required to determine if the write-off of the asset value could be excluded from the underlying result.

## 6. ENVIRONMENT

- 6.1 There are some mature eucalypts on the site, the conservation value of which would need to be assessed and considered as part of the development application process.

## 7. COMMUNICATION AND CONSULTATION

- 7.1 Section 178(4) of the Local Government Act requires the following public notification process to be followed:

*If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–*

*(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*

*(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and*

*(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*

## **8. RISK**

8.1 There is a risk that having transferred ownership of the land, it will be sold or not developed for the intended purpose. This can be mitigated through the inclusion of appropriate clauses in the conditions of sale.

8.2 Council can also exercise a degree of ongoing control over the use of the land through planning provisions.

## **9. CONCLUSION**

9.1 Council has received a formal proposal from the Hobart Women's Shelter for a partnership in which land in Gormley Drive would be donated for the development of long-term housing for women and children.

9.2 The land in question is part of the Kingborough Sports Precinct but is zoned Community Purposes and has not been identified as having strategic recreational value.

9.3 Gifting of the land is considered appropriate given the urgent community need for accommodation of this nature.

9.4 In principle approval of the proposal is recommended, with Council required to undertake a public notification process, consider any objections received and obtain a valuation on the land before making a final decision.

## **10. RECOMMENDATION**

That:

a) Council agree in principle to the donation of land at Gormley Drive, Kingston to the Hobart Women's Shelter for the purpose of developing long term housing for women and children and advertise this intent in an accordance with the provisions of Section 178(4) of the *Local Government Act 1993*.

b) A further report be provided to Council providing details of the following:

(i) Any objections received in relation to the sale of the land;

(ii) An independent valuation on the land; and

(iii) Conditions of transfer of the land.

## **ATTACHMENTS**

1. **Hobart Women's Shelter Proposal**

2. **Municipal Association of Victoria Guide for Use of Council Land for Affordable Housing**



18 November 2022

Cr Paula Wriedt  
Kingborough Council  
15 Channel Highway  
Kingston Tasmania

Dear Ms Wriedt

Thank you contacting the Hobart Women's Shelter to advise that Kingborough Council have identified underutilised land in Gormley Drive Kingston that could be developed to build housing for women and children supported by the Hobart Women's Shelter.

It is encouraging to know that the Council has identified the need to increase affordable housing in its municipality.

The Hobart Women's Shelter has engaged Christopher Clinton (Architect) to do some early feasibility work to determine if the site is suitable. Accessibility, location, proximity to services/supports, education, employment and transport were also considered. We have determined the site is suitable to build housing for women and children.

I have spoken with Daniel Smee from your office and we discussed options under which the Council could make the land available. I understand that this is a matter for the elected members to make, therefore I have attached a proposal which I hope can be tabled at your meeting in December for the land to be gifted to the Hobart Women's Shelter.

I thank you for your foresight and commitment to creating housing for women and children in your local area. The last three years have highlighted the life-long consequences for women and children of having nowhere to go. In gifting the land to the Hobart Women's Shelter Kingborough Council would be contributing toward improving the educational, socio-economic and health and well-being outcomes for the families that would be able to live at Gormley Drive.

I am available to meet with the members of Council to provide further information, answer questions or provide a written response.

Yours sincerely

A handwritten signature in black ink, appearing to read "Janet Saunders".

Janet Saunders  
CEO  
Cc. Daniel Smee, Scott Basham

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### Overview

For the first time, in 2020/2021 the Hobart Women's Shelter data revealed the shocking reality that 8 out of 10 women and children seeking assistance were turned away. This is the highest percentage of women turned away from crisis accommodation of any state in Australia and is more than double the national figures. These statistics reflected those who knew to ring the Hobart Women's Shelter with demand for crisis accommodation in Hobart probably significantly higher.

For the period of 1 July 2020 – 32 October 2022, 2742 women and children needed crisis accommodation. Due to being a full capacity we could only accommodate 605 women and children; this left 2136 women and children with nowhere to go.

### The Plan

As land becomes available the Hobart Women's Shelter aims to increase the number of permanent homes for women and children facing homelessness and build 25 new long term homes for women and children by 2024 to add to the Shelter's existing 25 emergency housing units – 50 homes for 50 years of service.

### Benefits of Council gifting land

- Maximise value of land for public benefit
- Reduces the subsidy gap required for development to occur
- Provides Hobart Women's Shelter with control of the asset, assisting in securing funding and attracting investment.
- Ongoing payment of rates for eight to nine properties to the Kingborough Council, estimated at \$850,000 to 1,000,000 over 50 years.

### About the Hobart Women's Shelter

Established in 1974, the Hobart Women's Shelter is the second-oldest operating Women's Shelter in Australia.

We are an independent, not-for-profit organisation that provides safe, emergency accommodation and support to women and children who are affected by family violence and/or those experiencing homelessness. In addition, we are building long term homes for women and children.

The Hobart Women's Shelter has 48 years experience in responding to the crisis housing needs of women and children in a trauma-informed way.

In addition, we provide medium-term accommodation (up to 2 years) for families.



Established:	1974		
Number of crisis accommodation units:	25		
Number of transitional accommodation units:	7		
	2019/20	2020/21	
Women & Children Assisted - Crisis Units:	300	318	(Crisis)
Women & Children Assisted - Transitional Units:	63	62	(Transitional)
Unassisted Requests Women & Children (All Calls)	3,517	5,303	(Crisis+Transitional)
Number of Bed nights provided	17,751	27,613	(17,806 Crisis + 9,807 Transitional)
Cost per bed night:	\$71	\$72	

The Hobart Women's Shelter advocates for women and children experiencing family violence and/or homelessness. We work with local, State, and Federal Governments and other Stakeholders to influence policy and funding priorities. We work collaboratively with other homelessness and community services to provide individual support.

## 1. The Problem

Tasmania is currently in the midst of a housing crisis. The lack of permanent social housing for women in Tasmania impacts the ability of the Hobart Women's Shelter to provide crisis accommodation as women are staying for longer as there are very limited permanent housing solutions for them.

For the first time, in 2020/2021 the Hobart Women's Shelter data revealed the shocking reality that 8 out of 10 women and children seeking assistance were turned away. This is the highest percentage of women turned away from crisis accommodation of any state in Australia and is more than double the national figures. These statistics reflected those who knew to ring the Hobart Women's Shelter with demand for crisis accommodation in Hobart probably significantly higher.

In the 20/21 financial year, **1182** women and children contacted the Hobart Women's Shelter for crisis accommodation. Unfortunately, **943** women were turned away due to lack of space, we estimate that **90** of these were from the Kingborough Municipality. We accommodated **239** women and children in the 20/21 FY, **28** of these women and children lived in the Kingborough area prior to arriving at our crisis shelter.

Unfortunately for the women turned away, many of them and their children will stay in, or return to, family violence situations where they are at risk of experiencing further trauma, injury and, in some cases, death.

The number one reason why women will not leave a family violence situation is the fear of being homeless.

Domestic and family violence is the leading cause of homelessness and is a key contributor to woman experiencing poverty.

Increasing stock and access to quality, affordable housing is fundamental to economic security, enhanced equality of opportunity, and wellbeing. Currently, only 3.2% of women and their children who seek homelessness services are receiving the long-term housing solutions they need. In Tasmania, the scale of the need is alarming and urgent. The Rental Affordability Index rate shows Greater Hobart as Australia's least affordable metropolitan area due to inadequate housing stock, high rents and low incomes. There are over 4,400 Tasmanian households on the waiting list of social housing – 58% of which are women. This means that women experiencing domestic and family violence are forced to stay in an unsafe and violent home, or face homelessness.

In Cr. Paula Wriedt's letter to the Hobart Women's Shelter on 12<sup>th</sup> August 2022, Ms Wriedt stated that Kingborough Council that she had "several approaches from women in their mid to late 50's who find themselves in difficult circumstances are leaving long term relationships". Homelessness does not discriminate; we are seeing women present at our Shelter that never thought they would need crisis accommodation or affordable/social housing.



## 2. The Plan

Investing in safe, quality housing for women and children facing family and sexual violence delivers national economic benefits, creates jobs, saves lives, and avoids government budget costs in the longer term when women and children come to crisis medical and housing services.

Through the Perpetual Trustees Impact Grant process, the Isabel Sims Endowment provided funding to enable the Hobart Women's Shelter to work with architects to design a 2-bedroom apartment with the needs of women and children leaving violence as a key design consideration as well as an exploration of pre-fabricated building techniques to reduce on-site construction time.

Based on discussions with women with lived experience of violence and homelessness, we aim to create homes that are uniquely designed to ensure safety, respect, and connection to community.

Supported by our Buy a Brick campaign, the Hobart Women's Shelter aims to increase the number of permanent homes for women and children facing homelessness and build 25 new long term homes for women and children by 2024 to add to the Shelter's existing 25 emergency housing units – 50 homes for 50 years of service.

Building more permanent homes for women and children means that there are more exit points from the Shelter and consequently more women and children experiencing family violence and homelessness will be able to access Hobart Women's Shelter crisis accommodation services.

Housing is the foundation of basic needs. To improve the economic security of women, we need to fast track the construction of housing at the scale required. Our project aims to facilitate this by trialling and testing the fastest and most cost-effective methods to scale up the construction of quality, sustainable, low maintenance homes across the sector.

Building more affordable homes for women and children will create better flow through and out of the Hobart Women's Shelter. This will ensure that for women experiencing family violence they can access our crisis shelter at a time when it is needed.

In April 2022, we acquired a block of land at 15 Fisher Drive in Herdsman's Cove which will accommodate the first two permanent homes. In May, we shortlisted Builders and have just appointed St Josephs Affordable Housing to build these first two homes. These two homes will be completed by June 2023. We plan to replicate these homes as land becomes available.

We are uniquely positioned to assess a family's support needs whilst living at the Shelter. This will help identify the right mix of families for grouped affordable housing (more than 1 dwelling onsite). We will continue to provide tenancy support to the families leaving the Shelter and transitioning into our long term housing stock.

### 3. Increasing the Supply of Affordable Homes in Tasmania – a collaboration between State and Local Government and the Hobart Women's Shelter

[Tasmania's Affordable Housing Strategy 2015-2025](#) includes three strategies with the first being: Preventing housing stress of low-income earners by increasing the supply of affordable homes.

Councils across Australia have been collaborating with Community Housing Providers (CHPs) and not-for-profits to ensure that affordable housing is available to very low-income households, low-income households, or moderate-income households. Councils increasingly understand that affordable housing is a basic need and an essential requirement of an inclusive and sustainable community.

Land access is a major challenge for social housing.

Councils are well-placed to gift or provide long-leases at peppercorn rentals to allow CHPs and not-for-profits to build and manage community housing that otherwise would not be financially viable as the rental returns from low-income occupants will not cover the cost of building and running the homes over their projected lifespan.

The Community Housing Industry Association Victoria has [developed resources to assist community housing organisations and local councils](#) to consider options for delivering affordable housing on council land including models to release council land – gifting land (including 'air rights'), sale of land at a discount, leasing land, and joint venture or partnership.

#### The partnership proposed is a collaboration between:

**Kingborough Council** that would gift the land at Gormley Drive, Kingston, to the Hobart Women's Shelter, and **Hobart Women's Shelter** would raise the funds, including from the State and Federal Government to build eight to nine homes for families experiencing homelessness and manage these properties as part of its portfolio of crisis and permanent housing for women and children facing homelessness.

Access to safe and secure housing is one of the most basic human rights. People experiencing homelessness experience violations of the right to privacy, safety, and security and their ability to access education and employment is compromised. Every person has the right to adequate housing.

Our project aims to facilitate this by refining, trialling, and testing the fastest and most cost-effective methods to scale up the construction of quality, sustainable, and trauma informed homes across the housing sector. Affordable housing cannot be realised without the availability of appropriate located and priced land. Local Government land can support delivery of affordable housing maintaining and building partnerships with Community Housing Providers, and not-for-profits like the Hobart Women's Shelter, to investigate opportunities for collaborations on underutilised sites for affordable housing.

#### 4. Health Justice Housing Partnerships and Environmental, Social and Governance (ESG) Reporting Standards for Social Housing

The first report released on the Sustainability Reporting Standard for Social Housing in the UK showed how social housing providers had reported on their Environmental, Social and Governance (ESG) performance against 48 ESG criteria across and 12 ESG themes. Under the theme of Resident Support there is ESG Criteria 12 which asks: What support services does the housing provider offer to its residents? How successful are these services in improving outcomes?

Work is underway in Australia on a community housing sector ESG Reporting Standard. SGS leads this consortium and highlights the benefit:

*“By developing an industry reporting standard, community housing providers will be able to clearly articulate their contributions toward the UN SDGs and attract more private capital investment in urgently needed high quality, social and affordable rental provision. At the same time, finance providers. And investors are increasingly mandated to direct funds into assets/sectors that offer both a sound commercial return and positive ESG outcomes for communities.”*

The Hobart Women’s Shelter is working with KPMG on its first ESG Report demonstrating the long-term social, environmental and governance returns to the community of the work of the Shelter. The Report will also enable the Shelter’s corporate, philanthropic and government partners to review the ESG outcomes for Tasmania that the Shelter delivers.

