

# Kingborough



## COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on  
Monday, 20 March 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. 5 to be held on Monday, 20 March 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, 14 March 2023

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# Table of Contents

Item	Page No.
Open Session	
1 Audio Recording	1
2 Acknowledgement of Traditional Custodians	1
3 Attendees	1
4 Apologies	1
5 Confirmation of Minutes	1
6 Workshops held since Last Council Meeting	2
7 Declarations of Interest	2
8 Transfer of Agenda Items	2
9 Questions Without Notice from the Public	2
10 Questions on Notice from the Public	2
10.1 Residential Development in a Landscape Conservation Zone	2
10.2 Landscape Conservation Zone	4
10.3 Public Parking for the Kingborough Community Hub	5
11 Questions Without Notice from Councillors	5
12 Questions on Notice from Councillors	6
12.1 Proceeds of Crime	6
13 Officers Reports to Planning Authority	8
13.1 DAS-2022-7 - Development Application for Subdivision Creating Ten Lots and One Road Lot at 37 Nebraska Road, Dennes Point	8
13.2 DA-2022-480 - Development Application for Mixed Use Commercial Building (Offices, Retail and Cafe) and Associated Road Works (Footpath and Stairs) at 'Kingston Park', 7 Goshawk Way, Kingston and Goshawk Way Road Reserve (CT 179541/101)	83
14 Petitions still being Actioned	145
15 Petitions Received in Last Period	145
16 Officers Reports to Council	145
16.1 Financial Report - February 2023	145
17 Notices of Motion	169
17.1 Roadkill Mitigation Strategy	169
18 Confirmation of Items to be Dealt with in Closed Session	171

## Table of Contents *(cont.)*

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

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### Appendix

A	General Manager's Activities 6 February 2023 to 3 March 2023	174
B	Current and Ongoing Minute Resolutions (Open Session)	175
C	Kingborough Bicycle Advisory Committee Minutes - 17 February 2023	178
D	Kingborough Community Safety Committee Minutes - 20 February 2023	191

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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, 20 March 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. 4 held on 6 March 2023 be confirmed as a true record.

## 6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
14 March 2023	Roadside Bushfire Risk Assessment	Presentation on recently developed GIS modelling tool to inform prioritisation of Council's roadside bushfire management in Kingborough
	Emergency Management	Overview of Emergency Management arrangements in Kingborough, including establishing evacuation centres when required

## 7 DECLARATIONS OF INTEREST

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

## 8 TRANSFER OF AGENDA ITEMS

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

## 9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

## 10 QUESTIONS ON NOTICE FROM THE PUBLIC

### 10.1 Residential Development in a Landscape Conservation Zone

At the Council meeting on 6 March 2023, **Ms Mel O'Keefe** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*In the new Tasmanian Planning Scheme, for residential development, no permit is required in the residential zone, the inner residential, the low density residential, the rural living village and even the local business and general business don't require a permit if it's associated with a home based business. Is Council aware that of all the zones listed, LCZ is the only zone that does not have residential development as no permit required? In fact, it's not even permitted unless it's on a building envelope and it's discretionary and therefore at Council's sole discretion?*

#### Officer's Response:

The framing of the questions is a little misleading if not read in the full context of the Scheme, so the response provided includes additional information that may assist people in qualifying the notion that permits are not required in the zones that are listed.



Use class tables for 'residential' use and associated 'qualifications'

The table below lists the zones mentioned in the question, limiting the detail to the 'Residential' Use Class only. The 'qualification' that is listed on the right means that to keep that status (No Permit Required or Permitted) the proposal must satisfy the qualification. The qualifications for the use classes in each zone has been set by the State Government and is the same for every Council using the Tasmanian Planning Scheme.

The comment in the question about the listed zones, excluding the Landscape Conservation and the two business zones all sharing a 'No Permit Required' status is correct, which is an appropriate approach for residential development in urban areas that are serviced and in proximity to activity centres, where those said zones typically exist.

*Notes: 1) The table is not exhaustive of all zones in the scheme, it has been limited to the context of the question. 2) The definition of what 'No Permit required', 'Permitted', 'Discretionary' and 'Prohibited' is included in Clauses 6.6, 6.7, 6.8 and 6.9 of the SPPs in the Tasmanian Planning Scheme. 3) 'No Permit Required' is not the same as 'Exempt'; there are exemptions listed in the Scheme and are included in Clause 4 and referenced in Clause 6.5 of the SPPs in the Tasmanian Planning Scheme. 4) refer to the third section of this response to understand the meaning of 'home-based business'.*

Zone	Use Class	Qualification
General Residential & Inner Residential	No Permit Required	If for a single dwelling
	Permitted	If not listed as No Permit Required
Low Density Residential & Rural Living	No Permit Required	If for a single dwelling
	Permitted	If for a home-based business
Village	No Permit Required	If for a single dwelling or a home-based business
	Permitted	If not listed as No Permit Required
Local Business & General Business	No Permit Required	If for a home-based business
	Permitted	If: (a) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and (b) not listed as No Permit Required
Landscape Conservation	No Permit Required	<i>Not listed in the table, therefore there is no 'No Permit Required' status.</i>
	Permitted	If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan.
	Discretionary	If for a single dwelling

No Permit Required/Permitted/Discretionary statuses

In the Tasmanian Planning Scheme there are different requirements for residential use with a variety of qualifications. It is important to understand, that a proposal only maintains its 'No Permit Required' status (or 'Permitted' status) defined in the 'Use Table' if it meets all the Acceptable Solutions of the applicable tables including:

- Use standards;
- Development Standards for dwellings;
- Development Standards for non-dwellings;

- Development Standards for subdivision; and
- any applicable Code Overlay.

Two practical examples to explain how the point above works:

- a) If the proposal (new dwelling) did not meet the Acceptable Solution of Clause 8.4.3 (A1) in the development standards for dwelling, which requires a maximum site coverage of 50% in General Residential, then the proposal would move from 'No Permit Required' to 'Discretionary', which means a Planning Permit would be required. That does not mean that it will not be allowed, it means that an assessment needs to be made against the correlating 'Performance Criteria' to determine if the proposal satisfies the requirement of that Clause.
- b) If the proposal (new dwelling) had a Code Overlay, such as the Flood-Prone Areas Hazard Code, which 'no Acceptable Solution' listed for Clause C12.6.1, then it would lose its status as 'No Permit Required' and become a 'Discretionary' application.

*Note: to understand the section above more clearly, it is recommended that the reader refer to Clause 8.0 'General Residential Zone' for example a) and Clause C12.0 for example b) of the SPP's in the Tasmanian Planning Scheme at the same time. PDF copies of each clause, zone and overlay/code for the Tasmanian Planning Scheme are available on the Council website under 'Incoming Tasmanian Planning Scheme'.*

#### What 'Unless for home-based business' really means

This qualification, which is referred to in the table above and other parts of the Tasmanian Planning Scheme, does not mean that building a dwelling is 'No Permit Required' or 'Permitted'. What it means is that you can have a 'home-based business' which is within the 'residential' use class, provided that there is a dwelling that already exists or the home based business is part of a proposed dwelling. *Note: 'home-based business' is defined in Clause 3.1 of the SPP's in the Tasmanian Planning Scheme.*

#### Summary

The answers provided only give commentary on the questions asked. They do not include what the differences or similarities are to existing zones, such as Environmental Living. It is possible for that to be provided, but it is not a simple task to explain all parts or working of a Planning Scheme without having to divert into other areas or explanations of how the scheme operates in a practical sense. This is why we have a strong commitment to having staff available to provide this information in person, as often it assists to explain the parts that the interested party wants to know.

*Tasha Tyler-Moore, Manager Development Services*

## **10.2 Landscape Conservation Zone**

**Ms Angela Hanly** submitted the following question on notice:

*Of the properties set to go to LCZ per the draft LPS:*

1. *How many Environmental Living Zone properties are greater than 20ha and how many are greater than 40ha?*
2. *How many Rural Living properties are greater than 20ha and how many are greater than 40ha?*
3. *How many Rural Resource properties are greater than 20ha and how many are greater than 40ha?*

4. *How many Low Density Residential properties are greater than 20ha and how many are greater than 40ha?*

**Officer's Response:**

The numbers provided below are based on the Kingborough Draft LPS mapping that was submitted to the Tasmanian Planning Commission in 2019. It is expected that the numbers will change prior to the formal exhibition of the Kingborough Draft LPS later this year. It should also be noted that the numbers are approximate as it includes properties with split zonings (i.e properties with 2 or more different zones where the LCZ covers more than 90% of a lot).

Of the properties proposed to go to LCZ:

1. There are 207 lots in the Environmental Living Zone greater than 20ha in size of which 96 are greater than 40ha.
2. There are no properties in the Rural Living Zone greater than 20ha in size.
3. There are 9 lots in the Rural Resource Zone greater than 20ha in size of which 4 are greater than 40ha.
4. There are no properties in The Low Density Residential Zone greater than 20ha in size.

*Adriaan Stander, Strategic Planner*

### **10.3 Public Parking for the Kingborough Community Hub**

**Ms Nathalie Leonard** submitted the following question on notice:

*The Council has built a community hub that hosts some fantastic events and brings the community together. However, as these events are incredibly popular, the surrounding car parks on Goshawk Way and John Street fill up quickly. You might recall that on the Night of Lights community members were parking at Shiploads and walking over. What is the Council's plan for car parking during these community events at the hub, once John St and Goshawk Way carparks cease to exist?*

**Officer's Response:**

It is intended to undertake an update of the Central Kingston Parking Strategy to identify options to replace the public carparking in John Street and Goshawk Way that will be lost as Kingston Park is further developed.

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

## **11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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## 12 QUESTIONS ON NOTICE FROM COUNCILLORS

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### 12.1 Proceeds of Crime

**Cr Cordover** submitted the following question on notice:

*In the law of equity, there is a natural justice principle that prohibits making a profit from malfeasance, sometimes codified as the Clean Hands Maxim ("one who comes into equity must come with clean hands").*

1. *When exercising its discretion in relation to a development application, can a Planning Authority consider this principle (i.e. whether granting or denying the permit would cause the applicant, or someone working in concert with the applicant, to receive a benefit from their malfeasance)?*
2. *Does the answer to Question 1 change if the matter is raised by a conforming representation made in respect of the application, in accordance with clause 8.10.1(b) of the Kingborough Interim Planning Scheme 2015?*
3. *When granting a discretionary permit, what limits exist on the Planning Authority's power to impose conditions relating to prior illegal use or development of the land?*
4. *Where it has been determined that a property has been illegally altered to facilitate development, can the Council, in enforcement proceedings or otherwise outside of a planning process, seek an injunction or some other order to prevent that owner from taking advantage of or profiting from the new state of the land?*
5. *Will the Council seek the advice of Senior Counsel to settle these questions to minimise the risk of properties in Kingborough being used to generate profits from illegal activity?*

#### **Officer's Response:**

Legal advice was sought to prepare the responses to the questions.