#### 5. Benefits of gifting land

- Maximise value of land for public benefit
- Reduces the subsidy gap required for development to occur
- Provides Hobart Women’s Shelter with control of the asset, assisting in securing funding and attracting investment.
- Ongoing payment of rates for eight to nine properties to the Kingborough Council, estimated at \$850,000 to 1,000,000 over 50 years.

#### 6. Funding opportunities to build affordable homes for women and children that Hobart Women’s Shelter can access

Expressions of Interest (EoI) for round two of the Community Housing Growth Program (CHGP) will be released on 12 November 2022.

The CHGP is being delivered as a rolling capital program that will underpin a strong pipeline of construction works, critical to delivering the soon to be Homes Tasmania’s ambitious \$1.5 billion housing package and 10 000 housing opportunities by June 2032.

This approach will provide confidence to industry, strengthen our economy and most importantly, get Tasmanians into homes.

Under the CHGP – Round 2, experienced community housing, not-for-profit and local government organisations are invited to partner with Homes Tasmania for the construction and tenancy management of around 200 new social housing opportunities to be completed by the end of 2025.

Department of Communities has encouraged the Hobart Women's Shelter to submit a proposal through this program. They have also said that would consider a proposal outside of this round. In addition, the Federal Government have announced 4000 social housing places for women and children impacted by domestic violence under the proposed \$10 billion Housing Australia Future Fund.

7. Assessment of Gormley Drive, Kingston (10 Kingston View Drive, Kingston)

**Address:**

**Identified as part of 'Kingborough Sports Centre' - 10 Kingston View Drive, Kingston TAS 7050**

The feasibility study undertaken shows the land is zoned as Community Purposes. Kingborough Interim Planning Scheme 2015 section 17.2 – Discretionary use, Residential – *only if residential aged care, respite centre or retirement village, or multiple dwellings for the agreed or community housing.*

*Using the University of Melbourne's Transforming Housing Partnership Criteria for identifying suitable land for affordable housing - total of site requirement of 20 points.*

**Annex 2: [Selection criteria](#) developed by University of Melbourne's Transforming Housing Partnership**

**Site Requirements (potential total 20 points):**

**Access to public transport (4 points)**

The site is located where there is a smart bus stop (within 400m), tram (within 600m) or a rail station (within 800m) from the site with a high frequency service operating seven (7) days a week.

**Access to fresh food (3 points)**

The site is within 800m of a shopping strip or supermarket where staples, fresh produce and fresh meat are sold. Grocery items are defined as the portion of the store that sells fresh meat, produce, dairy, baked goods, packaged food products, delicatessen, canned goods, baby foods, frozen foods, sundries, and beverages.

**Access to open space (3 points)**

The site is within 400m (or 800m) of a high quality public park of at least 1.5 hectares and/or foreshore reserve that allows for leisure walking and cycling

**Access to work opportunities (3 points)**

The site is located within, or adjacent of, high intensity employment opportunities. Preference will be given to sites located within 800 m walking distance, 4km cycling distance or 20 minutes by public transport, of work opportunities.

**Access to medical services (3 points)**

The site is within 800m of a qualifying medical clinic with a physician, physician's assistant, or nurse practitioner, onsite for a minimum of 40 hours each week, or hospital (not merely a private doctor's office), and the site is within 800m of a pharmacy.

**Access to schools and children's services (4 points)**

Where the focus of development is on housing for families, the site is within 800 m of a public primary school and a kindergarten and 2 kms of a public high school, and the site is within the attendance area of that school or kindergarten.

**Preferred Site Requirements (Potential 5 points):**

**Access to leisure and recreation (1 points)**

The site is within 1.6 km of a public pool/recreation centre.

**Access to public library (1 points)**

The site is within 1.6 km of a public library open at least six (6) days per week.

**Access to community services (3 points)**

The site is within 800 metres from relevant community services organisations or facilities.



*The land at Gormley Drive meets most criteria (scoring 19) therefore is not too far off the mark:*

- ✓ Proximity to public transport – there is a bus stop within 200m.
- X Access to fresh food – the nearest supermarket is 1.6km away
- ✓ Access to Open Space – the site is adjacent to the KSC Precinct
- ✓ Access to work opportunities – the Kingston CBD is 1.2km away
- X Access to medical services – the Kingston Health Centre is 1.5km away
- ✓ Access to schools – the Kingston High School is 250m away (primary school and kindergarten 2km away)
- ✓ Access to leisure and recreation – the KSC is 250m away
- ✓ Access to a public library – the Kingston library is 1.6km away
- X Access to community services – limited availability in Kingborough (there is a Community Garden opposite the site)



## 8. The number of units that could be developed at Gormley Drive

The diagrams/examples below are for illustrative purposes only, this is subject to Planning and other Council requirements.

B1 – Six 2-bedroom units and two 3-bedroom units, total 8 units. There could be some thermal performance issues with the overshadowing of the trees which would require further investigation and discussion with Council.



**C1** - Seven 2-bedroom units and two 3-bedroom units, total 9 units. With some of the trees removed, 9 units in total could be developed on the land at Gormley Drive with optimal thermal performance of the homes





## 9. Trauma Informed Design

The homes we are developing adopt the 9 design principles put forward in the University of Technology Sydney report by Samantha Donnelly: 'Design Guide for Refuge Accommodation for Women and Children', 2020.

### Safe

- Fencing
- Openings
- Landscaping
- Private Areas
- Internal Spaces
- Physical Envelope

### Private

- Acoustic Privacy
- Neighbour Proximity
- Exterior Spaces
- Visual Privacy

### Dignified

- Ethical
- Composed
- Self-Esteem
- Physical Comfort
- Culturally Respectful

### Flexible

- Ranges of family sizes
- Easily transformed interior spaces
- Responsive to diverse needs

### Accessibility

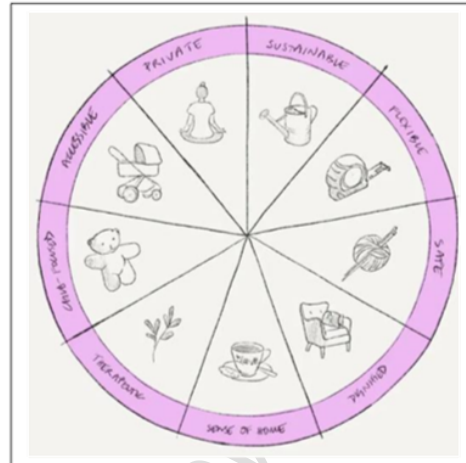
- Mobility
- Sight-impaired
- Children/prams
- Mental Health
- Thresholds
- Pets Space

### Child-Focused

- Sightlines
- Communal Space
- Learning Spaces
- Exterior Spaces

### Sense of Home

- Belonging
- Family Space
- Memory
- Control
- Comfort
- Furnishing
- Aesthetics



### Sustainable

- Water and energy consumption
- Materials
- Thermal Performance
- Material & Product Durability
- Quality of Construction
- Building Maintenance

### Therapeutic

- Sensory Environment
- Visually Quiet
- Increase Natural Light
- Cool Colour Schemes
- Quality of Lighting
- Storage

Rendered image of the homes:

(designed by Core Collective and Christopher Clinton Architects)



## 10. Economic benefits to the local area

A lack of affordable housing had direct and indirect economic and social costs for individuals and the community. It is estimated that, across Australia, more than two-thirds of lower income households in private rental experience rental stress, paying more than 30 per cent of their income on rent. Moderate income households are also, increasingly, finding it difficult to find affordably priced housing.

The recent Equity Economics Report: Nowhere To Go - The Benefits Of Providing Long Term Social Housing To Women That Have Experienced Domestic And Family Violence states that family and domestic violence is the primary reason women and children seek specialist homelessness services, but only 3.2% are currently receiving the long-term housing solutions they need. The report shows that there is an immediate need for an additional 16,810 social housing units to provide women somewhere to go when their only option is to leave their homes due to domestic and family violence.

Equity Economics analysis shows that the provision of 16,810 social housing units would:

- Cost up to \$7.6 billion, with costs to Government potentially lower through partnering with community housing providers and utilising other innovative financing models;
- Deliver immediate economic benefits of \$15.3 billion and create 47,000 jobs across the economy;
- Would avoid \$122.5 million in a year in costs due to women returning to a violent partner; and

- Would avoid \$257 million a year in costs due to women experiencing homelessness after leaving their homes
- due to family and domestic violence.

The University of Queensland completed an evaluation of Brisbane Common Ground. The report shows that housing that supports people with chronic experiences of homelessness to exit homeless immediately, move into secure housing and sustain that housing.

Key findings were the tenants felt connected, safe, supported and at home. The community saved \$13,100 annually per tenant.



Housing all Australians economic analysis of the cost of not housing people *Give me Shelter* found that for every \$1.00 invested into public, social, affordable housing, the Australian Government saves \$2.00 in future costs. Failure to act on shelter needs will be costing community an additional \$25 billion by 2051. The benefits of providing adequate housing are estimated at almost \$110 million.





## USING COUNCIL LAND FOR AFFORDABLE HOUSING

This resource aims to support local councils and Registered Housing Agencies to progress the delivery of Affordable Housing on local government land. It was developed as part of a project guided by a diverse advisory group, comprising representatives from Registered Housing Agencies, local government, Homes Victoria, Department of Environment, Land, Water and Planning (DELWP), the Municipal Association of Victoria (MAV) and Community Housing Industry Association of Victoria (CHIA Vic).

This summary outlines the most commonly considered models for councils to release and develop council land, and mechanisms that can ensure Affordable Housing delivery on the land and the value of their contribution over time. The full report provides more detail on these models and mechanisms, and steps through the legislative and policy context as well as matters for councils and Registered Housing Agencies to consider when deciding which model and mechanisms to pursue.

**A Registered Housing Agency** is a community housing organisation registered as a Housing Association or Housing Provider under Part VIII of the Housing Act 1983, and subject to regulation overseen by the Victorian Housing Registrar.

**This project focused on arrangements that would involve a Registered Housing Agency** as these organisations are specifically structured and independently regulated to provide Affordable Housing, with regulation establishing performance standards and providing significant oversight of an organisation's performance.

### Why council would contribute council land for affordable housing

Affordable Housing cannot be realised without the availability of appropriately located and priced land. Contributing council-owned land for affordable housing development allows councils to take direct action to assist low-income residents and represents a meaningful contribution towards addressing policy objectives and local housing need. It also assists in attracting additional investment into the community by creating project opportunities.

### Why a Registered Housing Agency would choose to develop using council land

Registered Housing Agencies exist to assist households who need affordable housing. They are attracted to using council land for affordable housing developments because it provides an opportunity to access strategically located land in areas the agency may otherwise be unable to purchase. Subject to the delivery model, building on council land can improve the feasibility of the development and increases the likelihood of attracting funding and financing. Working in partnership with council can also build good relationships with the local community.

### Deciding on the model and mechanism to apply

Which model a council selects, as well as the mechanism(s) they use to secure their contribution will depend on factors such as:

- Council, community and Registered Housing Agency objectives;
- Intended ownership structure of the land and resulting dwellings;
- The value of the land relative to other development costs and the terms associated with funding;
- Registered Housing Agency capacity to secure funding or financing, and the long-term feasibility of operating the housing;
- The relationship between the value of the council contribution and the length of time the housing is to be secured; and
- Whether other mechanisms are being used to ensure use for a defined period.

## Models to release land

Organisations are expected to consider State Government, council and Registered Housing Agency context, policy drivers, strategic objectives and site specific constraints and opportunities when determining an appropriate model.



### Gifting land (including “air rights”)

Gifting is best suited to scenarios where Council’s primary objective is to **maximise the delivery of Affordable Housing**, particularly if council only expects to release a small number of sites, or small scale sites. It can also be appropriate for instances where **Council has limited internal resources to administer the disposal or there is an urgency to release land** to address demand and/or to align to funding opportunities.

However, it **requires council to transfer land from its ownership**. It is unlikely to be suitable for sites where other council services are required to be delivered, or where Council expects the site could be required for another purpose in the future.

**Gifting of air rights** is more appropriate where the land is suitable for multi-level residential development but Council desires retention of an existing use of the land in the medium to long term. It can also **allow for development of sites with contamination issues** requiring minimal disturbance to the underlying land. Air rights are not appropriate for scenarios where the land is required as security for debt finance or where Council wants to retain options for further development of the land in the long term.



### Sale of land at a discount

This model **provides for a financial return to council**, in addition to Affordable Housing. It is also suited to the **development of large scale sites** that require involvement of a private developer.

However, as with the gifting model, selling the land means that **council relinquishes ownership**, development potential and future control over land use. It also **increases the funding required by the Housing Agency** to purchase the site, which can impact on the ability of the Housing Agency to house very low-income households.

This model is not suited to scenarios where there is no funding available to Housing Agencies to support the purchase or where sale to a private developer is not supported by council.



### Leasing of land

This model is **suited to sites where Council’s key objective is to retain the asset, or sites where the transfer of title would be complex**, or where there is a reasonable **expectation the land will be required for another purpose at a future point**.

Leasing of land is generally **not a high priority model for Registered Housing Agencies** as it does not provide the same benefits as models where the Registered Housing Agency has title to the land. However, it may be attractive in scenarios where the site is very well located and will support a reasonable amount of Affordable Housing supply relative to resourcing and effort.



### Joint Venture or Partnership Arrangement

A joint venture approach **supports an active council role** in development decision making and share in risks and rewards. It is **suited to large scale redevelopment and multiple sites** and requires commitment to a **dedicated partnership approach** over a longer period of time. This delivery model can accommodate the **development of sites which include other community services**.

However, joint ventures are **complex, requiring substantial skill and resourcing**. Because of this they are **only likely to be appropriate for more complex sites** involving significant funding and financing and mix of public benefits.

## Mechanisms to secure affordable housing

The delivery and securing of a contribution will require consideration of:

- **Mechanism to secure delivery** – how the delivery of the agreed outcomes will be assured once land is transferred out of council's control; and
- **Mechanism to secure a contribution and outcomes over time** – how the value of the council contribution will be secured to ensure an agreed and appropriate period of use and any agreed reinvestment of the contribution at the end of the dwelling life or if the asset is sold.

### Ownership by a Registered Housing Agency

Ownership by a Registered Housing Agency **supports the attraction of funding and financing** as it does not involve covenants or other agreements that may be perceived to limit use or value. It **removes the need for a process and the associated costs of developing other legal agreements** and is **simple to establish and administer** over time. This mechanism requires that Council have confidence that the mission and regulation of the Agency provide sufficient assurance that delivery and management of the land and dwellings will achieve desired Affordable Housing objectives over time.

Ownership on its own **does not lock in Affordable Housing always being realised on the specific piece of land or in the municipality.**

### Assets placed in a Special Purpose Vehicle (SPV)

SPVs (such as a housing trust) are best suited to scenarios where Council is committed to directing a **large number of sites** – and potentially funding – to an Affordable Housing purpose, resulting in a larger pool of assets/ contributions that council wants to protect and that would benefit from management on a single portfolio basis.

Due to the **complexity and cost** to establish and administer an SPV it is not an appropriate mechanism to secure a small number of projects or sites. The **additional decision making layers** require resourcing and add risk for Housing Agencies. The creation of a separate entity also means that **Council will have limited direct control over the SPV.**

### Legal Agreement, including Section 173 (S173) Agreement

Legal agreements are a **commonly used tool to secure an agreement between parties** and **can be structured to suit the circumstances** of the project. They are suited to setting out the agreed terms prior to the transfer of land and can establish a level of detail that is not appropriate for planning controls. **S173 agreements remain on title** unless a sunset clause is included and can impact the Agency's **ability to secure funding and financing**. A **time limited S173 agreement** may be an appropriate 'middle ground' that reflects the value of the contribution without overly restricting the Agency's ability to develop and prudentially manage the tenancies and assets.





### Mortgage Instrument

Where council has contributed land, the key rationale for applying a mortgage instrument is that the council wants to retain a right to the value of its contribution and ensure a return should the land ever be sold, or to ensure reinvestment by the Registered Housing Agency whilst not wanting to unduly impact on development financing.



## Overview of models and mechanisms

The below table illustrates which mechanisms could be applied under each delivery model and highlights there are a range of options for consideration.

MECHANISMS TO SECURE COUNCIL CONTRIBUTION	DELIVERY MODEL			
	 GIFTING LAND	 DISCOUNTED SALE OF LAND	 JOINT VENTURE/ PARTNERSHIP AGREEMENT	 LEASE
Registered Housing Agency Ownership	✓	✓	✓	
Special Purpose Vehicle Ownership	✓	✓	✓	
Section 173 Agreement	✓	✓	✓	
Other Legal Agreement	✓	✓	✓	✓
Mortgage Instrument	✓	✓	✓	

### Example – Drill Hall Redevelopment, Melbourne CBD

**Local government:** City of Melbourne

**Registered Housing Agency:** Housing Choices Australia

**Model:** gifting council owned land - council undertook a process to transfer the land to Housing Choices Australia at no cost for the purposes of Affordable Housing and restoration of the building and hall.

**Outcome:** 58 Affordable Housing units, including several suitable for people with a disability, and the refurbishment of the hall and lease back to council on a 99-year period for community use.



Drill Hall Melbourne CBD. Source: MGS Architects.

### Before offering council land for affordable housing

Councils have legal obligations and process requirements to dispose of land deemed to be 'surplus'. Relevant legislative and policy documents that inform this process include the Local Government Act 2020 (LG Act) and the guidance included in the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Council Land (2009).

The full report *Options for Delivering and Securing Affordable Housing on Local Government Land* explores in more detail the legislative and policy context, and for each model and mechanism, the benefits, disadvantages, resourcing and key considerations from different stakeholder perspectives.

## 17.5 DONOHOE GARDENS PARK

**File Number:** 23.593

**Author:** Roy Langman, Urban Designer

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

### Strategic Plan Reference

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

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

### 1. PURPOSE

- 1.1 The purpose of this report is to consider community feedback in relation to the proposed development of the Donohoe Gardens Park.

### 2. BACKGROUND

- 2.1 At its meeting of 26 October 2020, Council resolved to sell a block of vacant residential land in Hiern Road, with the proceeds of the sale to be allocated towards the upgrade of the Donohoe Gardens Park in Blackmans Bay (Minute C626/20-2020 refers).
- 2.2 The Donohoe Gardens Park was earmarked for funding on the basis of its proximity to Hiern Road, in line with Council's objective to expend funds from the proceeds of the sale of land within the local area.
- 2.3 An audit of Council's play spaces undertaken in 2020 indicated that the Donohoe Gardens Park rated as "unacceptable" in terms of its existing infrastructure. This is not to say that the existing playground is unsafe or in poor condition, but that the park lacks contemporary features such as shade trees, shade structures, seating, picnic tables and accessible pathways



- 2.4 The sale of land at 41 Hiern Road was recently completed, and Council staff have undertaken engagement with the local community to determine their views on the proposed upgrade of the park.



### 3. STATUTORY REQUIREMENTS

3.1 There are no statutory requirements associated with this matter.

### 4. DISCUSSION

4.1 Engagement was undertaken for this project in the following forms:

- Letters dropped early December to dwellings directly adjacent to Donohoe Gardens Park and cul-de-sac.
- Notice placed on Council's Community Engagement webpage on 18 December 2022.
- An additional letter drop prior to Christmas to all properties within Donohoe Gardens, surrounding properties in Stratton Place and Tingira Road – advising of planned on site engagement sessions.
- Two on site public engagement sessions were held with Council's Urban Design Officer and staff from Susan Small Landscape Architects (SSLA) on Wednesday 18 January from 3pm – 4pm and Saturday 21 January from 4pm – 5pm.
- A meeting was held on site with staff representing St Aloysius School.

4.2 Eight residents attended the on-site public consultation session on 18 January, with all but one opposed to the redevelopment of the park.

4.3 Only two residents attended the consultation session on 21 January, both of whom were relatively supportive of the park being upgraded.

4.4 The concerns of residents in relation to the redevelopment of the park can be summarised as follows:

- Interruption of view from dwellings due to proposed planting of shade trees;
- Concerns over reduction of value of property due to decreased views;
- Concerns in relation to the potential fire hazard risk posed by increased plantings;
- Park is not used much, therefore why spend funds here when better spent elsewhere;
- Current utilisation of the site as a parking space for overflow parking from sports fixtures, funerals, school fair, school pick up/drop off;
- Concerns that improvements to the park would increase parking issues and traffic congestion in the street; and
- Concerns that redevelopment of the park would lead to an increase in anti-social behaviour in the area.

4.5 A letter signed by seven adjoining residents has been received expressing concerns at the proposed upgrade and suggesting that the allocated funding could be put towards the creation and formalisation of additional carparking in the site rather than improving the landscape and play equipment elements.

- 4.6 Given the strong opposition from adjoining residents and low level of support from the local community, there does not appear to be justification to proceed further with the project.
- 4.7 Accordingly, it is recommended that the funding earmarked for this project be reallocated for investment in the upgrade of the Mt Royal Park (shown below), where the local community would welcome the addition of improved infrastructure (see attached engagement activity results from 2021).



- 4.8 Council's resolution in regard to proceeds of land sales was for the funding to be put towards local park and playground upgrades.
- 4.9 Accordingly, it is not considered appropriate for the funds to be put towards carparking infrastructure as suggested in the correspondence from the residents of Donohoe Gardens.

## **5. FINANCE**

- 5.1 The net proceeds of the sale of 41 Hiern Road total ~\$350,000.

## **6. ENVIRONMENT**

- 6.1 The proposed upgrade of the Donohoe Gardens Park was intended to improve the urban environment, with potential plantings of native species to enhance natural values.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 Consultation with the local community in relation to this matter was undertaken in accordance with the process described earlier in this report.

## **8. RISK**

- 8.1 There is a risk that proceeding further with the project will meet with adverse local community reaction.

**9. CONCLUSION**

- 9.1 Community engagement undertaken in relation to the proposed upgrade of the Donohoe Gardens Park has indicated both opposition and lack of interest from local residents.
- 9.2 Accordingly, it is recommended that Council does not proceed with the project and that funds earmarked for the redevelopment be reallocated to the upgrade of Mt Royal Park.

**10. RECOMMENDATION**

That Council does not proceed with the proposed redevelopment of the Donohoe Gardens Park and reallocates funding for the project towards the upgrade of Mt Royal Park.

**ATTACHMENTS**

- 1. Mt Royal Park Engagement Results 2021

Public Copy



31 May 2021

Our Ref: 20.125 & PID 7339672

The Friends of Mount Royal Park  
C/O - Fran Parker  
3 Christophers Way  
KINGSTON BEACH Tas 7050

By email: [franceslesley.parker@gmail.com](mailto:franceslesley.parker@gmail.com)

Dear Fran

**RE: MOUNT ROYAL PARK – SUMMARY OF ENGAGEMENT ACTIVITY RESULTS**

I am pleased to provide the following summary of results in relation to the engagement activity undertaken by Council on behalf of the Friends of Mount Royal Park.

The engagement activity was designed and undertaken in accordance with Council's Communications and Engagement Policy and associated Communications and Engagement Framework 2020. The engagement activity was based on the 'consult' engagement model (IAP2), and was designed to allow respondents to provide feedback about the park, what they value about the site, its current condition, and their hopes for any future improvements to the park.

An OurSay online survey was developed in consultation with the Friends of Mount Royal Park and launched on 23 March 2021. The online survey ran for a total of 4 weeks, through to 17 April 2021. The survey was launched in conjunction with the Friends of Mount Royal Park's planned Neighbour Day event for 2021. 68 online submissions were received, with the survey page receiving over 430 views, indicating there was strong interest in the engagement activity.

Hard copy surveys were also made available during this time, with 6 completed surveys received prior to 17 April. An extension (through to 9 May) was subsequently granted to allow respondents from a targeted demographic (75 and older) to provide feedback on the proposal. 19 additional hard copy responses were received during the extension period.

In total, 93 submissions were properly made as part of the engagement activity.

Respondents were asked to answer 14 simple questions and given the opportunity to provide additional information. The results of the engagement activity are outlined below:

**1. How old are you?**

a. 4 – 6	2
b. 7 – 12	5
c. 13 – 15	5
d. 16 – 18	4
e. 19 – 25	2
f. 26 – 34	10
g. 35 – 54	36
h. 55 – 74	17
i. 75+	11

51% of respondents were of child rearing age (ie. parents and carers).

30% of respondents were over the age of 55.

17% of respondents were 18 or younger.

**2. Please tell us your gender:**

a. Female	57 (61%)
b. Male	34 (36%)
c. Other	01

Results reflect gender balance as expected, and as seen regularly in other survey responses. Females have a demonstrated track record of proactively responding to surveys about community health and wellbeing.

**3. Do you live with a disability?**

a. Yes	12 (13%)
b. No	81

**4. Do you experience difficulty getting to, or moving about with, Mount Royal Park?**

a. Yes	10 (11%)
b. No	83

**5. (If yes at 4) Please specify the obstacles you experience.**

- a. The main reasons given were:
  - i. Absence of disability parking;
  - ii. Wheelchair users not being physically able to access the park (due to lack of formed pathways and steeply sloping grassy terrain)
  - iii. Difficulty navigating grassy terrain when using mobility devices, such as walking frames and walking sticks.