**Question 1:** The 'clean hands' doctrine is one which may be applied by a court when it is exercising its jurisdiction in equity (for example, when someone has applied for equitable relief). Equity is a particular body of law which has developed over a long period of time to address inequities which arise when the common law is applied strictly.

Council, as a statutory corporation (including in its role as 'planning authority'), is given powers by legislation, which includes the *Land Use Planning and Approvals Act 1993* (Tas) (**LUPAA**) and delegated legislation, such as planning schemes. Its powers are subject to that legislation. Within that legislation Council will be able to exercise a number of discretions, and the breadth of that discretion will depend on an interpretation of the statutory power.

Equitable doctrines – such as the 'clean hands' doctrine – do not apply to Council's discretions under the LUPAA or the Scheme. Equitable jurisdiction is exercised by Courts vested with that jurisdiction. Council, as a decision-maker, is not vested with that jurisdiction. Analogous principles do not apply to its decision-making powers under the LUPAA.

**Question 2:** In short, no, for the reasons stated above.

Section 57(5) of the LUPAA invites representations '*relating to the application*'. Clause 8.10.1(b) of the Scheme, which requires a Council to take into consideration any representations received and in conformity with s 57(5), is also qualified by the words '*but in the case of the exercise of discretion, only insofar as each such matter is **relevant** to the particular discretion being exercised*'.  

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Again, the 'clean hands' doctrine, being a doctrine applying in equity, is not relevant to the planning authority's '*particular discretion being exercised*'.

**Question 3:** Under s 51(3A) of the LUPAA, a permit to which s 57 applies (ie, a discretionary permit) may be subject to such conditions or restrictions as the planning authority may impose. Though that may appear to be an unfettered discretion, it is not: *Northern Midlands Council v Smith* [2021] TASSC 8 at [10]-[12].

The outer limits of a planning condition are set out in *Western Australian Planning Commission v Temwood Holdings Pty Ltd* (2004) 221 CLR 30. The conditions must be for a proper planning purpose; they must reasonably and fairly relate to the development and must not be so unreasonable that no planning authority would impose those conditions. Relatedly, a condition cannot be used as a vehicle for permitting an otherwise unlawful purpose: *Re a Referral by RPAT; ex parte Arkless* [2003] TASSC 93 at [22].

If there is a prior illegal use or development on land, the planning authority may take enforcement action, eg under Div 4A of the LUPAA or prosecute an offence for breach of s 63 of the LUPAA. It may, by a condition, require remedial works to bring a non-conforming development to a conforming development, so long as that condition meets the test in *Temwood*.

**Question 4:** An enforcement notice may, for example, require a person to stop carrying out a development or a use of the kind specified in the notice, or require that a person demolish or remove a building or structure (see eg, s 65D(2), LUPAA). Those powers are akin to 'prohibitive' and 'mandatory' injunctions.

However, those powers do not prevent an 'advantage' or a 'profit' coming to a person, though that might be the ultimate effect if a use or a development has to stop. Council has no power to, for example, obtain an account of profit or a net gain made as a result of an illegal development. It can only exercise its enforcement powers.

**Question 5:** This is not intended

*Tasha Tyler-Moore, Manager Development Services*

## PLANNING AUTHORITY IN SESSION

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

#### 13.1 DAS-2022-7 - DEVELOPMENT APPLICATION FOR SUBDIVISION CREATING TEN LOTS AND ONE ROAD LOT AT 37 NEBRASKA ROAD, DENNES POINT

**File Number:** DAS 2022-7  
**Author:** Timothy Donovan, Senior Planning Officer  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	Brooks Lark and Carrick Surveyors
<b>Owner:</b>	Mrs R L Owens and Mr N J Owens
<b>Subject Site:</b>	37 Nebraska Road, Dennes Point (CT 177552/1) and Lot 100 Nebraska Road (CT 177548/100).
<b>Proposal:</b>	Subdivision creating ten lots and one road lot
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015 <i>Assessment is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)</i>
<b>Zoning:</b>	Low Density Residential (Area A)
<b>Codes:</b>	E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E5.0 Road and Railway Assets Code E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection Code E16.0 Coastal Erosion Hazard Code E23.0 On-Site Wastewater Management Code
<b>Use Class/Category:</b>	Subdivision
<b>Discretions:</b>	Low Density Residential Zone <ul style="list-style-type: none"> <li>• Cl.12.4.1 - Non Dwelling Development A1</li> <li>• Cl.12.5.1 – Lot Design A2, A3</li> <li>• Cl.12.5.2 – Roads A1</li> <li>• Cl.12.5.3 – Ways and Public Open Space A1, A2</li> <li>• Cl.12.5.4 – Services A4</li> </ul> Environmental Management Zone <ul style="list-style-type: none"> <li>• Clause 29.3.1 – Use Standards for Reserved Land A1</li> <li>• Cl.29.4.3 - Design A1</li> <li>• Cl.29.5.1 - Subdivision A1</li> </ul> E3.0 Landslide Code <ul style="list-style-type: none"> <li>• Cl.E3.8.1 – Subdivision A1</li> </ul>



	<p>E10.0 Biodiversity Code</p> <ul style="list-style-type: none"> <li>• Cl.E10.8.1 Subdivision A1</li> </ul> <p>E23.0 On-Site Wastewater Management Code</p> <ul style="list-style-type: none"> <li>• Cl.E.23.9.1 - Development Standards for New Lots A1</li> </ul>
<b>Public Notification:</b>	Public advertising was undertaken between 1 February 2023 and 15 February 2023 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
<b>Representations:</b>	<p>107 - There are 103 representations against and 4 representations in support of the application.</p> <p>The representations against were on the following grounds:</p> <ul style="list-style-type: none"> <li>• Zoning – incorrect and should not allow the type of development</li> <li>• Removal of habitat and unauthorised clearing</li> <li>• Impacts on endangered species</li> <li>• Land slip/Land slide</li> <li>• Flood risk</li> <li>• Stormwater – Infrastructure and Run off/Management</li> <li>• Sewerage issues</li> <li>• Traffic/roads issue</li> <li>• Building/design concerns</li> <li>• Submitted plans inaccurate and insufficient</li> <li>• Open Space and footway</li> <li>• Noise/Light pollution</li> <li>• Bush fire risk</li> <li>• Social impacts</li> <li>• Aboriginal Heritage</li> </ul> <p>The representations in support of the application raised the following matters:</p> <ul style="list-style-type: none"> <li>• Clearing of pine trees has removed a fire hazard.</li> <li>• Invasive weeds have been removed.</li> <li>• The development may improve amenities and services for other occupants.</li> <li>• The proposal meets legal standards and requirements for the development.</li> <li>• Improvement to natural value of the area with planned native revegetation.</li> <li>• Proposed subdivision has a lower density than what is allowed in this zone.</li> <li>• The small development will have minimal to nil impact on wildlife.</li> </ul>
<b>Recommendation:</b>	Approval with Conditions

## 1. PROPOSAL

### 1.1 Description of Proposal

The subdivision application is for the creation of 10 lots, two road lots and a footway lot which will also contain an electricity infrastructure (TasNetworks) easement. The Plan of Subdivision also shows a footway lot located in the northwest corner of the subject site adjacent to the Community Hall at No 18 Bruny Island Main Road which is owned by Council. This Footway is not a part of the subdivision and is subject to a separate agreement with Council.

The lots range in size as follows:

Lot	Area	Frontage
1	3,040m <sup>2</sup>	22.88m
2	2,741m <sup>2</sup>	21.33m
3	2,546m <sup>2</sup>	25.43m
4	2,739m <sup>2</sup>	27.95m
5	2,644m <sup>2</sup>	11.72m
6	5,386m <sup>2</sup>	14.49m
7	4,012m <sup>2</sup>	10.89m
8	2,926m <sup>2</sup>	22.84m
9	2,899m <sup>2</sup>	25.94m
10	2,576m <sup>2</sup>	92.12m
100 (Road)	4,250m <sup>2</sup>	NA
101 (Footway)	320m <sup>2</sup>	4m
102 (Road)	696m <sup>2</sup>	NA

The subdivision is to be staged:

- Stage 1      Lots 1 to 5, 9, Lot 100 (Road Lot), Lot 101 (footway and TasNetworks easement) and Lot 102 (Road lot).
- Stage 2      Lot 10
- Stage 3      Lots 6, 7 and 8.



Page 11

A 4m wide footway is proposed from Bruny Island Main Road between Lots 3 and 4 down to the new internal road. This land will also serve as a electricity easement for TasNetworks to enable power to be extended to the estate from the existing electricity infrastructure.

A proposed drainage easement 3.0m wide containing an open swale drain is located along the northern boundary of proposed Lot 5 and extends from Bruny Island Main Road to the new internal road.

The stormwater system for the subdivision is proposed to connect to the existing Council system by the construction of a new stormwater main along Nebraska Road to connect to the existing culvert and stormwater outlet located opposite No 26 Nebraska Road and located within the Council owned land Lot 100 Nebraska Road (CT 177548/100).

## **1.2 Description of Site**

The subdivision for the new lots involves the two properties at 37 Nebraska Road, (CT 177552/1) and Lot 100 Nebraska Road (CT 177548/100) at Dennes Point, Bruny Island. No 37 Nebraska Road has an area of 3.36ha and is zoned Low Density Residential. Lot 100 is owned by Council and has an area of 4875m<sup>2</sup> and is zoned Environmental Management. The site has frontage to Nebraska Road, Bruny Island Main Road and Florence Road.

The land is vacant, with a moderate slope adjacent to Nebraska Road and rising steeply up to the Bruny Island Main Road and is predominantly grassland and low vegetation. There is a small area of the site adjacent to Bruny Island Main Road that is within the Biodiversity Code overlay area and several significant trees and vegetation.