Results indicate roughly 1 in 10 people who live within the Mount Royal Park neighbourhood catchment are unable to access facilities available within the park. This may be improved considerably by providing formed pathways and other DDA-compliant facilities (such as parking and seating).

**6. How often do you visit Mount Royal Park?**

a. Once a year	16
b. Monthly	32
c. Weekly	35
d. Daily	9

72% of respondents said they visit the park at least once a month.

**7. How long does it take you to get to Mount Royal Park?**

a. 2 minutes	53
b. 5 minutes	20
c. 10 minutes	6
d. 15 minutes	4
e. 20 minutes	1
f. 30 minutes	1
g. I drive	7

78.5% of respondents live within a 5-minute journey – either by foot or bicycle.

**8. How often do you visit other parks, play spaces, or open spaces in Kingborough?**

a. Daily	19%
----------	-----

This figure is notably larger than daily visits to Mount Royal Park, indicating there are a significant number of users travelling outside of the Mount Royal Park neighbourhood catchment for their daily exercise and/or access to open space.

**9. Why do you currently visit Mount Royal Park?**

a. Play	44
b. Socialise	35
c. Relax	33
d. Exercise pets	27 (29%)
e. Exercise	24
f. Other	5

29% (nearly a third of all respondents) report their reason for visiting relates to walking their dog. These users often reported combining dog walking with play and exercise for children. There appears to be a clear trend towards allowing dog exercise within the park in a sustainable and responsible manner into the future in order to support combined family play with pet exercise.

**10. What do you value about the current condition of Mount Royal Park?**

a. The location (ie. close to home)	70
b. Views	45
c. Open space to run about	37
d. The sunny aspect	32
e. Proximity to friends & neighbours	31
f. Play equipment	25
g. Open space to relax & unwind	21
h. Trees and vegetation	10

The top five results indicate respondents value: convenience; amenity; sense of connection to community; and access to attractive open space (in that order).

**11. How do you rate the current condition of Mount Royal Park?**

a. 1 star	8
b. 2 star	30
c. 3 star	38
d. 4 star	17
e. 5 star	0



67% of respondents give the park an average score or less.  
18% of respondents gave the park an above average rating.

**12. Are you happy with the current condition of Mount Royal Park?**

a. No 67 (72%)  
b. Yes 26

72% of respondents indicate they are dissatisfied with the current condition of the park.  
The average result, when taken across question 11 and 12 indicates that over two thirds (76.8%) of respondents would like to see improvements to the park.

**13. We'd like to hear your ideas about ways to improve Mount Royal Park.**

Mentions	Idea
42	Shade
40	Vegetation and trees
24	Improvements to play equipment
17	Seating
16	Better access (pathways)
10	Community garden
8	Ball play
7	Improved weed management
7	Fencing (to play space) to allow dogs to run free
6	BBQ facility
6	Water tap
6	Monkey bars (climbing)
5	Flying fox
4	Pizza oven
4	Fruit trees
3	Adult exercise equipment
3	Nature play
3	Slide
3	Toilets
3	Basketball half-court
3	Creative / sensory play
3	Bike track / jumps
2	Cricket pitch
2	Dog poo bags
1	Hopping, diggers, dinky
1	Storage
1	Sculptures
1	Sell it off
1	Keep dogs out
1	Seed exchange
1	Sand pit
1	Compost

**14. What would you like to see remain unchanged?**

Mentions	Element
25	Large, open space to run about
15	Retain the current play equipment
10	Views

8	Nothing
6	Historic information sign
4	Yarning circle
4	Dogs allowed
4	Everything
3	Size
3	Book exchange
3	The picnic tables
2	Sunny aspect
1	Wildness
1	Three access points
1	Existing trees
1	Keep dogs out
1	Planting

**15. We'd love to hear your stories about Mount Royal Park. Do you have a special connection to this place?**

Emergent themes:

- a. Mount Royal Park represents a nostalgic connection to everyday life for many respondents, with the park being the setting for childhood memories (for young adults) and memories of raising young families (for adult and elderly respondents).
- b. Mount Royal Park offers respondents a tangible connection to community, with many respondents revealing neighbours met in the park have gone on to become valued and dear friends.
- c. Family traditions play out in the park (ie. quiet time in the park at Christmas, or holiday events).
- d. Strong connection to the site's known European history.
- e. The Park is seen as a special place to visit in conjunction with a visit to grandchildren or to grandparents (ie. we do this in the park when we visit...).

I would be happy to meet with you and/or a selection of representatives from the Friends of Mount Royal Park on-site at the park to discuss the results of the engagement activity and options moving forward.

I look forward to hearing from you soon.

Regards,

**PAUL DONNELLY**  
**URBAN DESIGNER**

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

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## 17.6 CITIZENSHIP CEREMONIES ON AUSTRALIA DAY

**File Number:** 5.9

**Author:** Dr Samantha Fox, 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 seek Council's consideration of changing the date of its January citizenship ceremonies from Australia Day (26 January) to three days prior to, or following, Australia Day each year (23, 24, 25, 27, 28 or 29 January).

### 2. BACKGROUND

- 2.1 On 16 December 2022, the Hon Andrew Giles MP, Minister for Immigration, Citizenship and Multicultural Affairs, announced an update to the Australian Citizenship Ceremonies Code, enabling Councils to hold their January citizenship ceremonies three days prior to, or following, Australia Day each year. In making the announcement, the Minister highlighted that while the Australian Government expects councils to hold citizenship ceremonies as part of Australia Day celebrations, the change will provide flexibility and reduce operational costs associated with holding ceremonies on public holidays.
- 2.2 Prior to this, Councils were required to hold a citizenship ceremony on Australia Day (26 January) following an update to the Australian Citizenship Ceremonies Code in 2019.

### 3. STATUTORY REQUIREMENTS

- 3.1 The Australian Citizenship Ceremonies Code sets out the requirements for conducting citizenship ceremonies in accordance with the *Australian Citizenship Act 2007*.

### 4. DISCUSSION

- 4.1 Kingborough Council currently hosts citizenship ceremonies approximately every three months. The ceremony is the final phase of being granted Australian citizenship. Conferees cannot choose where and when to attend a ceremony. The Department of Home Affairs provides names and contact details of conferees to each Council around four weeks prior to each scheduled ceremony, with Council staff organising the event.
- 4.2 The Mayor of Kingborough presides over citizenship ceremonies, with Councillors, Federal and State politicians also invited. At the citizenship ceremony, conferees are required to pledge allegiance to Australia and its laws and are presented with a Certificate of Australian Citizenship, which formally represents conferral of Australian citizenship.
- 4.3 As required under the Australian Citizenship Ceremonies Code, Council has held a citizenship ceremony on Australia Day for many years.

- 4.4 Since 1935, 26 January (the date of the arrival of the First Fleet at Sydney Harbour in 1788) has been designated by all Australian states and territories as Australia Day, with the date becoming a public holiday in 1994.
- 4.5 However, this date has become controversial, with many Australians concerned about celebration of Australia Day on 26 January, which is also commemorated as a Day of Mourning and Invasion Day by Indigenous Australians.
- 4.6 There is also an increasing desire for Australia Day to celebrate contemporary Australia, inclusive of Indigenous Australians, as well as new migrants.
- 4.7 Following the amendment to the Australian Citizenship Ceremonies Code, several Councils have moved to change the date of their January citizenship ceremony, including City of Hobart, Glenorchy and Huon Valley.
- 4.8 It is proposed that Kingborough Council also changes the date of its January citizenship ceremony from 26 January, commencing in 2024.
- 4.9 Australian Citizenship Day is celebrated annually on 17 September and is intended to provide a date for all Australians to take pride in our citizenship; celebrate our democratic values and think about what unites us as Australians. It may be appropriate to ensure a citizenship ceremony on this date in future years.

## **5. FINANCE**

- 5.1 There would be a small saving in employee overtime costs if the citizenship ceremony is not held on the public holiday.

## **6. ENVIRONMENT**

- 6.1 There are no environmental implications.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 Formal community engagement or consultation has not been undertaken on this issue.
- 7.2 However, it is expected that there will be mixed views in the community on the proposal to move the January citizenship ceremony.
- 7.3 Members of the Tasmanian Aboriginal community have expressed opposition to holding citizenship ceremonies on Australia Day, with the Tasmanian Aboriginal Centre expressing support for the City of Hobart and Huon Valley's recent decisions to move ceremonies from 26 January.

## **8. RISK**

- 8.1 Given mixed views in the community, there is risk of criticism for either course of action - retaining the current date of the January citizenship ceremony or changing the date.

## **9. RECOMMENDATION**

That, commencing in 2024, Council changes the date of its January citizenship ceremony from 26 January to either 23, 24, 25, 27, 28 or 29 January.

## **ATTACHMENTS**

Nil

**17.7 KINGBOROUGH DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE MINUTES - 14 DECEMBER 2022**

**File Number:** 5.539

**Author:** Melissa Staples, Community Development Officer

**Authoriser:** Dr Samantha Fox, Director Environment, Development & Community Services

**Strategic Plan Reference**

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

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

**1. PURPOSE**

- 1.1 The purpose of this report is to present the minutes of the Kingborough Disability Inclusion and Access Advisory Committee (DIAAC) meeting held on 14 December 2022 and two motions adopted by the Committee.

**2. BACKGROUND**

- 2.1 As outlined in the attached minutes of the 14 December 2022 meeting, the Committee adopted the following motions:
- a. *That DIAAC would like, as a priority, to proceed with the Beach Matting at Kingston Beach for the 2023-24 budget, subject to community consultation.*
  - b. *As a matter of urgency, compliant accessible toilets need to be provided on all 3 levels of the Kingborough Sports Centre (KSC). This is particularly important since the KSC is Kingborough's only dedicated emergency evacuation centre.*

**3. STATUTORY REQUIREMENTS**

- 3.1 DIAAC is a committee appointed by Council in accordance with section 24 of the *Local Government Act 1993*.

**4. DISCUSSION**

- 4.1 Beach matting is used to create a path of travel across dry/soft sand. Matting is generally only deployed on summer weekends. At Kingston Beach, this would mean deployment on 18 days (one day per weekend) between December and March.
- 4.2 The Kingston Beach Surf Life Saving Club (KBSLC) currently provide two beach wheelchairs for public use, with bookings managed by the club. The Club reports that the wheelchairs are in constant use and their popularity is growing. Initial conversations with the Kingston Beach Surf Life Saving Club suggest that they are keen to have further conversations regarding the management of the beach matting as long as Council is responsible for the purchase of the matting and creation of a location for storage of the matting.
- 4.3 On 21 March 2022, the former Council endorsed the consideration of beach matting within the 2022-23 Council budget process, and, if funded, engagement with the community about placement, suitable timing and storage options (C137/5-2022 15.3 Beach Matting at Kingston Beach). Funding was not secured for beach matting during the 2022-23 budget process, due to competing priorities.

- 4.4 The Kingborough Sports Centre is a dedicated emergency evacuation centre and the primary indoor multi-use sports centre in Kingborough. Currently, there is an accessible unisex toilet and bathroom facility on Level 2 of the new section of facility. There are ambulant male and female toilets in the old section, but these are not suitable for people in wheelchairs.
- 4.5 There are no unisex accessible toilets on Level 3 or the Ground Floor. Level 3 provides the entrance to the Centre, the café, administration, and childcare facility, and is the initial point to register evacuees in the event of an emergency. The Kingborough Fitness Centre is located on the Ground Floor.
- 4.6 There is an unused storeroom on Level 3 with sufficient space and capacity to be converted into a unisex accessible toilet. The current male and female toilets on the Ground Floor of the Kingborough Fitness Centre could be demolished and rebuilt to include a unisex accessible toilet.

## **5. FINANCE**

- 5.1 Provision of beach matting would require initial capital funding of \$15,930 (2 x 10m lengths of matting \$9580, storage \$6000 plus shipping \$350), plus annual operational funding up to \$10,000 to install and remove the matting on each occasion.
- 5.2 Installation of a unisex accessible toilet on Level 3 at the Kingborough Sports Centre is estimated to cost \$42,500, and on the Ground Floor is \$175,000.
- 5.3 Capital and operational bids for the 2023-24 budget for beach matting and the unisex toilets at Kingborough Sports Centre have been prepared for Council's consideration.

## **6. ENVIRONMENT**

- 6.1 There are no environmental considerations.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 Initial conversations with the Kingston Beach Surf Life Saving Club have taken place and the Club is supportive of further conversation to discuss the management of the beach matting.

## **8. RISK**

- 8.1 With the implementation of the National Disability Insurance Scheme, more people with a disability are contributing to and participating in recreational activities, sports and fitness. By failing to provide facilities and improved access to Kingston Beach and the Kingborough Sports Centre, Council risks not meeting the needs of our community.

## **9. CONCLUSION**

- 9.1 At its meeting in December 2022, DIAAC requested Council consider beach matting at Kingston Beach and the installation of unisex accessible toilet facilities on all levels of the Kingborough Sports Centre, for inclusion in its 2023-24 Budget. Budget bids have been prepared to enable this to occur.

## **10. RECOMMENDATION**

That Council:

- (a) Note the minutes of the Kingborough Disability Inclusion and Access Advisory Committee meeting 14 December 2022

- (b) Note the motions requesting that Council consider beach matting at Kingston Beach and the installation of unisex accessible toilet facilities on all levels of the Kingborough Sports Centre, for inclusion in its 2023-24 Budget.
- (c) Note that capital and operational budget bids have been prepared to enable Council to consider these items in the development of the 2023-24 Budget.

## ATTACHMENTS

1. Kingborough Disability Inclusion and Access Advisory Committee Minutes  
14 December 2022

Public Copy

# MINUTES

## KINGBOROUGH DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE

Meeting No. 2022-6

Wednesday 14 December 2022



Minutes of a Meeting of the Kingborough Disability Inclusion & Access Advisory Committee held at the Kingborough Civic Centre, Kingston, on Wednesday 14 December 2022 2.00pm.

**PRESENT**

		PRESENT	APOLOGY
Chairperson	Cr Paula Wriedt	✓	
Deputy Chairperson	Cr Flora Fox	✓	
	David Vickery	✓	
	Kevin Brown	✓	
	Di Carter		X
	Fran Thompson	✓	
	Wendy Nielsen	✓	
	Heather Anderson	✓	
	David McQuillan	✓	
	Don Hempton	✓	
	Bob Schnierer	✓	
	Anne Rathjen		X
Staff	Mel Staples (Community Development Officer)	✓	
	Anthony Verdow (Executive Officer Engineering)		X
	Sean Kerr (Manager Kingborough Sports Centre)	✓	

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

**DECLARATIONS OF INTEREST**

Nil

**CONFIRMATION OF MINUTES**

MOVED: David Vickery

SECONDED: David McQuillan

That the Minutes of the Committee meeting held on 12 October 2022 as circulated, be confirmed. CARRIED



**BUSINESS ARISING****1. Updated Terms of Reference**

The Mayor Cr Paula Wriedt welcomed Cr Flora Fox to the Committee as Deputy Chairperson. This change has resulted due to the recent updating of the Terms of Reference for Council Committees.

*Two (2) Councillor representatives from the Kingborough Council appointed as Committee Chairperson and Deputy Chairperson. (October 2022)*

**2. Inclusive Customer Service Sub-Committee**

**ACTION:** Cr Paula Wriedt to call a meeting of the sub-committee by mid-January. Members of the sub-committee include Don Hempton, Di Carter and David McQuillan.

**3. Beach Matting Kingston Beach**

Mel researched some examples of beach matting in Queensland and found that most beach areas only offer the matting on weekends during the summer period September to May.

**Mobi Mat 10metres and 1.5 metres \$4,790.00**

- Self-maintaining design, remains on top of the sand at all times
- Available in 5m to 30 interconnecting lengths
- Rapid 2 minute setup and pack up time using Mobi-Roll 'N Stow®
- Wheels won't get stuck as they do when turning on slat based products
- Can be installed as a temporary or permanent pathway
- Available in accessibility pathway compliant widths of 1.53m or 1.98m
- Super thin, highly engineered design makes storage a breeze!
- Serviceable design and life expectancy of 10+ years

## Mobi Mat – Roll and Stow \$6,969.00

- Deploys 50m of MobiMat in just a few minutes
- Made of corrosion resistant material, and is suitable for salty environments
- Can be pushed and pulled manually by 1 or 2 people
- Two blue wheels allow transport of the MobiMat without the mat touching the ground
- You can tow the Roll N Stow on the back of a vehicle or ATV
- Light weight weighing in at just 23 kg

### Kingston Beach

#### Assumptions:

- Community engagement has been completed with the Surf Life Saving Club and other beach users
- Summer period is December – March (17 days)
- Days Available: Saturdays 9am-4pm

#### Annual Cost to put out and roll up

17 days x cost for 2 contractors morning and afternoon on a weekend callout

\$100/hr 2hrs min = \$13,600 (annually)

Mobi Mat 10metres and 1.5 metres \$4,790.00 (once off)

Mobi Mat – Roll and Stow \$6,969.00 (once off)

Storage for Mat – unknown

Total Approximate in first year \$25,359

Public Liability – will we be covered for the people using the mat and the people who are deploying the mat. Does the mat need to be staked down?

**ACTION:** Mel to further research the public liability implications and whether staking down into sand is required.

Storage – we would need to consider options for storage. It may need a storage at the Kingston Beach toilet block similar to the storage for beach wheelchairs.

Contractors – need to further investigate whether there are contractors who would take this on during the summer period. Suggestion that there may be a charity group or service club that might take it on for a donation to their club.

Grants – consider the grant opportunities available including the Premiers Sundry grants program.

Prior to the beach matting going to the budget process, Council would need to consult with all the user groups at Kingston Beach including the KBSLSC, Beach Volleyball and other users.

**MOTION:** Moved Fran Thompson Seconded Heather Anderson

That the Disability Inclusion Access Advisory Committee would like, as a priority, to proceed with the Beach Matting at Kingston Beach for the 2023-24 budget, subject to community consultation. CARRIED

#### 4. Kingborough Community Hub Wayfinding Signage

The Hub signage is out of date and difficult to see. Mel has received an updated version of the proposed new signage after receiving feedback from October DIAAC meeting. Images below are of proposed new sign and current sign. As can be seen from the location of the current sign, it would be difficult and unsafe to add a braille option.



The entire removal and replacement of wayfinding signage has been quoted as approximately \$20,000. This includes yellow illuminated signage for toilets, baby change and bike racks; new coloured signage indicating the Auditorium, Middleton and Whitewater Rooms, Information and the wrap around signs and noticeboards for the concrete poles.





**ACTION:** Mel to contact Vision Australia to get some advice on best practice signage for people with low vision.

2.30pm Sean Kerr, Manager Kingborough Sports Centre entered meeting.

#### 5. Kingborough Community Hub Changing Places

The Changing Places facility at the Kingborough Community Hub has received accreditation and is now open to the public (with a MLAK) from 8am-9pm daily. There are security cameras located outside these toilets.

**ACTION:** Mel to see if the Changing Places can be removed from the current toilet security system so that it can be available 24hrs/day.

#### 6. Disability Parking Kingborough Sports Centre



Sean and Mel have met with council's Road Engineer on-site and discussed that 2 accessible spaces could be moved from in front of the Gymnastics Centre and put in front of the Sports Centre (see yellow highlight on image above). Those 2 spaces from Gymnastics could be converted to future Pram Parking. Sean has also put in a Capital Bid to have the design completed for an accessible parking space in front of the Kingborough Fitness Centre.

**ACTION:** Mel to follow up with Roads Engineer regarding the feasibility of this upgrade.

While Sean is attending the meeting, he also spoke to items in Correspondence and Other Business.

#### **Complaint by Social Circus re wheelchair access to their Unit (correspondence)**

The Committee has received an email from Christian Florence regarding an unresolved complaint regarding wheelchair access to the unit he sublets on the 4<sup>th</sup> floor of the Kingborough Sports Centre.

His Circus Space only has wheelchair access from the lift if he is able to traverse through a storage area, locked gate and door through the unit that is currently leased by the Kung Fu Club.. To get to the door, he has to move a couch, banner, bamboo and other items such as play equipment and bins (see images).



Sean reported that the Kung Fu club has been a tenant at the KSC for approximately 15 years. They have set up their space and legally do not have to allow access through their tenancy. However, they have been kind enough to accommodate Christian and his request. It is Sean's opinion that Social Circus staff need to arrive 20 minutes early for their sessions and they could clear the path. It is not the responsibility of the KSC staff to ensure that the path is clear for the Social Circus clients.

Suggestion from DIAAC that the two tenancies swap sides so that Social Circus has the tenancy closest to the lift. Sean reported that the Kung Fu has a 3-year lease on that particular site and may not want to move due to the work that they have put in to create the space.



**ACTION:** Sean to discuss the option of swapping tenancies with the Kung Fu tenant.

**ACTION:** Mel to email Christian with the suggestion from DIAAC and let him know that Sean Kerr will be discussing options with Kung Fu.

### **Accessible Toilets at Kingborough Sports Centre**

Women's accessible toilet is located on 2<sup>nd</sup> floor of the older section of the KSC. It is down a narrow corridor and is part of the general women's toilets. The sinks, mirrors and hand wash are out of reach.



The men's accessible toilet is located on 2<sup>nd</sup> floor of the older section of the KSC. To enter, there are two doors (airlock) to negotiate. Again, the sinks, mirrors and handwash are out of reach.



The newer basketball court section on Level 2 has one non gendered accessible toilet with shower.



The Kingborough Sports Centre is designated as Kingborough's evacuation centre in an emergency. With only one accessible toilet that is fit for purpose, Sean is proposing a Capital Bid in 2023-24 to convert a storeroom located on Level 3 into a non-gendered accessible bathroom. The main entry to the KSC is located on Level 3 with the Café. Having an accessible toilet at that level would be beneficial to many users of the facility.

**MOTION:** Moved Don Hempton Seconded David McQuillan

As a matter of urgency, compliant accessible toilets need to be provided on all 3 levels of the Kingborough Sports Centre. This is particularly important since the KSC is Kingborough's only dedicated emergency evacuation centre.

Sean Kerr left the meeting at 3pm.

#### **7. Traffic Light Pedestrian Intervals (Lights next to Banjos)**

David had a trial to cross the road at the lights. He took 30 seconds to cross but this was because his wheelchair has a faster speed available. David did not feel there was enough time if the person crossing had a walking aide. There should also be some type of indication as to how much time is available to cross. Some lights have a sound or a timer with the number of seconds remaining.

**ACTION:** Mel to discuss possibilities with Renai, Roads Engineer

#### **8. Design of Bus Stop facilities Main Street**

Mayor Wriedt reported that Council is still negotiating with Channel Court to extend the space near the Commonwealth Bank for bus shelter infrastructure. Work will begin in February 2023 with the new Hobart bound bus facilities to be located on the site of the previous Denture Clinic site. This new space will allow up to 4 buses to pull in off the Channel Highway.



## 9. Feedback re Toilet Blocks Kingston Beach and Kettering Oval

David Vickery provided the following items as feedback for the new toilets and that these items should be an addition to the existing Toilet Strategy:

- Toilet height is raised as a standard to cater for all
- Wayfinding signage provides distance to nearest toilet
- Signage to provide doorway width to cater for those with wider than average wheelchairs
- Access to toilet block to be sealed where there is a grass or gravel path

**ACTION:** Mel to report this feedback to Mark Lee and Anthony Verdouw.

### Correspondence

#### Correspondence In

##### ▪ Amy Breen - New State Government Disability Legislation Media Release

The State Government is drafting the new disability legislation.

**ACTION:** Mayor Paula Wriedt to write to Minister Jo Palmer to seek reassurance that there will be appropriately qualified input from people with 'lived disability experience' to assist in this process.

##### ▪ Don Hempton - Minister's Disability Consultative Group

This group is looking for members of the community with 'lived experience' of disability to join.

Heather Anderson volunteered to nominate, pending her workplace providing her with clearance to attend meetings if they are during the workday.

Mayor Paula Wriedt offered to write Heather a letter of support if this was a requirement of her nomination. Nominations close 3 February with memberships term being two years.

**ACTION:** Heather Anderson to seek permission from her employer and if successful, nominate to be the Kingborough DIAAC representative on the Minister's Disability Consultative Group.

##### ▪ Minister Elise Archer – Wheelchair Accessible Taxis

Unfortunately, the reply from the Attorney General didn't answer the question as to whether there was a legal undertaking by taxi companies to provide a service to get a passenger home if they have dropped them off.

**ACTION:** Mayor to write another letter to the Attorney General, Minister Elise Archer stating that it is with 'dismay' and 'disappointment' that the DIAAC didn't get a response to their important question.

▪ **Christian Florence – Complaint about Kingborough Sports Centre**

Already discussed with Sean Kerr in earlier part of the meeting

**No Correspondence Out**

**Development Applications**

Kingston Beach Oval Change Rooms (Closed 13 December)

**Other Business**

**1. LGBTIQA+ Action Plan 2023-25**

The LGBTIQA+ Action Plan 2023-25 was endorsed by Council at its meeting on Monday 5 December. Don Hempton suggested that there could also be some similar planning done for the 'neuro-diverse' communities.

Council is looking at undertaking similar Action Plan for the Multicultural community as well as a Health and Wellbeing Strategy in 2023. Actions relating to people who are neuro-diverse could be included in the Health and Wellbeing Strategy or when the Disability Strategy is updated at the end of 2024.