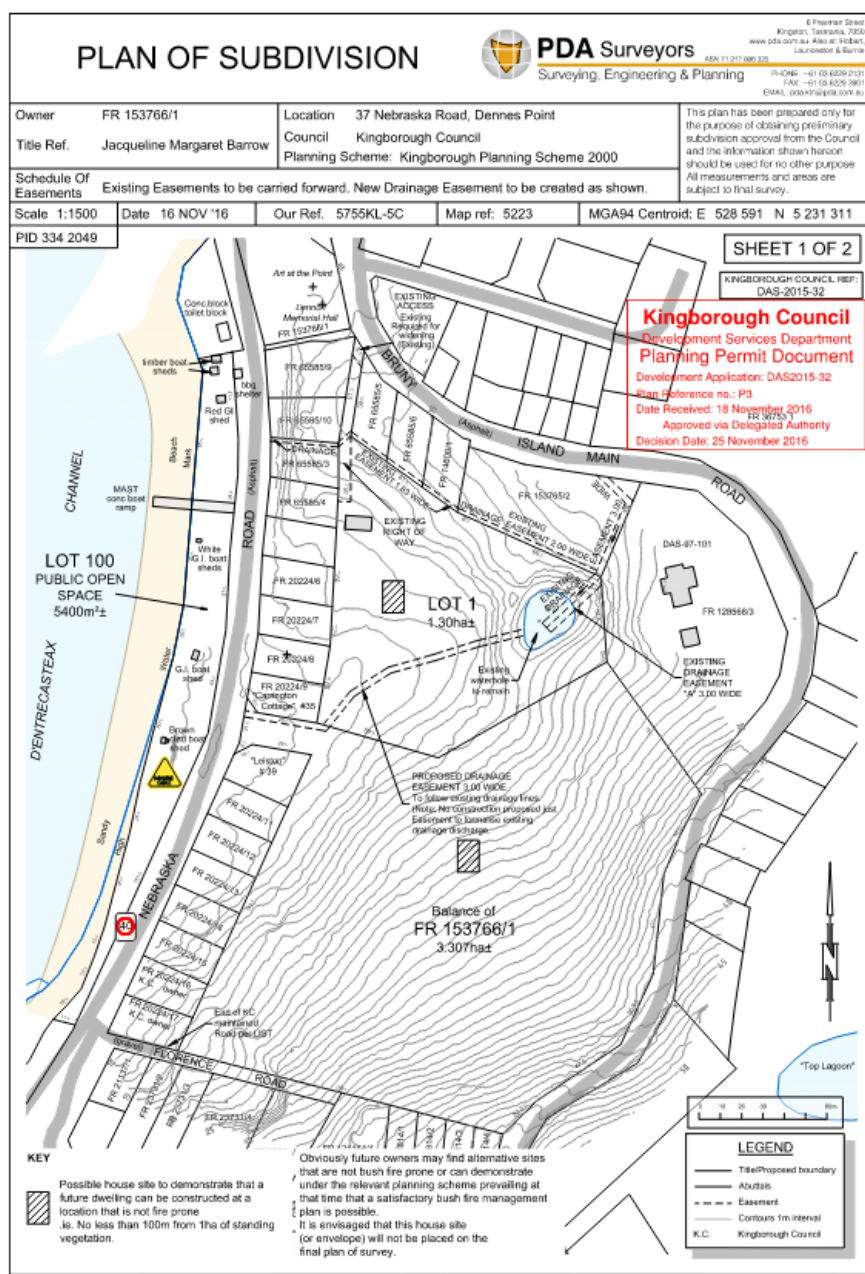
There is a Drainage Easement and a Right of Way and Service Easement over the subject land in favour of Lot 1 Bruny Island Main Road (CT177548/1).

## **1.3 Background**

### DAS 2015-32

A subdivision Permit DAS 2015-32 for 2 lots was issued on 25 November 2015 for 42 Bruny Island Main Road. This subdivision created the current lot No 37 (the balance lot) and Lot 1.

The subdivision included a public open space Lot 100 as a littoral reserve located between the road and Nebraska Beach. Council entered into a Part 5 Agreement with the property owner that confirmed that a further contribution would not be required should either lot 1 or the balance lot be further subdivided. The public open space lot of approximately 5400m<sup>2</sup> exceeded 5% of the area of the subject property.



**Figure 3 - Approved Plan of Subdivision - DAS 2-15-32**

### Unlawful Clearing

Council has issued an Enforcement Notice, under s.63 of the *Land Use and Planning Approvals Act 1993*, dated 31/10/2022 on the owners of No 37 Nebraska Road, Dennes Point, for undertaking development of land contrary to the planning scheme. The unapproved works involved the removal of vegetation and/or trees, and associated works on the property between 14 June 2022 and 22 June 2022 within a Permit.

The Enforcement Notice required that the applicant either:

- immediately refrain from committing the offences; and
- within 6 months take all reasonable steps to lodge a application for a Permit; OR
- within 6 months submit a rehabilitation plan for endorsement by Council and implement the Plan within the Council specified timeframes.

Council has issued an Infringement Notice, under s.63 of the *Land Use and Planning Approvals Act 1993*, dated 31/10/2022 on the owners of No 37 Nebraska Road. The amount of the Penalty in the Notice was \$2,595.00. The fine was paid on 19/01/2023.

The Council had previously issued an Abatement Notice dated 3/11/2021 on the owners. The Abatement Notice was issued in relation to a fire risk on the property in relation to the presence of, bracken fern, grass (Lamandra), shrubs (understorey) and low tree branches. The Notice required that the risk be abated and remediation works done. The abatement works included:

- cutting and maintaining grass including establishing a 20m fuel break along the boundary with Bruny Island Main Road.
- removal of understorey within 10 meters of the boundary.
- the removal of tree branches in the fire break that were less than 2 m from the ground.

In relation to the Abatement Notice Council was advised by the owners that works had commenced in November 2022 and would be finished over the next couple of months.

The unapproved clearing and works are included in the current Subdivision application as retrospective development and will be assessed under the Development Standards of the Planning Scheme.

## **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.
- 12.1.1.3 To avoid land use conflict with adjacent Rural Resource or Significant Agricultural zoned land by providing for adequate buffer areas.
- 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 – Local Area Objectives and Desired Future Character Statements.*

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area

Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	Dennes Point is to be maintained as a small seaside settlement for residents, shack owners and visitors using short-term holiday accommodation in and around the village precinct.	(a)	Future developments and buildings in Dennes Point are to be designed to reflect the existing low-key character of the location.
Desired Future Character Statements		Implementation Strategy	
(a)	Future development within Dennes Point should maintain residential amenity and encourage high quality accommodation.	(a)	Residential amenity is to be maintained through sensitive and contemporary building design, larger lots and vegetated screening.

*Zone Purpose Statements of the Environmental Management Zone.*

The relevant zone purpose statements of the Environmental Management Zone are to:

- 29.1.1.1 To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.
- 29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.
- 29.1.1.3 To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.
- 29.1.1.4 To recognise and protect highly significant natural values on private land.
- 29.1.1.5 To protect natural values in un-developed areas of the coast.

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

There are no Local Area Objectives or Desired Future Character Statements for this Zone.

The proposal complies with the above-mentioned statements and objectives as the proposed subdivision:

- avoids land use conflict with Rural Resource or Significant Agricultural zoned land;
- supports the existing low density residential area that does not have reticulated services and has limited further subdivision potential.
- provides complementary low density residential use that is consistent with the protection and management of the Environmental Management area.



## 2.3 Statutory Planning

The use is categorised as Subdivision under the Planning Scheme, which is a development that requires discretionary assessment in the Low Density Residential and Environmental Management Zones.

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 Non-dwelling development

<b>Acceptable Solution A1</b>
Non-dwelling development must comply with the following acceptable solutions as if it were a dwelling: (a) 12.4.2 A1 and A3; (b) 12.4.3 A1 (a) and (b); (c) 12.4.7 A1. (d) 12.4.2 A4
<b>Performance Criteria P1</b>
Non-dwelling development must comply with the related performance criteria as if it were a dwelling.
<b>Proposal</b>
<p>In relation to A1(d) this refers to cl.12.4.2 A4 which states:            No trees of high conservation value will be impacted.</p> <p>The proposed subdivision works will impact on trees of high conservation value, these impacts require assessment against the performance criteria P4.</p> <p>There are 14 high-very high conservation value trees on the subject land. Four (4) of these trees (T7, T8, T9 and T10), are within the disturbance footprint of the proposed footway, electricity cable and easement. These trees are all mature <i>Eucalyptus viminalis</i> (white gum) trees of very high conservation value and providing habitat for the endangered forty-spotted pardalote and potential hollow dwelling habitat for other species.</p> <p>An Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 30 June 2022) confirms these trees will be impacted by the trenching required for installation of the electricity infrastructure, with the extent of encroachment extending 16.5% into the tree protection zone (TPZ) of T8 and less than 10% into the TPZ of T7, T9 and T10.</p> <p>While shown as a footway on the proposed plan of subdivision, the dedication of this land as a footway is not supported by Council. Therefore, the proposed footway is not anticipated to have any direct impacts.</p>

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

- Based on the proposed location of the electricity infrastructure, the impacts on very high conservation value trees are unavoidable.



- The Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 30 June 2022) submitted in response to a further information request confirms that the trees exhibit normal health and vigour and can withstand the proposed levels of encroachment and remain viable after the impacts from the trench, providing the recommended tree protection plan.
- To minimise and mitigate impacts, the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 30 June 2022) also recommends the use of an air-spade for excavation in the top 300mm and specific management of exposed roots.
- On this basis, it may be considered that the subdivision works avoid, minimise and mitigate impacts on high conservation value trees and as the trees are proposed for retention, no offsets are required.
- However, while the trees may be capable of retention during the subdivision construction stage, there are also potentially ongoing impacts on these trees as a result of the need to maintain electricity infrastructure. If the electricity easement and infrastructure is located as proposed, in the event that there is a future conflict between the trees and the infrastructure, the infrastructure will prevail at the expense of the trees.
- In addition, in the first instance the performance criteria require that the subdivision works are designed and located to avoid impacts on high conservation value trees where feasible. Where impacts cannot be avoided, they must be minimised, mitigated and offset.
- As noted in some of the representations, impacts on these trees could be avoided entirely through moving the proposed location of the electricity infrastructure. Preliminary discussions with TasNetworks confirms this is feasible to achieve through locating the infrastructure, most likely to between proposed Lots 5 and 6.
- Therefore, to meet the requirements of Clause 12.4.2 A4/P4, the electricity infrastructure requires relocation to an alternative location for the electricity infrastructure and associated easement which avoids and minimises impacts on priority biodiversity values through locating the infrastructure outside the Biodiversity Protection Area and outside the tree protection zones of trees show in Council Plan Reference P6, received on 10 January 2023.

A condition is recommended for inclusion in any permit issued requiring an amended plan of subdivision which locates the infrastructure outside the Biodiversity Protection Area and outside the tree protection zones of trees show in Council Plan Reference P6, received on 10 January 2023.

### **Low Density Residential Zone**

#### **Clause 12.5.1 – Lot Design**

<b>Acceptable Solution A2</b>
<p>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;</p> <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> </ul>

- (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 subdivision does not comply as:

- The building area for Lot 5 is shown on the subdivision plan partly over the proposed stormwater easement.
- The building areas on the lots would be subject to the following Codes:
  - E1.0 Bushfire- Prone Areas (all the lots);
  - E3.0 Landslide (low) (Lots 1 – 8);
  - E23.0 Onsite Wastewater Management (all the lots).