**2. Burwood Drive footpath**

Tas Water has dug a new section of Council footpath and left a lot of gravel on the path and road.

**ACTION:** Mayor Paula Wriedt will write to Tas Water asking when this matter will be rectified.

**3. Repeat vandalism of the Blackmans Bay public toilets**

**ACTION:** Mayor Paula Wriedt will speak to Acting General Manager, Daniel Smee, to discuss whether the toilets should be left open or locked at 9pm at night and reopened at 6.30am.

**4. Tactile strips in front of the Kingborough Community Hub**

David Vickery asked if the black strips in front of the Hub could be changed to a higher visibility colour such as orange or yellow.

**ACTION:** Mel to follow up with Tony Millhouse

**5. Meeting dates for 2023**

- 8 February
- 19 April (shifted by a week due to Easter)
- 14 June
- 9 August
- 11 October
- 13 December

The Mayor thanked all the members of the committee for their dedication and support during 2022 and wished them a restful and fulfilling holiday season.

**NEXT MEETING**

The next meeting of the Access Advisory Committee is scheduled to take place on Wednesday 8 February 2023 2pm at the Council Chambers.

**CLOSURE:**        There being no further business, the Chairperson declared the meeting closed at 3.30pm.

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**17.8 KINGBOROUGH BICYCLE ADVISORY COMMITTEE DEPUTY CHAIRPERSON**

**File Number:** 28.114

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

**Authoriser:** David Reeve, Director Engineering 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 appoint a councillor representative from the Kingborough Council as deputy chairperson for the Kingborough Bicycle Advisory Committee (KBAC).

**2. BACKGROUND**

- 2.1 Councillor Kaspar Deane has stepped down from his role as deputy chairperson of KBAC due to work commitments.
- 2.2 A new deputy chairperson for the Committee will need to be appointed by Council.

**3. STATUTORY REQUIREMENTS**

- 3.1 The Kingborough Bicycle Advisory Committee has been appointed as an advisory committee to the Kingborough Council under Section 24 of the *Local Government Act 1993*.

**4. DISCUSSION**

- 4.1 KBAC has been established by Council to represent the interests of the community in all matters relating to cycling in the municipality.
- 4.2 Under the terms of reference for KBAC two (2) councillor representatives from Kingborough Council must be appointed by Council as chairperson and deputy chairperson of the Committee. Councillor Amanda Midgley is currently the nominated chairperson for the Committee.
- 4.3 Eight (8) KBAC community representatives were recently appointed for a two (2) year term at the 16 January 2023 Council meeting.
- 4.4 KBAC typically meets bi-monthly (six times per year) on Friday mornings with the next meeting scheduled 9:00am on 17 February 2023.

**5. FINANCE**

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

**6. ENVIRONMENT**

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

**7. COMMUNICATION AND CONSULTATION**

7.1 Committee members will be advised of the new appointment.

**8. RISK**

8.1 There are no perceived risks to Council associated with this report.

**9. CONCLUSION**

9.1 That Council appoint a Councillor to be deputy chairperson for the Kingborough Bicycle Advisory Committee.

**10. RECOMMENDATION**

That Cr ..... be appointed as a Council representative and deputy chairperson of KBAC and the Committee members be advised accordingly.

**ATTACHMENTS**

**Nil**

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## 18 NOTICES OF MOTION

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### 18.1 HOUSING STATEMENT

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

#### RECOMMENDATION

That Council prepares a Statement of Commitment on Housing that outlines how Kingborough Council will facilitate access to safe, accessible and affordable housing.

#### Background

The purpose of this motion is to develop a commitment from Council on housing that:

- Guides Council's future decision-making on affordable housing.
- Formalises actions Council is already undertaking.
- Identifies new actions that Council can take to help improve access to safe, accessible and affordable housing across the short, medium and long-term.
- Commits Council to working collaboratively and developing partnerships with relevant stake holders e.g. community housing providers.
- Integrates with relevant policies e.g. *30 Year Greater Hobart Plan*.

Greater Hobart has been experiencing a housing crisis since 2017, yet Kingborough Council does not currently have a formalised policy commitment or framework to guide decision making or action on housing affordability. By developing a Statement of Commitment on Housing, Kingborough Council will join Greater Hobart councils Hobart and Glenorchy in prioritising action on the housing crisis and seeking to assist low income households across the municipality.

#### *Housing market*

Indicators relating to housing affordability and access to crisis accommodation demonstrate residents in Kingborough are experiencing an extremely challenging housing market:

- House prices and rents have increased considerably across Kingborough in recent years. In 2022, Kingston's median house price rose to \$802,000 with median rents at \$595 per week.<sup>1</sup>
- According to the latest rental affordability index, Kingborough has become one of the least affordable areas to rent in Australia.<sup>2</sup>
- At least 36.3 per cent of Kingborough renter households have rent payments greater than 30% of their household income and are deemed as being in housing stress<sup>3</sup>. Being in housing stress impacts a households ability to pay for 'food, power and water, health services and medication, travel and transport, education, household goods (such as cars, washing machines, fridges, stoves, computers), debt repayment.'<sup>4</sup>

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<sup>1</sup> <https://www.realestate.com.au/tas/kingston-7050/>

<sup>2</sup> <https://www.sgsep.com.au/projects/rental-affordability-index>

<sup>3</sup> Housing stress defined as households spending more than 30% of gross income on housing costs.

<sup>4</sup> [https://www.sgsep.com.au/assets/main/Rental-Affordability-Index\\_Nov\\_2022\\_low-resolution.pdf](https://www.sgsep.com.au/assets/main/Rental-Affordability-Index_Nov_2022_low-resolution.pdf) (p.6)

- Hobart's rental vacancy rate is one of the lowest in Australia at 0.4%<sup>5</sup>, well below the 2.5-3.5% vacancy range considered appropriate for a healthy rental market and below the 1% market failure level.<sup>6</sup>
- The average wait-time to house priority applicants on the social housing register was 77.4 weeks, as of November 2022.<sup>7</sup> On the social housing register 19% are women with disability, and 12% are women who have experienced family violence.<sup>8</sup>
- As of 31 July 2022, there were 178 social housing applicants for Kingston.<sup>9</sup>
- The demand for crisis accommodation is high across the Greater Hobart region: the Hobart Women's Shelter reported 1029 instances of women seeking assistance over a 9 month period (July 2021-April 2022), with 800 women and children turned away.<sup>10</sup>
- As Kingborough's population increases (from 33,893 residents in 2011<sup>11</sup> to 40,082 in 2021<sup>12</sup>) demand for new affordable housing stock will continue to grow.

### *Timing*

Improving the housing market situation requires action from all levels of government in collaboration with the private and not-for-profit sectors. As a signatory to the recent *30 Year Greater Hobart Plan*<sup>13</sup> and the *Hobart City Deal*<sup>14</sup>, Kingborough Council is at a critical juncture for considering how it responds to these challenges. Both these plans have identified that development will require a mix of in-fill and green-fill development and identifies the need for higher density living around the Kingston central business district. A plan is required to ensure these developments include safe, accessible and affordable housing. Developing a Commitment on Housing will therefore provide a framework for Council decision making and coordinated action in the short, medium and long-term.

### *Possible Action*

Councils across Australia have taken different approaches when responding to the housing situation in their respective municipalities. When developing its commitment on housing, Kingborough Council may consider the following actions:

- Developing formal partnerships with community housing providers.
- Prioritising affordable, social and crisis accommodation opportunities when disposing of Council Land.
- Advocating for state and federal government funding to develop affordable and social housing.
- Encouraging mixed-use precincts for new developments and existing upgrades.

<sup>5</sup> <https://www.domain.com.au/research/vacancy-rates-november-2022-1186725/>

<sup>6</sup> <https://www.reiq.com/articles/why-tenants-should-understand-vacancy-rates/>

<sup>7</sup> [https://www.homestasmania.com.au/\\_data/assets/pdf\\_file/0028/268255/Housing-Dashboard-November-2022.PDF](https://www.homestasmania.com.au/_data/assets/pdf_file/0028/268255/Housing-Dashboard-November-2022.PDF)

<sup>8</sup> <https://www.abc.net.au/news/2023-01-20/disability-housing-waitlist-in-tasmania/101873646>

<sup>9</sup> <https://www.abc.net.au/news/2022-09-26/hobart-suburbs-facing-significant-demand-for-social-housing/101472164>

<sup>10</sup> <https://www.abc.net.au/news/2022-05-15/tasmania-womens-shelter-accommodation-help/101067210>

<sup>11</sup> <https://www.abs.gov.au/census/find-census-data/quickstats/2011/LGA63610>

<sup>12</sup> <https://abs.gov.au/census/find-census-data/quickstats/2021/LGA63610>

<sup>13</sup> [https://www.greaterhobart.tas.gov.au/30-year\\_greater\\_hobart\\_plan](https://www.greaterhobart.tas.gov.au/30-year_greater_hobart_plan)

<sup>14</sup> <https://www.hobartcitydeal.com.au/home>



- Advocating for the Tasmanian Planning Scheme to include incentives for affordable housing projects.
- Reviewing current policies related to land sales & conducting land audits to identify areas for affordable housing development.

There are many other actions that Council could take. This motion will allow Council staff to explore how the Council can respond to the housing challenges facing residents.

### **Officer's Response**

A Statement can be prepared to articulate Kingborough Council's commitment and approach to facilitating safe, accessible and affordable housing in the municipality.

*Dr Samantha Fox, Director Environment, Development & Community Services*

## **19 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*

#### **Acquisition of Land for an Underpass - Summerleas Road, Kingston**

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

#### **AB2223 Kingston Wetlands Upgrades**

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

#### **Rates Delegated Authority**

Regulation 15(2)(j) *the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.*

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	
Acquisition of Land for an Underpass - Summerleas Road, Kingston	
AB2223 Kingston Wetlands Upgrades	
Rates Delegated Authority	

### CLOSURE

# APPENDIX

- A Mayor's Activities 29 November 2022 to 30 January 2023
- B Kingborough Bicycle Advisory Committee Minutes - 16 December 2022
- C Councillor Attendance at Meetings and Workshops 1 October 2022 - 31 December 2022
- D Councillor Allowances and Expenses to December 2022
- E Donations to December 2022
- F Current and Ongoing Minute Resolutions (Open Session)

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**A MAYOR'S ACTIVITIES 29 NOVEMBER 2022 TO 30 JANUARY 2023**

DATE	LOCATION	ITEM
30 November	Hobart	Meeting with Minister for Sport, Hon Nic Street and Adrian Hatten, Kingborough Little Athletics
30 November	Civic Centre	Meeting with Kingborough District Cricket Club re Club's requirements for additional wicket.
1 December	Kingston Beach	Launch of Surf Life Saving Season with Kingston Beach Surf Life Saving Club representatives, Clarence Mayor Brendan Blomeley and Minister Nic Street.
2 December	Civic Centre	Presentation from Lyden Builders re Huntingfield House
3 December	Civic Centre	Attended Kingborough Community Forum
3 December	Civic Centre	Chair Council's Annual General Meeting
5 December	Civic Centre	Meeting with Sajini Sumar re International Womens Day event for 2023 & Multicultural Strategy for Kingborough
5 December	Civic Centre	Chaired Council meeting.
7 December	Hobart	Attended Greater Hobart Mayor's Forum. Discussion with Minister Nic Street on review of Local Government elections and local government reform update. Mayors also discussed the Bus Shelter project in Kingborough and the need to roll this out into other areas.
7 December	Hobart	Attended LGAT Mayor's Forum. Guest Speaker: David Morris from Simmons Wolfhagen. Topics covered include Mayor's role, Acting as a Planning Authority, Code of Conduct panel, followed by a round table discussion.
8 December	Hobart	Attended LGAT General Meeting.
8 December	Kingston	Attended Kingston Neighbourhood House Christmas Function, Salty Dog Hotel.
9 December	Hobart	Attended LGAT Conference.
12 December	Civic Centre	Meeting with Blackmans Bay Community Association, along with Deputy Mayor Glade-Wright
12 December	Civic Centre	Chaired Council Workshop on Huntingfield House
13 December	Kingston	Draw raffle for Kingston Primary School Association
14 December	Kingston	Attended Kingston Revitalisation Steering Committee
14 December	Civic Centre	Chaired Disability Inclusion Access Advisory Committee meeting
15 December	Snug	Attended Snug Primary School Awards Ceremony
16 December	Civic Centre	Meeting with Julian Punch, Cr Aldo Antolli and the Acting General Manager.
16 December	Kingston	Kingborough Helping Hands – Assist in selling raffle tickets
19 December	Kingston	Visit Huntingfield House with Andrew Lyden and Cr Gideon Cordover

DATE	LOCATION	ITEM
19 December	Civic Centre	Meeting with Kingborough Ratepayers Association, with Deputy Mayor Glade-Wright
19 December	Civic Centre	Meeting with Professor Craig Johnson and Adam Brander re research project at Tinderbox re giant kelp forests
19 December	Civic Centre	Chaired Council meeting
20 December	Mt Nelson	Presented Award at Kingston High School end of year assembly
20 December	Kingston	Presented Award at Illawarra Primary School end of year assembly
20 December	Blackmans Bay	Presented Award at Blackmans Bay Primary School end of year assembly
20 December	Civic Centre	Met with Ms E Rastopolous re St Clements Car Park
23 December	Kingston	Attended staff Christmas BBQ along with Cr Flora Fox
1 January	Glenorchy	Attended Jackjumpers basketball game at the invitation of Minister Nic Street
7 January	Kingston	Presented Kingborough Community Awards
9 January	Civic Centre	Chaired Council Workshop on Sports Ground User Fees and Hobart Women's Shelter
11 January	Civic Centre	Meeting with Mr S Hancock re GP practice Margate, attended by the General Manager
13 January	Civic Centre	Meeting with Mrs K Page re property at Snug
13 January	Civic Centre	Chaired meeting of Councillors attended by Minister Nic Street.
16 January	Civic Centre	Meeting with Mr Rod Whitehead, Auditor General, accompanied by Deputy Mayor Glade-Wright, the General Manager, CFO and Chair of Audit Panel
16 January	Civic Centre	Met with Inspector Mark Burke, Kingston Police re operation of security cameras at Kingston Park
16 January	Civic Centre	Met with Adrian Hatten, Kingborough Little Athletics Club re use of twin ovals, accompanied by Daniel Smee
16 January	Civic Centre	Chaired Council meeting
18 January	Kingston	Attended Kingston Revitalisation Steering Committee meeting
19 January	Kingston	Attended Kingborough Meals on Wheels celebration for volunteers.
20 January	Kingston	Attended funeral service for former Margate Primary School principal, Mr Ken Hunt
20 January	Kingston	Met with Simon Troman and Chris Palmer, Kettering Community Association
22 January	Kingston	Spoke at the Kingston Beach Golf Club Centenary Event
23 January	Civic Centre	Chaired Workshop on Risk facilitated by Alecia Leis of Wise Lord and Ferguson

DATE	LOCATION	ITEM
24 January	Kingston	Attended funeral of Mr Paul Gilby, former long serving member of the Disability Inclusion Access and Advisory Committee
25 January	Kingston Beach	Meeting with Alex Gard re development application, accompanied by Cr Kaspar Deane.
26 January	Kingston	Hosted Kingborough Citizenship Ceremony
27 January	Glenorchy	Attended Tasmanian Jackjumpers game at the invitation of Dean Young MP.
30 January	Civic Centre	Met with Kingborough Dog Walkers Association, along with Deputy Mayor Glade-Wright
30 January	Civic Centre	Chaired Council workshop on Kingston Park.

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**B KINGBOROUGH BICYCLE ADVISORY COMMITTEE MINUTES - 16 DECEMBER 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. 2022-6**

**Friday 16 December 2022**





MINUTES of a Meeting of the Kingborough Bicycle Advisory Committee held at the Kingborough Civic Centre, Kingston, on Friday 16 December 2022 at 9:00am.

#### **PRESENT**

		<b>PRESENT</b>	<b>APOLOGY</b>
Chairperson	Cr Amanda Midgley	✓	
Deputy Chairperson	Cr Kaspar Deane		✓
<b>Members:</b>	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		✓
<b>Council Officers In Attendance:</b>			
Executive Officer	Mr Anthony Verdouw		✓
Senior Roads Engineer	Ms Renai Clark	✓	
Recreation Officer	Ms Su Sprott	✓	
Senior Civil Designer	Mr Andrew Hines	✓	
<b>Other Attendees:</b>	Mr Gordon Keith	✓	
	Mr Mark Donnellon	✓	

#### **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**

There were no applications for leave of absence.

#### **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **CONFIRMATION OF MINUTES**

MOVED: Isaac Forster  
SECONDED: Angela Wilson

That the Minutes of the Committee meeting held on Friday 14 October 2022, as circulated be confirmed.

**GENERAL BUSINESS****1. Infrastructure Priorities – Capital Bids 23-24**

Priorities for Action Plan projects that could be incorporated in the 2023-24 capital works budget. The Committee survey results prioritised projects as below:

- 1.1 Taroona bike lane improvements – Construction/implementation
- 1.2 Huntingfield Link from Sirius Drive to Park and Ride – Design
- 1.3 Channel Hwy – Algona to KFC – Master Plan/Concept for active transport
- 1.4 Roslyn Avenue bike lane
- 1.5 Spring Farm to Twin Ovals – Stage 2
- 1.6 Firthside to Summerleas Path
- 1.7 Sandfly Road sealed shoulders – Stage 1
- 1.8 Channel Hwy – Bunnings missing link footpath
- 1.9 Bike parking – Howden Rd junction with Channel Hwy; Margate CBD; Sandfly Rd junction with Huon Hwy

**2. Roslyn Avenue Bike Lane Concept Design Update**

Action 24 - Update from staff on the Roslyn Avenue project and recommendations.

Concept plans and cost estimate presented to the Committee. Discussed limitations with various options and site constraints which contribute to a high-cost project. May be possible to construct as a staged project and seek VRU funding. May to send out examples of back-of-kerb style treatment.

**3. Cycling Strategy – Strategic and Advocacy Actions Review**

Review and discussion of Strategic and Advocacy Actions – Appendix 1

**Action 3 – Track counters:**

- Su Sprott has purchased 2 more track counters. One will be installed as a permanent counter on Whitewater Track. The other will be moved around to various tracks regularly.

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

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

- Council supported the Back on Your Bike course in Kingborough. There was a good turnout with a good mix of demographic.
- 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

**Action 10** – Wayfinding strategy – signage and mapping

- Mary, Su and Anthony have discussed wayfinding signage and focal point map for Kingborough. New signage will be rolled out in the new year starting with Whitewater Creek Track and Kingston Park following recent upgrades.

**Action 11 – Positive Provisioning Policy**

- Policy will be prepared when Engineering resources are available, aiming for early 2023.
- At that time a draft policy will be provided to the Committee for review.

4. 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 will invite a DSG representative to future meeting.*  
*Awaiting response from DSG representatives.*

**Action 16 – Mountain bike park improvements**

- Construction of pump track well underway. Asphalt has been laid. Landscaping and fencing has commenced. More works ongoing in January. Anticipating official opening in February.

**Action 17 – Channel Trail – Kingston to Margate**

- *Engagement on the Margate to Huntingfield Feasibility Study complete.*

**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.
- Design work likely to start early 2023.

**Action 22 – Spring Farm to Sports Precinct**

- Designs for this project are being finalised to lodge a Development Application before going to tender.

**Action 24 – Roslyn Ave design**

- Update above.

**Action 26 – Channel Trail – Snug to Lower Snug**

- *Su to make enquiries with Property Officer regarding land ownership between Electra and Snug and pathway access to the new Snug bridge.*

**Action 27 – Taroona Safe Route to School**

- *Amanda to follow up with Ella Haddad and to provide updates on the proposal and petition. A meeting is proposed for February 2023.*
- Mary noted that some simple fixes in the area could improve access for students.

5. Cycling South Report

Mary to provide an update on Cycling South activities:

- The Department of State Growth has appointed an Urban Mobility Planner, Dusty Moore. I will be meeting with him to discuss the Tasmanian Walking and Cycling Strategy and some of the things it should be addressing. Cycling South's submission in 2019 is still relevant. See attached.
- Bridgewater Bridge – works have commenced on the bridge which will include a 3.0m wide shared path. Alison Hetherington from Bicycle Network and myself met with the project manager to discuss traffic management. The traffic management around the road works site has been poorly managed for people on foot or bicycle. Managing walking and cycling traffic at road works sites is another policy area that the Walking and Cycling Strategy should look at.
- 2023/24 Capital works budget – I am proposing projects that the greater Hobart councils could be considering for their budgets including New Town Rivulet Track improvements in Hobart, Zinc Link in Glenorchy, stage 2 of Rosny Hill Rd path in Clarence.
- AI surveys – Bicycle Network has offered a free trial of artificial intelligence survey to the Cycling South councils. The surveys use cameras that convert images into data (walkers, cyclists, cars, motorcycles, truck) and can provide data on the number of vehicles/people and the way cyclists and pedestrians move through an intersection.



Image: User path trace lines identified in the AIRES software at Clarendon St and York St. (Yellow – Pedestrians, Pink – Bicycles, Red – Cars, Blue – Motorbikes)

A full day survey was carried out at the following locations:

- Hobart – Molle St/Rivulet Track/Collins St intersection
- Clarence – Clarence Foreshore Trail at Tasman Bridge/Rose Bay Esplanade
- Glenorchy – Intercity Cycleway at Elwick Rd

- A proposed location for Kingborough could be Channel Hwy at John St intersection, also Margate and Snug.

#### **CORRESPONDENCE**

#### **OTHER BUSINESS**

##### **6. Committee Survey and Representative Term Renewals**

- *Anthony to send out a survey to review Committee progress and areas for improvement, for the Committee members to complete after representative terms end in December 2022.*

#### **MATTERS OF GENERAL INTEREST**

##### **7. KBAC Community Representation 2023-2024**

Nominations closed on Monday 5 December 2022. New representatives will be endorsed at the 16 January 2023 Council meeting.

##### **8. Projects**

- Tinderbox Hills/Mount Louis Track – Opening early 2023
- NW Bay Track – works completed from Huon Highway end. Bridge installation deferred until Eagle breeding season ends in February/March.
- Bicycle locker at Huntingfield Park and Ride – The lock issue has been resolved, just a heavy door. DSG are looking at better security.
- Recovering stolen bikes – Further info on Bikelinc website is available in this month's Cycling South newsletter.
- Amanda would like to have all future KBAC meetings at the Beach Road office.

#### **NEXT MEETING**

The next meeting of the Committee will be 9am Friday 17 February 2023 at the Civic Centre.

#### **CLOSURE:**

There being no further business, the Chairperson declared the meeting closed at 10.35am.

## **Kingborough Bicycle Advisory Committee**

### **Meeting Dates for 2023**

*Note meetings are held bi-monthly on Fridays at 9:00am  
in the Council Chambers, Kingston*

17 February  
21 April  
23 June  
25 August  
20 October  
15 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	Ongoing	Low	Council, Tasmanian Planning	Op	



Action	Project	Description	Time frame	Cost	Responsible Authorities	Funding	Progress/Outcomes
		recommendations of the <i>Kingborough Footpath Policy</i> and the <i>Kingborough Cycling Strategy</i> endorsed by Council. Where appropriate require a 2.5m wide shared path alongside all collector roads and waterways in new developments. Encourage developers to incorporate bicycle parking in commercial and residential apartment developments.			Commission		
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 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	Short	Council, DSG	Medium	Cap /	

Action	Project	Description	Time frame	Responsible Authorities	Cost	Funding	Progress/Outcomes
		Kingston High School and the Firthside Park & Ride.			m	Ex	
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	Spring Farm to Sports Precinct	Construct a shared path from the existing Whitewater Creek path, north to the sporting precinct.	Short	Council	Medium	Cap / Ex	
23	Huntingfield to Kingston CBD – Channel Hwy	Advocate and seek funding for protected cycling infrastructure along Channel Highway, between Huntingfield and Kingston.	Short	DSG, Council	Medium	Ex	
24	Roslyn Avenue - Kingston Beach to Blackmans Bay	Investigate options for an uphill bicycle lane from Algona Road to Jindabyne Road. Investigate a shared path on the western side of Roslyn Avenue, including safe intersection upgrades.	Short	Council	Low	Cap	
25	Kingston to Kingston Beach	Investigate options and pursue opportunities for a shared path between Kingston and Kingston Beach.	Short	Council, 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, linking existing local tracks to Roslyn Avenue.	Long	Council	Low	Cap	
43	Ferry Road	Investigate improving active transport infrastructure along Ferry Road to Bruny Island Ferry Terminal.	Long	DSG, Council	Low	Ex	

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**C COUNCILLOR ATTENDANCE AT MEETINGS AND WORKSHOPS 1 OCTOBER 2022 - 31 DECEMBER 2022**

*Note: Local Government Elections were held in October 2022 with the Declaration of Office held on 2 November 2022*

**1 October 2022 – 2 November 2022**

	Council		Special Meetings		Audit Panel		Workshops		Leave of Absence Approved during the period
	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	
Mayor Cr Paula Wriedt	2	2							1/8/2022 - 21/8/2022
Deputy Mayor Cr Jo Westwood	2	1							30/9/2022 - 3/10/2022; 3/8/2022 - 7/8/2022
Cr Sue Bastone	2	2							24/7/2022 - 31/7/2022; 25/8/2022 - 29/8/2022
Cr Gideon Cordover	2	2							
Cr Flora Fox*	2	2			1	1			1/8/2022 - 8/8/2022
Cr Clare Glade-Wright	2	2							1/08/2022
Cr David Grace	2	2							
Cr Amanda Midgley	2	1							24/9/2022 - 9/10/2022
Cr Christian Street*	2	2			1	-			
Cr Steve Wass	2	2							

## 2 November 2022 – 31 December 2022

	Council		Special Meetings		Audit Panel		Workshops		Leave of Absence Approved during the period
	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	
Mayor Cr Paula Wriedt	4	3	1	1			3	2	13/11/2022 - 27/11/2022
Deputy Mayor Cr Clare Glade-Wright*	4	3	1	1	1	1	3	3	
Cr Aldo Antolli	4	4	1	1			3	3	25/12/2022 - 17/1/2023
Cr David Bain *	4	3	1	1	1	1	3	3	
Cr Gideon Cordover	4	4	1	1			3	3	
Cr Kaspar Deane	4	4	1	-			3	3	
Cr Flora Fox	4	4	1	1			3	3	
Cr Amanda Midgley	4	4	1	-			3	3	
Cr Mark Richardson	4	4	1	-			3	3	
Cr Christian Street	4	1	1	-			3	1	

*Note: Special Meetings also includes the Annual General Meeting*

*\* Audit Panel Member*

Council Minute C390/14-12 determined that Councillor Attendance and Approved Leave of Absences be reported.