- Environmental values will be adversely impacted. There are a range of environmental values on the site, principally characterised by native vegetation, including individual trees and shrubs and a small area of *Eucalyptus viminalis* grassy forest. This vegetation provides habitat for numerous species, soil stabilisation and other environmental services.

In relation to individual trees, an amended plan of subdivision and civil drawings submitted in response to further information request identify 35 individual native trees on the subject land, including:

- six (6) *Eucalyptus viminalis* trees >70cm of very high conservation value, providing habitat for the endangered forty-spotted pardalote and potential hollow dwelling habitat for a range of species;
- eight (8) *Eucalyptus viminalis* trees of very high conservation value as they are adjacent to an area of forty-spotted pardalote and providing habitat for this species; and
- 21 other native trees which do not meet the threshold for high conservation value trees but are of environmental value;

Of these native trees, five (5) have already been removed without authorisation, including three (3) *E. viminalis* of very high conservation value, one (1) *E. pulchella* and one (1) *Allocasuarina verticillata*. Numerous smaller native trees and shrubs have also been removed. Retrospective approval for this vegetation removal is being sought as part of the subdivision application.

The plans also identify 45 *Pinus radiata* (radiata pine) trees, which are classified as environmental weeds in the Kingbrough Weed Management Strategy. These pine trees have also been removed, with their removal exempt under Clause 5.4.4 (b) of the Scheme.

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

- The proposed lots all provide a building area a minimum of 20 m x 20 m. These are all reasonably capable of accommodating residential use and development. Note is made that the building areas for Lot 5 is partly over the stormwater easement that runs along its northern boundary. This will be required to be relocated to be completely free of the proposed easement. There is adequate area on the site for this to occur.
- The site is subject to the following codes in the Planning Scheme:
  - E1.0 Bushfire-Prone Areas Code
  - E3.0 Landslide Code
  - E5.0 Road and Railway Assets Code
  - E6.0 Parking and Access
  - E7.0 Stormwater Management
  - E10.0 Biodiversity
  - E23.0 On-Site Wastewater Management Code

The assessment of the subdivision against the Development Standards contained below in the report and the attached Assessment Checklist. In summary the application complies with the Acceptable Solutions and Performance Criteria for the Codes.

- The configuration of the lots and the location of building areas will enable future development to achieve reasonable solar access, given the slope and aspect of the land. The proposed lots are orientated generally east to west and will provide significant northern exposure for future dwellings.
- The site has a moderate to steep slope. The lots are designed to provide opportunities for future dwellings and access to be located to minimise the requirement for earth works, retaining walls, and cut & fill.
- The lot size and configurations and the location of building areas will assist in avoiding, minimising and mitigating environmental impact arising from future use and development.
- Depending on the design, future development of the lots is capable of being achieving minimal requirements for earth works, retaining walls and cut and fill. However, to achieve this, it is recommended that there is a Part 5 Agreement registered on the title requiring future development minimises earth works, retaining walls and cut and fill to ensure this occurs. While limited details were provided on where future services and utilities would be located, the proposed building areas for the lots are predominantly located to enable retention of remaining native trees while accommodating future use and development, including associated bushfire hazard management area, on-site wastewater and associated residential uses.

While no further tree removal is proposed and all remaining trees are feasible for retention providing future use and development is located within identified building areas, the proposed bushfire hazard management areas encroach into an area of *Eucalyptus viminalis* grassy forest (DVG) and an area of remnant native vegetation dominated by *Allocasuarina verticillata* (NAV). The bushfire hazard management areas also rely upon the clearing of other native vegetation already removed without authorisation (as shown in Figure 1 of the Enforcement Notice CR101640).

The DVG is located in the only part of the site within a Biodiversity Protection Area (BPA). While only extending onto a small area of the site, this vegetation provides significant

habitat for the endangered forty-spotted pardalote, is a high priority biodiversity value under the Scheme and connects to other remnant vegetation located outside the BPA.

It is acknowledged that the understorey vegetation in this area has been recently removed in response to a fire abatement notice issued by Council (not as part of the unauthorised works). However, this abatement notice was based on the fire risk at the time and as a vacant lot. The recent pine removal in conjunction with development of the site and maintenance of bushfire hazard management areas alter this risk and the issuing of the fire abatement notice does not necessitate the maintenance of this area in a minimal fuel condition as part of the proposed subdivision.

Recovery, retention and improvement of this vegetation, including the understorey vegetation, provides an important core area for the forty-spotted pardalote and enables natural recruitment of *E. viminalis* trees. The NAV is one of the only parts of the site which was not impacted by the recent unauthorised works on the site.

Under Clause 12.5.1 P2 (e), the building areas and future development of the lots are required avoid and minimise impacts on environmental values, including the building areas and associated hazard management areas being located to minimise impacts as far as reasonably practicable.

Based on the subdivision Bushfire Hazard Report and accompanying Bushfire Management Plan submitted with the application (ERA, 17 December 2021), these remaining areas of remnant native vegetation are required to be maintained in a minimal fuel condition with understorey vegetation and shrubs predominantly removed and canopy separation maintained.

These impacts could be minimised and potentially avoided by limiting bushfire hazard management measures to the minimum necessary to achieve BAL-19 and containing habitable buildings in identified building areas on proposed lots 2-7. Achieving this would rely upon a revised Bushfire Hazard Report and accompanying BHMP and a Part 5 Agreement which ensures future development is located within designated building areas which are designed and located to enable retention of native trees and remnant patches of vegetation.

In addition to impacts on remnant native vegetation, the proposed building area for Lot 2 conflicts with a very high conservation value *E. viminalis*. This tree has already been removed without prior authorisation and requires assessment and consideration as part of this application. It is noted that the proposed building area could have been located to avoid the removal of this tree.

A further three (3) trees, including two (2) of very high conservation value, have also been removed. These trees are located outside the building areas, outside the footprint of proposed subdivision works and did not require removal for bushfire hazard management.

All trees removed without prior authorisation were capable of retention and their removal is unable to be justified. Therefore, replacement plantings are recommended to restore these trees in the landscape. As it is not possible to reinstate the trees as they were, the loss of the very high conservation value trees requires offsetting and the replacement plantings should achieve a ratio of 3 trees planted for each tree removed.

Design of future development is also important to avoid and minimise impacts on environmental values, particularly in relation to minimising collision risk for the forty-spotted pardalote. This risk can be addressed through a Part 5 Agreement requiring future development to be designed to minimise collision risk.

Providing the recommended conditions are included in any permit issued, the proposed subdivision is capable of meeting criteria (d)-(f). These conditions include:

- a rehabilitation plan to remediate areas of native vegetation impacted without authorisation, including replacement plantings at a ratio of 3:1;
- a financial contribution to offset for the loss of three (3) trees of very high conservation value;
- a revised Bushfire Hazard Report and BHMP that demonstrates bushfire hazard management measures are the minimum necessary and enable the retention of all remaining trees and native understorey vegetation to the extent feasible, including limiting development to identified building areas and requiring construction to achieve BAL-19 where necessary; and
- requiring a Part 5 Agreement which ensures future development minimises earth works, retaining walls and cut and fill, complies with the revised Bushfire Hazard Report and BHMP and is designed and is located to minimise collision risk and enable retention of native trees and remnant patches of vegetation, including locating habitable buildings within designated development areas where necessary.

### 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.
<b>Proposal</b>
<p>Lots 1-9 do not comply with frontage to the new road lot:</p> <ul style="list-style-type: none"> <li>• Lot 1- 22.88m;</li> <li>• Lot 2- 21.33m;</li> <li>• Lot 3- 25.43m</li> <li>• Lot 4- 27.95m</li> <li>• Lot 5- 11.72m</li> <li>• Lot 6- 14.49m;</li> <li>• Lot 7- 10.89m;</li> <li>• Lot 8- 22.84m</li> <li>• Lot 9- 25.94m</li> </ul> <p>Lot 10 complies with a frontage of 92.13m.</p>

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

- The frontages for Lot 1-9 are all significantly wider than the minimum 6m in the Performance Criteria. The Development Engineer is satisfied that these lots will provide reasonable vehicular and pedestrian access in accordance with the required standards.

- The size of the frontages are suitable for residential development and considered to achieve the objectives for the Development Standard including providing lots with appropriate areas and dimensions to accommodate development consistent with the Zone Purpose, and being located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land.

### 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> <ul style="list-style-type: none"> <li>(a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</li> <li>(b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</li> <li>(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;</li> <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>
<b>Proposal</b>
The subdivision includes a new road lot.

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 of approximately 27m (similar to a single low density residential lot) to Nebraska Road and is mostly internal. It is considered that the provision of a number of new lots on the site without a new road, resulting in them being “internal lots”, is inefficient and does not contribute to the appropriate and reasonable future subdivision of the adjacent Lot 1 which has an area of 1.296ha and may be able to subdivide in the future.
- The proposed lots will contribute to the more efficient utilisation of low density residential 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 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.
- The application is supported by a Bushfire Hazard Management Plan prepared by ERA Planning and Environment (17 December 2021). The Report advises that each proposed lot will have direct frontage to it and the new road is adequate provided it is constructed to the required standards.

### 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:

- The Part 5 agreement on the current title exempts the land from open space contributions. The Part 5 agreement states:

- (b) The purpose of the Agreement is to ensure that Council will not require public open space, or a financial contribution in lieu of providing public open space, within any further subdivision of either Lot 1 or the Balance Lot shown on the approved plan of Subdivision in Schedule A (approval number DAS 2015-32). This agreement also confirms that Council is not liable for compensation for the provision of public open space within the subdivision as shown on the approved plans.
- The Plan of Subdivision contains 4m wide strip of land indicated as “footway” proposed from Bruny Island Main Road between Lots 3 and 4 down to the new internal road. This land will also serve as an electricity easement for TasNetworks to enable power to be extended to the estate from the existing electricity infrastructure.

The land is not required for open space by Council and there is no pedestrian, cycle way or public open space plan adopted by Council for the area. The land is not adjacent to any existing ways.

In light of the topography and the steep slope of the site adjacent to Bruny Island Main Road a public footway down the site is not desirable. A condition is included on the Permit for the land to be transferred to Council but not for a public open space contribution, and for the “footway” notation be to removed from the final plan of survey.

As discussed in relation to Clause 12.4.2 A4/P4, impacts of electricity infrastructure on high priority biodiversity values within the BPA could be avoided through relocation of this electricity infrastructure to between Lots 5 and 6. Therefore, to meet the requirements of Clause E10.8.1 P1 (c) (i), the electricity infrastructure requires relocation to be entirely outside the Biodiversity Protection Area and outside the tree protection zones of trees shown in Council Plan Reference P6, received on 10 January 2023.