**D COUNCILLOR ALLOWANCES AND EXPENSES TO DECEMBER 2022****Councillor Allowance and Expense Table for period 1 July 2022 to 31 December 2022****SUMMARY**

Councillor	Mayoral Allowance \$	Deputy Mayoral Allowance \$	Councillor Allowance \$	Councillor Expenses						Total \$
				Travel Allowances \$	Mayor's Vehicle \$	Bruny Ferry \$	Internet & Telephone \$	Conference & Meeting Attendance \$	Code of Conduct \$	
Mayor Cr Wriedt	39,787		15,915	-	600	-	-	456		\$ 56,758
Deputy Mayor Glade-Wright		3,569	15,915	-	-	-	-	-		\$ 19,484
Cr Cordover			15,915	-	-	-	-	-		\$ 15,915
Cr Fox			15,915	455	-	46	530	464		\$ 17,410
Cr Midgley			15,672	-	-	-	-	-		\$ 15,672
Cr Street			15,672	-	-	-	-	-		\$ 15,672
Clr Antolli			5,136	-	-	-	-	-		\$ 5,136
Clr Richardson			5,136	-	-	-	-	-		\$ 5,136
Clr Deane			5,136	-	-	-	-	-		\$ 5,136
Clr Bain			5,136	-	-	-	-	-		\$ 5,136
Deputy Mayor Cr Westwood		7,302	10,509	-	-	-	54	-		\$ 17,865
Cr Bastone			10,509	-	-	-	-	-		\$ 10,509
Cr Grace			10,509	307	-	46	160	-		\$ 11,022
Cr Wass			10,509	-	-	-	-	-		\$ 10,509
Code of Conduct Complaints										\$ -
<b>TOTAL</b>	<b>\$ 39,787</b>	<b>\$ 10,871</b>	<b>\$ 157,586</b>	<b>\$ 762</b>	<b>\$ 600</b>	<b>\$ 92</b>	<b>\$ 744</b>	<b>\$ 920</b>	<b>\$ -</b>	<b>\$ 211,361</b>

**Notes:**

Clrs Bastone, Cordover and Westwood declined the Nov 2020 Allowance increase in July to October but reverted to the full 2021/22 allowance in November.

Clrs Midgley and Street declined the Nov 2020 Allowance increase, however accepted the Nov 2021 increase.

Clr Glade-Wright joined Council during July and received a pro rata payment for that month.

Council Minute C390/14-12 determined that Councillor Allowances and Expenses paid under the "Payment of Councillors Expenses and Provision of Facilities" Policy be reported.

Bruny Ferry costs are also included as required in Minute GF101/6-12 Bruny Ferry = cost of fares at \$38 per trip from 01/11/2018

**E DONATIONS TO DECEMBER 2022****Donations Table**

For period 1 July 2022 to 30 June 2023

**MAYORAL DONATIONS**

<u>Name</u>	<u>Amount</u>	<u>Description</u>
Scouts Tasmania	\$ 3,129.00	Reimbursement of DA fees
Bruny Island Community Association	\$200.00	Contribution towards Christmas Carols
	<u>\$ 3,329.00</u>	
Annual Budget	<u>\$ 3,300.00</u>	

**COUNCIL POLICY DONATIONS**

<u>Name</u>	<u>Amount</u>	<u>Description</u>
Lucy Larcombe	\$ 100.00	Interschool Equestrian Competition
Brodie Nicolson	\$ 100.00	Interschool Equestrian Competition
Sarah Shelverton	\$ 100.00	Interschool Equestrian Competition
Chloe Daun	\$ 100.00	Interschool Equestrian Competition
Daisy Tunstall	\$ 100.00	National Gymnastics
Riley Fenn	\$ 100.00	National Gymnastics
Sarah Glancy	\$ 100.00	National Gym Club
Oliver McAdie	\$ 100.00	National Cross Country Championships
Riley Bain	\$ 100.00	National Cross Country Championships
Josie Rose	\$ 100.00	2022 National Soccer
Matthew French	\$ 100.00	Aust National Gymnastics Club
Billy French	\$ 100.00	Aust National Gymnastics Club
Amber French	\$ 100.00	Aust National Gymnastics Club
Willow Stainsby	\$ 100.00	National Soccer Tournament
Amelia Loxley	\$ 100.00	U16 Girls State Football Championships
Cara Lashmar	\$ 100.00	Aust National Youth Football Championships
Woodbridge School	\$ 100.00	School Citizenship Awards
Calvin Primary School	\$ 100.00	School Citizenship Awards
Calvin Secondary School	\$ 100.00	School Citizenship Awards
Channel Christian School	\$ 100.00	School Citizenship Awards
Kingston Primary School	\$ 100.00	School Citizenship Awards
Margate Primary School	\$ 100.00	School Citizenship Awards
Blackmans Bay Primary School	\$ 100.00	School Citizenship Awards
Illawarra Primary School	\$ 100.00	School Citizenship Awards
Snug Primary School	\$ 100.00	School Citizenship Awards
Taroona Primary School	\$ 100.00	School Citizenship Awards
Taroona Primary School	\$ 100.00	(duplicate payment - refund to be requested by Amanda)
St Aloysius Catholic College (Middle)	\$ 100.00	School Citizenship Awards
St Aloysius Catholic Colledge (Jnr Campus)	\$ 100.00	School Citizenship Awards
Bruny Island District School	\$ 100.00	School Citizenship Awards
Oliver Vince	\$ 100.00	Aust All School Track & Field Championships
Huon & India Williams	\$ 200.00	Aust Under Water Hockey Championships
Joseph & Arthur Whittock	\$ 200.00	Aust Under Water Hockey Championships
Lachlan Beattie	\$ 100.00	Aust Under Water Hockey Championships
Amber French	\$ 200.00	World Open Trampoline Championships
Matthew French	\$ 200.00	World Open Trampoline Championships
Caleb Sload	\$ 100.00	Aust Under Water Hockey Championships
Southern Christian College	\$ 100.00	School Citizenship Awards
Ewan McIlwraith	\$ 100.00	Contribution towards 2022 Youth Pathways Cup
Milah Hatten	\$ 100.00	Contribution towards All Aust Track & Field Championships
Rohan Wilcox	\$ 200.00	Contribution towards 2022 World Age Competition in Bulgaria
	<u>\$ 4,600.00</u>	
Annual Budget	<u>\$ 11,700.00</u>	

- Council makes Donations under section 77 of the Local Government Act 1993 which states that "Council may make a Grant .... for any purpose it considers appropriate ". "The details of any grant made ... are to be included in the annual report of the council " Section 77 (2).

**F CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)**

<b>CURRENT</b>	
<b>Resolution Title</b>	<b>Continuous Improvement Policy</b>
<b>Meeting Date</b>	19 December 2022
<b>Minute No.</b>	C494/24-2022
<b>Status</b>	Not yet commenced
<b>Responsible Officer</b>	Director Governance, Recreation & Property Services
<b>Officers Comments</b>	Research to be undertaken
<b>Anticipated Date of Completion</b>	April 2023
<b>Resolution Title</b>	<b>Multicultural Strategy</b>
<b>Meeting Date</b>	19 December 2022
<b>Minute No.</b>	C498/24-2022
<b>Status</b>	In progress
<b>Responsible Officer</b>	Director Environment, Development & Community Services
<b>Officers Comments</b>	Project plan is being prepared. An Advisory Group will be formed in the coming months to commence development of the Strategy.
<b>Anticipated Date of Completion</b>	July 2024
<b>STILL BEING ACTIONED</b>	
<b>Resolution Title</b>	<b>Tinderbox Beach Erosion Management – Community Consultation Report</b>
<b>Meeting Date</b>	5 December 2022
<b>Minute No.</b>	C475/23-2022
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Manager Environmental Services
<b>Officers Comments</b>	Development of a local plan for Tinderbox Reserve to be considered in 23/24 budget
<b>Anticipated Date of Completion</b>	June 2023
<b>Resolution Title</b>	<b>Communication of Local Provisions Schedule (LPS), Specifically the Landscape Conservation Zone (LCZ)</b>
<b>Meeting Date</b>	5 December 2022
<b>Minute No.</b>	C478/23-2022
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Manager Development Services
<b>Officers Comments</b>	Drop-in sessions to occur in February 2023. Further communication mid-2023
<b>Anticipated Date of Completion</b>	July 2023
<b>Resolution Title</b>	<b>Reduction of Speed Limit on Redwood Road</b>
<b>Meeting Date</b>	5 September 2022
<b>Minute No.</b>	C366/17-2022
<b>Status</b>	Completed
<b>Responsible Officer</b>	Director Engineering Services
<b>Officers Comments</b>	Transport Commission has authorised the speed reduction.
<b>Anticipated Date of Completion</b>	Completed

<b>Resolution Title</b>	<b>Entire Home Short Stay Accommodation</b>
<b>Meeting Date</b>	5 September 2022
<b>Minute No.</b>	C367/17-2022
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Manager Development Services
<b>Officers Comments</b>	Establishing parameters of the report
<b>Anticipated Date of Completion</b>	2023
<b>Resolution Title</b>	<b>Speed Limit on Woodbridge Hill Road</b>
<b>Meeting Date</b>	6 June 2022
<b>Minute No.</b>	C256/10-2022
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Director Engineering Services
<b>Officers Comments</b>	Still waiting on the Transport Commission to provide a resolution.
<b>Anticipated Date of Completion</b>	April 2023
<b>Resolution Title</b>	<b>Glyphosate</b>
<b>Meeting Date</b>	7 February 2022
<b>Minute No.</b>	C54/2-2022
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Director Environment, Development & Community Services
<b>Officers Comments</b>	International research assessing the carcinogenic nature of glyphosate was released earlier this year. A report will come to Council addressing the outcomes of the research and its application to Council's use of herbicide this financial year.
<b>Anticipated Date of Completion</b>	June 2023
<b>Resolution Title</b>	<b>Kingborough Bicycle Advisory Committee</b>
<b>Meeting Date</b>	3 May 2021
<b>Minute No.</b>	C211/8-2021
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Manager Development Services
<b>Officers Comments</b>	Awaiting direction from the Planning Commission as to when the Scheme may progress
<b>Anticipated Date of Completion</b>	May 2023
<b>Resolution Title</b>	<b>Petition: Development of Walking Track in Spring Farm and Whitewater Park Estates to Connect to Huntingfield</b>
<b>Meeting Date</b>	1 March 2021
<b>Minute No.</b>	C94/4-2021
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Director Governance, Recreation & Property Services
<b>Officers Comments</b>	To be undertaken as a capital project in 2022/23
<b>Anticipated Date of Completion</b>	June 2023
<b>Resolution Title</b>	<b>Hobart City Deal and Implementing the Kingston Place Strategy</b>
<b>Meeting Date</b>	13 July 2020
<b>Minute No.</b>	C397/13-2020
<b>Status</b>	Ongoing
<b>Responsible Officer</b>	Director Governance, Recreation & Property Services
<b>Officers Comments</b>	A major project which will be ongoing for the next three years and regular reports will be provided to Council
<b>Anticipated Date of Completion</b>	Ongoing

<b>Resolution Title</b>	<b>Funding for Public Infrastructure Required to Support Large Sub-divisions</b>
<b>Meeting Date</b>	22 July 2020
<b>Minute No.</b>	C429/14-2020
<b>Status</b>	In progress
<b>Responsible Officer</b>	Director Environment, Development, Community
<b>Officers Comments</b>	LGAT has released a discussion paper (April 22) which is being reviewed by officers to provide feedback.
<b>Anticipated Date of Completion</b>	Unknown

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