#### **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 Part 5 agreement on the current title exempts the land from open space contributions. The Part 5 agreement states:
  - (b) The purpose of the Agreement is to ensure that Council will not require public open space, or a financial contribution in lieu of providing public open space, within any further subdivision of either Lot 1 or the Balance Lot shown on the approved plan of Subdivision in Schedule A (approval number DAS 2015-32). This agreement also confirms that Council is not liable for compensation for the provision of public open space within the subdivision as shown on the approved plans.



**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.
<b>Proposal</b>
The subdivision includes a new road.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone because 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.

**Environmental Management Zone**  
**Clause 29.3.1 – Use Standards for Reserved Land**

<b>Acceptable Solution A1</b>
Use is undertaken in accordance with a reserve management plan.
<b>Performance Criteria P1</b>
Use must satisfy all of the following: (a) be complementary to the use of the reserved land; (b) be consistent with any applicable objectives for management of reserved land provided by the National Parks and Reserves Management Act 2002; (c) not have an unreasonable impact upon the amenity of the surrounding area through commercial vehicle movements, noise, lighting or other emissions that are unreasonable in their timing, duration or extent
<b>Proposal</b>
As there is no reserve management plan, this use requires assessment against the performance criteria. The subdivision involves stormwater works within the Environmental Management Zone, including the upgrade of an existing stormwater discharge point. The proposed use in the Environmental Management Zone is Utilities, which is discretionary under Table 29.2.

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

- the land is not a formal reserve under legislation but rather is owned by Council and dedicated as Public Open Space (POS);
- the stormwater discharge point is an existing use of the land and the works are limited to the upgrade of this discharge point;
- the use and works are located away from the beach and access to the beach and does not interfere with the use of the land; and
- the use will not impact on amenity as stormwater treatment is required under Code E7.0.

## Environmental Management Zone

### Clause 29.4.3 Design

#### Acceptable Solution A1

The location of buildings and works must comply with any of the following:

- (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline;
- (b) be located within a building area, if provided on the title;
- (c) be an addition or alteration to an existing building;
- (d) as prescribed in an applicable reserve management plan

#### Performance Criteria P1

The location of buildings and works must satisfy all of the following:

- (a) be located in an area requiring the clearing of native vegetation only if:
  - (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;
  - (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;
  - (iii) the location of clearing has the least environmental impact;
- (b) be located on a skyline or ridgeline only if:
  - (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;
  - (ii) there is no significant impact on the rural landscape;
  - (iii) building height is minimised;
  - (iv) any screening vegetation is maintained.
- (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.
- (d) strategies to minimise and mitigate adverse environmental impacts are identified.

#### Proposal

The proposal involves the upgrading of the stormwater system located on Nebraska Road and the Council owned Lot 100. This will involve works on the existing culvert that may require the clearing of native vegetation (subject to detailed civil design).

The proposal is unable to comply with A1(a) as some native coastal vegetation will require removal to facilitate the works. As the proposal also does not comply with any of the other acceptable solution, the works require assessment against the performance criteria.

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

- The existing stormwater infrastructure is mainly located within the road reserve with the exception of the culvert crossing the road onto lot 100. This system is to be upgraded including the culvert. The extent of any clearing on Lot 100 would be the minimum necessary to provide for the required stormwater system. The works minimise impacts on native vegetation by utilising an existing discharge point. The works would have the least environmental impact.
- Impacts on native vegetation are unavoidable, as regardless of the location of the discharge point, a level of native vegetation removal would be required.
- The stormwater works are not on a skyline or ridgeline.

- There is no Desired Future Character Statement provided for the area. The works are considered to have regard to the landscape as they are proposed to occur where the existing stormwater system is located.
- The subdivision has been assessed and conditions included on the Permit in relation to minimising and mitigating adverse environmental impacts.
- Adverse environmental impacts are limited to impacts during construction and the impacts of the stormwater discharge on the dune system and surrounding vegetation.
- These adverse impacts are minimised through utilising the existing stormwater discharge point and are capable of being mitigated through the design of the works to provide scour protection and implementation of appropriate vegetation protection and soil and water management during construction.

Conditions are recommended for inclusion in any permit issued limiting native vegetation removal to within the footprint of the approved works, requiring the design of the upgraded stormwater discharge point to provide adequate scour protection and require implementation of vegetation protection and soil and water management measures during construction.

### Environmental Management Zone

#### Clause 29.5.1 Subdivision

<b>Acceptable Solution A1</b>
Subdivision must comply with any of the following:
(a) be for the purpose of providing for public open space, a reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.
(b) be for lots proscribed in an applicable reserve management plan.
<b>Performance Criteria P1</b>
Subdivision is for the purpose of providing a lot for an allowable use.
<b>Proposal</b>
The subdivision is not for a purpose stated in (a) and (b) of the Acceptable Solution.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone because there is no subdivision of Lot 100 that is zoned Environmental Management and the proposed lots are contained on the adjacent No 37 Nebraska Road that is zoned Low Density Residential. The subdivision of No 37 is for the purpose of providing lots for an allowable use i.e. residential.

### E3.0 Landslide Code

#### Clause E3.8.1 – Subdivision

<b>Acceptable Solution A1</b>
No acceptable solution
<b>Performance Criteria P1</b>
Subdivision of a lot, all or part of which is within a Landslide Hazard Area must be for the purpose of one of the following:
(a) separation of existing dwellings;

- |                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) creation of a lot for the purposes of public open space, public reserve or utilities;<br>(c) creation of a lot in which the building area, access and services are outside the High Landslide Hazard Area and the landslide risk associated with the subdivision is either:<br>(i) acceptable risk, or<br>(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

<b>Proposal</b>
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No acceptable solution (requires assessment against performance criteria). The site is partly included within the Landslide Code Overlay area with a “Low” designation.
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The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The application is supported by a Landslide Assessment Report (Geo-Environmental Solutions, March 2022). This assessment considers the landslide risk associated with the subdivision, including the major works which have already occurred, the proposed subdivision and future development of the lots. The report advises that:
- The proposed subdivision is underlain by a shallow profile of sandy soils overlying medium plasticity sandy and gravelly sands soils. There are moderate to steep slopes from approximately 8%-22.5%.
- The site has undergone some major works where approximately 2464m<sup>2</sup> of native vegetation has been removed and approximately 6488m<sup>2</sup> of soil disturbed within a Landslide Hazard Area (Low) without prior authorisation.
- Untreated risk to property at the site is “high” to “moderate” for the assessed landslide hazards. However treatment of the assessed hazards can decrease the risk to property to “low”.
- Provided the recommended hazard treatments are carried out in full the Report concludes that the proposal is compliant with the Landslide Code E3. The residual landslide risk following the mitigation recommendations in s.8 of the Landslide Report is tolerable with regard to the Landslide Code, including:
  - specific site assessments for soil class and landslide risk being done at development application stage once house plans are produced. It is recommended that foundations be paced in underlying bedrock;
  - Vegetation is allowed to grow back and be maintained and considerable care taken during and after excavation;
  - Cutting of lots to be addressed at development application stage;
  - No fill on land steeper than 20 degrees without prior assessment conducted from specific plans and volumes.
  - For Lots 1-8 stormwater and wastewater application to land must not be conducted immediately upslope of any dwelling, and should not be conducted within 10m immediately downslope of any dwellings.
  - Hillside construction practices should be adopted as per Australian Geoguide LR8.
- A submission has been received from Minerals Resources Tasmania (Dept of State Growth) in relation to the application being advertised. They advise that:

- Through their Geohazards Programme they undertake several activities relating to landslide including a database. The MRT mapping identifies the site as containing a landslide feature.
- The recent clearing of the land has potential to exacerbate the risk of further landslip development in the area.
- In considering the landslip report lodged with the application, they advise that the report has not recognised the existing landslide in proposed lot 7. Further the location and failure mechanism of that feature is not considered in the On-Site Wastewater Report for either the proposed dwellings or existing properties downhill.

Minerals Resources Tasmania have recommended to Council that further geotechnical investigation be undertaken and that these follow the recommendations of the Australian Geomechanics Society Landslide Risk Management Guidelines 2007. The findings of this further investigation would be used to determine the siting of buildings, design of foundations, and design and location of on-site wastewater systems to ensure compatibility with good hill side practice and minimise potential impacts to new and existing property.

In view of the submission by MRT, to demonstrate the landslide risk is capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk, a condition is included in the Permit to require a revised Landslide Assessment Report by a suitably qualified person to be submitted for endorsement and that the recommendations of the report be required to be complied with during and after construction. This Landslide Assessment must:

- address the existing landslide in Lot 7;
- consider the location and failure mechanism of this feature and any recommended mitigation measures in relation to requirements for on-site wastewater assessment and bushfire hazard management; and
- provide advice on the appropriate siting and design of future buildings and wastewater systems; and
- follow the recommendations of the Australian Geomechanics Society Landslide Risk Management Guidelines 2007.

A Part 5 Agreement is also recommended for the lots in relation to the Landslide Report recommendations being complied with.

## **E10.0 Biodiversity Code**

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

#### **Acceptable Solution A1**

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

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

#### **Performance Criteria P1**

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 hazard management measures are retained and protected by appropriate mechanisms on the land title;
  - (iv) special circumstances exist;
  - (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.
  - (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.

### **Proposal**

The Proposal does not comply as follows:

- it is not for the purpose of separating existing dwellings.
- it is not for the creation of a lot for public open space, public reserve or utility.
- There are works (electricity infrastructure) within the Biodiversity Protection Area.

The application complies with (d) as the building areas, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.

A Biodiversity Protection Area (BPA) extends over part of the subject land. While the identified building envelopes and proposed road layout are located outside this area, the proposed installation of electricity infrastructure and bushfire hazard management area on Lots 3-5 encroach into this area. According to Council records, the vegetation within the BPA is *Eucalyptus viminalis* grassy forest and woodland and provides habitat for the forty-spotted pardalote. This vegetation is a high priority biodiversity value under the Scheme.

It is acknowledged that the bushfire hazard management plan enables retention of the trees within this area. However, the subdivision Bushfire Hazard Report and accompanying BHMP (ERA, 17 December 2021) require this vegetation to be maintained in a minimal fuel condition with understorey vegetation and shrubs predominantly removed and canopy separation maintained. The installation of the proposed electricity infrastructure is also located within this area and would require the removal of understorey vegetation and impact upon trees 7-10, all of which are high-conservation value *E. viminalis* and a moderate priority biodiversity value.

The proposal cannot comply with A1 as the bushfire hazard management area and services encroach into the Biodiversity Protection Area and the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility. Therefore, the proposal must be assessed against P1 (b) and (c).

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

- It is acknowledged that the subdivision works and proposed building areas for the lots are predominantly located to enable retention of remaining native trees while accommodating future use and development, including associated bushfire hazard management area, on-site wastewater and associated residential uses.
- No high conservation value tree removal is proposed within the BPA, including trees removed without prior authorisation, and all trees within the BPA are feasible for retention providing:
  - the proposed electricity infrastructure is installed in accordance with the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 30 June 2022); and
  - future use and development is located to avoid remaining trees.
- Notwithstanding, as discussed in relation to Clause 12.5.1 P2 (e), the proposed bushfire hazard management areas encroach into the area of remnant DVG which is located within the BPA. While only extending onto a small area of the site, this vegetation provides significant habitat for the endangered forty-spotted pardalote, is a high priority biodiversity value under the Scheme and connects to other remnant vegetation located outside the BPA.
- Retention, recovery and improvement of this vegetation, including understorey vegetation, is important for the conservation of the forty-spotted pardalote, with the National Recovery Plan for the species specifying the need to protect *E. viminalis* from clearing, retain *E. viminalis* as existing habitat and create and expand corridors of *E. viminalis*.
- Under Clause E10.8.1 P1 (c) (i) and (ii), development must be designed and located to minimise impacts, having regards to constraints, and impacts resulting from bushfire hazard management measures must be minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings.

- As discussed in relation to Clause 12.4.2 A4/P4, impacts of electricity infrastructure on high priority biodiversity values within the BPA could be avoided through relocation of this infrastructure to between Lots 5 and 6. Therefore, to meet the requirements of Clause E10.8.1 P1 (c) (i), the electricity infrastructure requires relocation to outside the Biodiversity Protection Area and outside the tree protection zones of trees shown in Council Plan Reference P6, received on 10 January 2023.
- As previously highlighted, impacts of bushfire hazard management on high priority biodiversity values are also capable of being further minimised, with the current subdivision Bushfire Hazard Report and accompanying Bushfire Management Plan submitted with the application (ERA, 17 December 2021) providing hazard management areas for BAL 12.5, which extends into the area of DVG, rather than limiting bushfire hazard management measures to the minimum necessary to achieve BAL-19 and containing habitable buildings in identified development areas where necessary to avoid encroachment into the DVG.
- Therefore, to meet the requirements of Clause E10.8.1 P1 (c) (i) and (ii), conditions are recommended for inclusion in any permit issued requiring a revised Bushfire Hazard Report and accompanying BHMP which demonstrates the bushfire measures have been minimised and a Part 5 Agreement which ensures future development is located within designated building areas designed and located to enable retention of native vegetation within the BPA.
- Clauses E10.8.1 P1 (b) (iii) and (c) (iii) are capable of being satisfied providing a condition is included in any permit issued requiring a Part 5 Agreement which retains and protects remaining moderate and high priority biodiversity values on the lots.
- While offsets and replacement plantings are required for the loss of biodiversity values outside the BPA, providing the recommended conditions are included in any permit issued, additional offsets are not required under Clause E10.8.1 P1 (b) and (c).
- In the event that the recommended conditions are not included, an additional offset would be required for the impacts on high priority biodiversity values.
- Providing the bushfire hazard management measures are revised to minimise impacts and the electricity infrastructure relocated, the proposal meets special circumstances (c) and therefore complies with Clause E10.8.1 P1 (c) (iv).
- In the absence of the bushfire hazard management measures being revised, the subdivision would not be able to demonstrate special circumstances and therefore could not comply with Clause E10.8.1 P1 (c) (iv), as the extent of impact on forty-spotted pardalote habitat could not be considered insignificant as the ongoing management of this area for bushfire would preclude natural recruitment of *E. viminalis*, fragment this core patch of vegetation and cause disturbance to the forty-spotted pardalote. The proposal would also not be capable of meeting Clause E10.8.1 P1 (c) (vi) as the subdivision and future development of the lots would substantially detract from the conservation status of the forty-spotted pardalote in the vicinity of the development.
- Therefore, demonstrating compliance with Clause E10.8.1 P1 (b) and (c) relies upon the inclusion of conditions in any permit issued which require:
  - a revised Bushfire Hazard Report and BHMP that demonstrates bushfire hazard management measures are the minimum necessary and enable the retention of all native vegetation within the BPA, including limiting



development to identified areas and requiring construction to achieve BAL-19 where necessary; and

- a Part 5 Agreement which complies with the revised Bushfire Hazard Report and BHMP and provides for the retention and protection of all native trees and remnant native vegetation within the BPA.

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

### **Clause E11.7.1 - Buildings and works**

<b>Acceptable Solution A1</b>
Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme
<b>Performance Criteria P1</b>
<p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) avoid or mitigate impact on natural values;</li> <li>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</li> <li>(c) avoid or mitigate impacts on riparian or littoral vegetation;</li> <li>(d) maintain natural streambank and streambed condition, (where it exists);</li> <li>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</li> <li>(f) avoid significantly impeding natural flow and drainage;</li> <li>(g) maintain fish passage (where applicable);</li> <li>(h) avoid landfilling of wetlands;</li> <li>(i) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</li> </ul>
<b>Proposal</b>
<p>A Waterway and Coastal Protection Area (WCPA) extends on to the subject land in the vicinity of the proposed new road. In addition, the intersection of the new road and upgrades to stormwater infrastructure, including the upgrade to the existing stormwater discharge point, are located within the WCPA.</p> <p>As the works are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria P1.</p>

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

- Impacts on natural values are limited to the upgrading of stormwater infrastructure, including the existing stormwater discharge point.
- Adverse impacts on natural values are limited to impacts during construction and the impacts of the stormwater discharge on the dune system and surrounding vegetation.
- These adverse impacts are minimised through utilising the existing stormwater discharge point and are capable of being mitigated through the design of the works to provide scour protection and implementation of appropriate vegetation protection and soil and water management during construction.
- There is no littoral vegetation and therefore this criterion is not applicable.

- There is no natural streambank or streambed condition and therefore this criterion is not applicable.
- There is no in-stream natural habitat to be impacted and therefore this criterion is not applicable.
- The development will not impede natural flow and drainage.
- Fish passage will not be impacted by the proposal.
- No landfilling of wetlands is proposed.
- Works are in accordance with the "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010) subject to inclusion of the recommended conditions.

Conditions are recommended for inclusion in any permit issued limiting native vegetation removal to within the footprint of the approved works, requiring the design of the upgraded stormwater discharge point to provide adequate scour protection and require implementation of vegetation protection and soil and water management measures during construction.

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

##### **Clause.E16.7.1 Buildings and works**

<b>Acceptable Solution</b>
No acceptable solution.
<b>Performance Criteria</b>
<p>Buildings and works must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</li> <li>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</li> <li>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</li> <li>(d) need for future remediation works is minimised;</li> <li>(e) health and safety of people is not placed at risk;</li> <li>(f) important natural features are adequately protected;</li> <li>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</li> <li>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</li> <li>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</li> <li>(j) not be located on an actively mobile landform..</li> </ul>
<b>Proposal</b>
<p>No acceptable solution (requires assessment against performance criteria)</p> <p>There is a small portion of the intersection of the new subdivision road and upgrades to stormwater infrastructure are located within a Coastal Erosion Hazard Area (High).</p> <p>As there is no acceptable solution, these works require assessment against the performance criteria.</p>

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

- the development will not increase the current level of risk to life of site users, or increase the hazard for adjoining properties, as the works within the Coastal Erosion Hazard Area are limited to upgrading existing infrastructure and a small portion of the proposed intersection between Nebraska Road and the new subdivision road;
- mitigation of coastal erosion arising from wave run-up including impact is not required beyond ensuring the upgrade of the existing stormwater discharge point includes appropriate scour protection;
- there is no perceived need for future remediation works;
- public access will not be affected by the development;
- expected further coastal erosion will not affect current or future access to the site;
- the contribution is not applicable since no mitigation works are proposed; and
- while the discharge point is adjacent to and discharges onto a dune system, the works are not located on an actively mobile landform.

Conditions are recommended for inclusion in any permit issued requiring the design of the upgraded stormwater discharge point to provide adequate scour protection

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

#### **Clause E.23.9.1 - Development Standards for New Lots**

<b>Acceptable Solution</b>	
A new lot must have an area no less than: 5,000 m <sup>2</sup> .	
<b>Performance Criteria</b>	
The area of a new lot must be adequate to accommodate a land application area of sufficient size to comply with the requirements of AS/NZ1547 for a dwelling containing a minimum of 3 bedrooms.	
<b>Proposal</b>	
The proposed lots, except Lot 6, are smaller than 5,000 m <sup>2</sup> :	
Lot	Area
1	3,040m <sup>2</sup>
2	2,741m <sup>2</sup>
3	2,546m <sup>2</sup>
4	2,739m <sup>2</sup>
5	2,644m <sup>2</sup>
7	4,012m <sup>2</sup>
8	2,926m <sup>2</sup>
9	2,899m <sup>2</sup>
Lot 6 is 5,386m <sup>2</sup>	

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

- The application is supported by an On-Site Wastewater Assessment Report (Geo-Environmental Solutions, April 2022).

The On-Site Wastewater Assessment Report demonstrates that there is sufficient area on the proposed lots for the installation and operation of wastewater systems. While final compliance with the *Building Act 2016 Guidelines for On-Site Wastewater Disposal Compliance* is a matter for further development applications for dwellings there is sufficient area on the proposed lots for wastewater disposal and adequate setbacks in accordance with the Code.

- The proposal has been assessed by Council's Environmental Health Officer and complies with the requirements of E23.0 On-site Wastewater Management Code. A condition is recommended for the Permit to require that:

The titles are to be endorsed to state that onsite wastewater disposal must be via an Aerated Wastewater Treatment System (AWTS), or an alternative treatment system capable of treating effluent to secondary standard prior to discharge to the land application area.

## 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 1 February 2023 to 15 February 2023). A total of 107 representations were received during the public exhibition period, with 103 against and 4 supporting the proposed subdivision.

The following issues were raised by the representors against the subdivision:

**Zoning** - The soil type, slope, and landslip history suggest that the current zoning is incorrect and antiquated and not suitable for residential use.

### Comment

The zoning of the site in the *Kingborough Interim Planning Scheme 2015* is not a matter that can be considered in the assessment of the subdivision application. The application must be assessed against the Development Standards in the Zone and relevant Codes. The issue of landslip has been assessed under the Landslide Code E3.0.

The Low Density Residential zoning of the site and adjacent area is proposed to be retained in the new Tasmania Planning Scheme.

**Vegetation Clearing** - A large number of the submissions raised issues with the vegetation clearing and are summarised below:

- There has been removal of native and exotic vegetation both important at this site, both used by fauna.
- Displacement of wildlife (40 spot/Swift P/Masked Owl).
- A wildlife corridor has been removed.
- An Environmental Impact Plan should be done, with opportunity for public consultation.
- Land should be revegetated and artificial hollows installed while vegetation gets established.
- Corridors and buffers should be protected by a Part 5 Agreement with KC and of sufficient width to provide habitat integrity, reduce impacts from windfall and prevent use as public utilities or thoroughfare.

- Intensity of proposed development, specifically infrastructure to the southern boundaries, and forecast impacts to established *E.viminalis* – risks cannot be mitigated with new 40 spot habitat planting in any near term.
- House footprints of certain lots should be clear of any existing *E.viminalis* to eliminate removal/modification of trees, and create opportunities for bushland reserve around these trees to preserve habitat and create protective habitat buffer.
- There is lack of provision to either adequately protect remaining habitat or provide for its future renewal (specifically to ensure the continued presence of the Forty-spotted Pardalote at this site).

Comment:

The vegetation clearing that has occurred on the site without authorisation has been retrospectively assessed as part of the subdivision in relation to the relevant provisions of Low Density Residential Zone, the Landslide Hazard Code and the Biodiversity Code.

As the native trees which were removed were located outside the proposed building areas, outside the footprint of proposed subdivision works and did not require removal for bushfire hazard management, it is acknowledged that the removal of this vegetation is unable to be justified under the Scheme requirements. It is therefore recommended that these trees are replaced at a ratio of 3 trees planted for each tree removed as part of a broader Rehabilitation Plan. As it is not possible to reinstate the trees as they were, the loss of the three (3) very high conservation value trees also requires offsetting.

Council also recognises that the extent of native vegetation removal exceeds that required to comply with the minimum bushfire hazard management requirements under the Bushfire-Prone Areas Code. Therefore, conditions are also recommended to require a revised Bushfire Hazard Management Plan which minimises impacts and regeneration of areas of native vegetation outside the minimum required for bushfire hazard management and require remaining native vegetation and habitat values to be protected via a Part 5 Agreement.

**Endangered species**

- There are impacts on a range of endangered species including the 40 spotted pardalote, masked owl, swift parrot, wedge tailed eagle, white bellied sea eagle, spotted quoll, and eastern quoll.
- The conservation assessment of the site is insufficient.
- Indirect impacts from cats and collision risk have not been addressed.
- Conflict between the location of the electricity infrastructure/footway and forty-spotted pardalote habitat.
- Corridors and buffers should be protected by a Part 5 Agreement and be of sufficient width to provide habitat integrity and prevent use as public utilities or thoroughfare.
- Biodiversity Offset Guidelines – development impacts should result in no net loss of biodiversity value.

### Comment

The assessment of the site by Council Officers identifies the priority biodiversity values on the site as defined under the planning scheme. Consistent with Table E10.1 of the Scheme, the site contains high and moderate priority biodiversity values including but not limited to significant habitat for the forty-spotted pardalote. The assessment of the impact of the proposed subdivision in relation to the relevant provisions of Clause 12.5.1 P2 (e) of the Low Density Residential Zone and Clause E10.8.1 P1 of the Biodiversity Code confirms that the clearing of *E. viminalis* trees which has occurred without authorisation impacts on the forty-spotted pardalote. The extent of the proposed hazard management areas and location of the electricity infrastructure have the potential to cause further impacts. These further impacts can be avoided and minimised through requiring a revised Bushfire Hazard Management Plan which provides for the retention and natural regeneration of all vegetation within the Biodiversity Protection Area and the retention, natural regeneration of and revegetation of native vegetation outside the Biodiversity Protection Area and outside the hazard management areas to the extent feasible. Conditions are recommended for inclusion in any permit issued to achieve this outcome, including amended plans relocating the electricity infrastructure and a revised Bushfire Hazard Management Plan. Conditions are also recommended requiring a Rehabilitation Plan to ensure these areas are appropriately rehabilitated and a Part 5 Agreement which establishes conservation zones to protect these areas into the future. The Part 5 Agreement is also recommended to include restrictions on the keeping of domestic cats, a requirement to ensure development is designed to minimise collision risk and a requirement to ensure development is contained within the hazard management areas and enables retention of remaining trees in these areas.

It is acknowledged that exotic vegetation can also provide habitat for native fauna and the removal of the radiata pine may have displaced some fauna species, including threatened species. However, Clause 5.4.4 (b) of the Scheme provides an exemption for the removal or destruction of declared weeds or environmental weeds listed under a strategy or management plan approved by a council. As the radiata pine is a recognised environmental weed in the Kingborough Weed Management Strategy and Action Plan 2017-2027, the removal of this vegetation was exempt under the planning scheme. Therefore, there is no ability for the planning authority to consider the impacts of this vegetation removal.

### **Land slip/Landslide**

A large number of the submissions raised issued with the vegetation clearing and are summarised below:

- There is site history of landslip, and a landslip has occurred – ‘landslide 8987’ in 1930’s.
- The risk is not adequately assessed by the Landslip Report (GES) as “low” and the report failed to record evidence of the landslip and the risk of Tunnel Erosion. The recommended hazard treatments in the GES report, if carried out, would not enable the proposed development to be compliant with the landslide hazard code of the planning scheme.
- The clearing has enhanced potential for landslip.
- Future proofing of site required.
- Clearing and high rainfall have now increased risk of landslide.

- Tunnel erosion occurring and more likely to occur as a result of clearing and planned development.
- The Landslip report encourages the revegetation of the site with native grasses and other plants which appears to be at odds with the fire management plan.
- Multiple representations are wary of GES landslide assessment, claiming it contains grammatical, typographical errors, and uses language that may not ensure proponent undertake appropriate measures to protect site from future landslides.

Comment:

The issue of Landslip is addressed in the report. The Council is requiring an amended Landslip Hazard Assessment by a suitably qualified person to be provided to Councils satisfaction to ensure all relevant matters are included and assessed. Amended plans are also required to demonstrate consistency with the revised Landslide Hazard Assessment and a Part 5 Agreement is recommended to ensure all recommendations are complied with by future lot owners.

**Flooding**

- There is Flooding as a result of tree removal.
- Site prevents water sensitive urban design, and increases flood risk.
- Flooding of neighbouring properties already occurring due to unauthorised clearing of site.
- Overwhelming of culverts will be expected with the subdivision.
- Flooding of neighbouring properties already occurring due to unauthorised clearing of site and there is loss of value to current neighbouring properties and increased insurance premiums.
- Recent rainfall resulted in three separate washouts of sand on the beach and the front yards of two properties along the roadside directly below the proposed development site were inundated, something not seen by residents in 13 years.

Comment:

The stormwater system is required to be upgraded and designed with reference to the required standards of Council in the Stormwater Management Code. This will include ensuring it is designed to accommodate a storm with an ARI of 20 years.

In relation to the allegations of recent flooding, damage and loss of value to property Council is unable to comment and is not able to include these matters in its assessment under the Standards in the Planning Scheme.

**Stormwater**

A large number of the submissions raised issued with the vegetation clearing and are summarised below:

- The subdivision will create increased run off/contamination spilling onto Nebraska Beach.
- There is potential for the swales to cause flooding onto neighbouring properties.

- No evidence or modelling is provided to demonstrate that the proposed design can mitigate the risk of flooding adjoining properties, culverts being overwhelmed during high flow conditions, potential erosion at the discharge point into coastal dunes, and/or potential plumes of sediment into the channel.
- Upgrading stormwater pipes will be unsightly.
- Risky to upgrade stormwater infrastructure (into fragile dune ecosystem).
- Current management of road drainage by Council causes continuous issues for residents, problem will be exacerbated with subdivision (Victoria Ave drainage)
- Land clearance has likely altered sites hydrology (neighbours have witnessed this already occurring) – rain not soaking into ground anymore, pooling at bottom of hill instead.
- Consider climate change impacts of future – increased stormwater with extreme weather events.
- Expert opinion that proposed SW outflow will expose council to significant risk into future.
- The stormwater management plan references the hardstand runoff but doesn't appear to mention how the individual lots would manage stormwater outflows.
- There is little flat land available to incorporate the 'water sensitive urban design principles' promoted by the State Stormwater Strategy.

Comment:

The application has provided civil drawings of the proposed stormwater system. The subdivision stormwater will be collected on site and then connected to the Councils system in Nebraska Road. The design of the stormwater will be required to meet the relevant standards in the Stormwater Management Code.

The stormwater system for the subdivision will entail both piping, bio retention devices and the use of swales to intercept, collect and dispose of the stormwater to the Councils system. This will involve upgrading of the existing culvert on Council land lot 100.

The subdivision Permit is not able to take into account how the individual lots would manage stormwater outflows in relation to future development. This would be assessed at the time under the relevant standards in the Code at the time of lodgement.

A condition has been included on the Permit in relation to the stormwater system including the design of the upgraded stormwater discharge point on Lot 100 to provide adequate scour protection.

**Sewerage**

- The sewerage management is unclear in the plans and seek clarification as to why a community sewage treatment plan is not warranted.
- There is risk of septic run off/contamination and potential of contamination of the popular swimming beach.



- The blocks located on the downhill side appear to have overlooked the minimum setbacks and redundancy required by Australian Standard 1547 (on-site domestic wastewater management).

Comment:

The area is not serviced by TasWater with a sewer system. The subdivision has been assessed under the On-Site Wastewater Management Code. The application is supported by an On-Site Wastewater Assessment Report (Geo-Environmental Solutions, April 2022).

The proposal has been assessed by Council's Environmental Health Officer and complies with the requirements of E23.0 On-site Wastewater Management Code.

**Lack of Public Open Space**

- "Incomprehensible" that a public open space will not be offered.
- Proposed walkway is a simple convenience of the path of the power supply to the subdivision and provides little logic from a community walking perspective.
- Urge consideration of land on the south boundary, starting at the Main Rd running parallel to Victoria Avenue to connect to Florence Rd - would offer the opportunity for a good public walkway; an opportunity for some revegetation and recompense to the community for the land clearing.
- Without significant investment in the road reservation to make foot traffic safe along Bruny Island Main Road, the current Public Open Space proposal for a footway is not likely to have much attraction or utility.

Comment:

- The Report addresses the issue of Public Open Space and the Footway. The Part 5 agreement on the current title exempts the land from open space contributions. The Part 5 agreement states:
  - "(b) The purpose of the Agreement is to ensure that Council will not require public open space, or a financial contribution in lieu of providing public open space, within any further subdivision of either Lot 1 or the Balance Lot shown on the approved plan of Subdivision in Schedule A (approval number DAS 2015-32). This agreement also confirms that Council is not liable for compensation for the provision of public open space within the subdivision as shown on the approved plans."

The area of land shown as "Footway" is to be required for Electricity Infrastructure Easement for TasNetworks only. It is not required as public open space.

**Traffic**

- There will be road deterioration in light of the current state of the road and further potential to deteriorate due to increased traffic.
- There will be an increase in traffic noise, dust, and road kill by vehicles from works (trucks, builders), and also residents and visitors.
- The proposed road and turning circle are out of scale with other road provisions in Dennes Point.

- Suggest sealing steeper section of proposed road for fire trucks.
- Excavation for new road impacts topsoil and subsoil, exaggerate erosion problem, damage irreversible and attempts to fix will be expensive and possibly cause more damage.
- Issue of road construction standards in relation to stormwater issues.
- Will the additional rates received by KC from the subdivision allow for upgrading of the road and what are KC's future plans for sealing of at least part of this road?

Comment:

The subdivision has been assessed against the Development Standards for traffic and roads in the Zone and Codes. In summary, the proposed road complies to the Acceptable Solutions and Performance Criteria in the Road and Railway Asset Code and Traffic and Parking Code. Note is made that a condition has been included to require the road to be sealed and provide kerb and channel. This has been required with due recognition of the site constraints in relation to slope and soil type and also stormwater infrastructure.

The issue of rates and road maintenance is not a relevant Planning Scheme matter.

**Social Impacts**

- The subdivision will destroy the unique atmosphere of Dennes Point, and cause a decline in quality of life for existing residents. The current residents' mental health will be impacted. The Development would "destabilise" the community spirit of North Bruny.
- There will be a loss of privacy to neighbours.
- There is the "emotional horror" of ruining peaceful Dennes Point.
- The development "gives nothing back" to community, benefits only developer and Council.

Comment:

The Planning Schemes Low Density Residential Zone and Codes allow a range of development types and uses on the site. Council is required to assess these against the Acceptable Solutions and Performance Criteria for the Zone and relevant codes. The consequences of the current zoning is that some form of development will occur in the site if it demonstrates compliance with the Development Standards of the Planning Scheme.

The Planning Scheme does not contain specific social impact standards. Future residential development will be assessed at the time against the relevant Development Standards in relation to building setbacks, height, overlooking etc that may impact on neighbours. Any discretions at the time will require a development application to be advertised and adjoining neighbours will have the opportunity to make a presentation to Council on any concerns.

There are no requirements for a development to "give back" to the community. The site has provided public open space for the use of the community through Subdivision Permit DAS 2015-32.

**Building/design concerns**

- There will be an impact on visual amenity – visible from both the beach and main Dennes Point road.
- The Dwelling positions on the proposed lots is of concerns in relation to the remaining trees.
- There is a lack of regard for Dennes Point Future Character Statement and is not in line with “shack-shape” of Dennes Point, and represents a level of development intensity inconsistent with sustainable outcomes.
- The subdivision design does not allow for wildlife corridor.
- The proposal introduces a standard of infrastructure typical of suburban areas and inconsistent with the ‘low-key’ standard prevailing in the area, including the proposed road.
- Building height restrictions concerns.
- In 2019 Planning Document, Kingborough Council committed to “preserving villages”- creating 10 lots and a road is not in keeping with many of the unstructured existing buildings that make up the “village” of Dennes Point.

**Comment:**

The lot sizes and dimensions are consistent with the requirements in the development standards for the Low Density Residential Zone. There are no development standards in relation to visual amenity.

The Dennes Point Desired Future Character Statement seeks to maintain residential amenity and encourage high quality accommodation. The Implementation Strategy states that residential amenity is to be maintained through sensitive and contemporary building design, larger lots and vegetated screening. In relation to the subdivision the lots are larger than the minimum size of 2500m<sup>2</sup> and also larger than the average low residential density lots along Nebraska Road adjacent to the site. The subdivision is not able to address sensitive and contemporary building design which will be assessed at development permit stage (if required) for future dwellings.

The location of the building areas has been done in light of the site constraints, the Biodiversity Code overlay and also the Bushfire Hazard Management Plan. There are no requirement to provide for a wildlife corridor.

The current infrastructure standards in the Planning Scheme Codes have been compiled with.

**Submitted Plans Inadequate (no details provided)****Comment:**

The plans have been prepared by suitably qualified persons to the standard required under the Planning Scheme.

**Noise/Light pollution** - There will be increased noise and light pollution with the subdivision.

Comment:

There are no specific subdivision Development Standards in the Low Density Residential Zone in relation to noise and light. Future residential (single dwelling) development is a No Permit Required use in the zone (subject to compliance with the development standards) and any noise and light is a normal consequence of this development.

**Bushfire** - In relation to compliance with Bushfire Prone Areas Code the documents submitted with the application demonstrate BAL-19 building areas and hazard management

areas for each of the final ten lots, but not for the balance lots at each stage of the subdivision (combined lots 6, 7, 8 and 10 at Stage 1 and combined lots 6, 7 and 8 at Stage 2).

Comment:

It is our understanding that the Bushfire Hazard Management Plan includes interim hazard management areas which must be implemented in relation to the balance lot at each stage.

**Aboriginal Heritage**

- Aboriginal Heritage should be addressed and is compromised on-site due to machines used to clear the block.
- Bruny Island is of significant importance to Tasmanian Aboriginal culture and the size and vicinity of the proposed development would suggest the possibility of culturally significant sites.
- Developers have possibly disturbed cultural sites, pre-empting the results of any environmental or heritage reports required.

Comment:

The *Land Use Planning and Approvals Act* and the Planning Scheme do not contain requirements and there are no Development Standards in relation to Aboriginal Heritage. This matter is addressed separately in the *Aboriginal Heritage Act 1975*.

Notwithstanding, an Aboriginal Heritage Search of the property did not identify any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

**Representation process** - The Council process is difficult for elderly persons without a computer.

Comment:

The Council complies with the statutory requirements for public advertising including the Notice on the Mercury newspaper, writing to adjoining neighbours and placing the signs on the site.

Representations in Support

The following statements were made by the representors supporting the subdivision:

- The Site is more aesthetically pleasing now the invasive pines have been removed, which were a traffic and pedestrian hazard.
- The development may improve amenities and services for other occupants.

- Improvement to natural value of the area with planned native revegetation.
- There is plenty of wildlife on Bruny, this small development will have minimal to nil impact on wildlife.
- The proposed subdivision is a much lower density than what planning allows for in this zone. The 10 lots are responsible and demonstrate commitment to maintaining the integrity and feel of area.
- Support the proposal but suggest dirt road to keep with feel of surrounding area (like Cox Drive).
- The Developer's proposal meets legal standards and requirements for the development.

## 2.6 Other Matters

### State Growth

The application was referred to State Growth who advise that there is no direct vehicular access to Bruny Island Main Road proposed through subdivision. In accordance with s.108 of the *Local Government Building and Miscellaneous Provisions Act* the State Growth Department requests that land within 9m of the centre of the Bruny Island Main Road is dedicated for road widening as part of the subdivision.

The proposed plan of subdivision provides for this to occur, and it is a condition on the Permit.

### TasNetworks

The application was referred to TasNetworks who advised on 11 May 2022 that:

TasNetworks is able to confirm we have a current negotiated connection project in place with the developer to make supply available within this proposed subdivision.

Based on the plans provided, TasNetworks will be required to initiate some changes to the existing network as part of this project and this will be discussed directly with the developer.

Upon completion of the design, Council will be forwarded a copy of the TasNetworks proposed design for review.

Subsequent to this advice TasNetworks on 1 June 2022 advised Council that State Growth has issued a Works Permit No.SRA-22-354 to TasNetworks for the installation of an underground electrical road crossing on Bruny Island Main Road from existing Pole ID 192597 to supply a new subdivision at 37 Nebraska Road.

The extension of electricity to the proposed subdivision has taken into account the works as detailed in the State Growth Works Permit and underground power will be achieved through the proposed electricity easement within Lot 101(Footway).

### Weed Management

While the mature radiata pines have been removed from the subject land, there are numerous weeds on the subject land. Many of these are regenerating in response to the soil disturbance which has occurred. These weeds include boneseed, thistle, radiata seedlings and winter euryops (*Euryops abrotanifolius*). To ensure management of these weeds both during and after construction, a condition is recommended for inclusion in

any permit issued requiring development and implementation of a Weed Management Plan.

There are also radiata pines along the foreshore within the Nebraska Road reserve. While these trees are environmental weeds, they also provide amenity and stability along the foreshore. To ensure adverse impacts on these trees are minimised during the upgrade of the stormwater, arborist advice must be incorporated into the engineering drawings and the works must be in accordance with this advice.

### 3. CONCLUSION

The application has been assessed against the Acceptable Solutions and Performance criteria for the Low Density Residential and Environmental Management Zones and relevant Codes in the Planning Scheme. The proposal satisfies many of the provisions of the planning scheme by Acceptable Solution and satisfies others by Performance Criterion. The proposal is recommended for approval with conditions, amongst other things requiring a revised Landslide Assessment, revised Bushfire Hazard Report and BHMP, and amended design for the upgraded stormwater discharge point.

### 4. RECOMMENDATION

That the Planning Authority resolves that the development application for subdivision creating ten lots and one road lot at 37 Nebraska Road, Dennes Point and Lot 100 Nebraska Road, Dennes Point for Brooks Lark and Carrick Surveyors 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. P5 submitted on 20/12/2022, Council Plan Reference No. P6 submitted on 10/01/2023, and Council Plan Reference No. P7 submitted on 25/01/2023 but modified to:

- a) show the final location of the electricity infrastructure and easement as required in Condition 2.
- b) be consistent with the building areas and associated bushfire hazard management areas identified in the revised Bushfire Hazard Report and Bushfire Hazard Management Plan endorsed under Condition 3.
- c) be consistent with any recommendations in the revised Landslide Hazard Assessment endorsed under Condition 4.
- d) show the Rehabilitation Areas consistent with the Rehabilitation Plan endorsed under Condition 5.
- e) The amended road and stormwater infrastructure 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. The notation on the plan of subdivision (Council Plan Reference P6, received on 10 January 2023) for the "Footway" on Lot 101 is to be removed from the Plan of

Subdivision and Lot 101 and the Electricity Easement and associated infrastructure is to be moved to an alternative location, to the satisfaction of the Manager Development Services and TasNetworks, which avoids and minimises impacts on priority biodiversity values through locating the infrastructure outside the Biodiversity Protection Area and outside the tree protection zones of trees shown in Council Plan Reference P6, received on 10 January 2023.

The amended plan of subdivision required under Condition 1 and the engineering drawings required under Condition 11 must be submitted for endorsement achieving this outcome.

3. Prior to the endorsement of the amended plans required under Condition 1, a revised Bushfire Hazard Report, Bushfire Hazard Management Plan (BHMP) and accompanying s51 certificate must be submitted for endorsement. This Bushfire Hazard Report and BHMP must be generally in accordance with the subdivision Bushfire Hazard Report and accompanying Bushfire Management Plan submitted with the application (ERA, 17 December 2021), but modified to demonstrate that future building areas and the associated bushfire hazard management areas:
  - (a) are the minimum necessary to achieve BAL-19 separation distances;
  - (b) do not rely upon ongoing management or modification of native vegetation within the Biodiversity Protection Area;
  - (c) provides for the retention, natural regeneration of and revegetation of native vegetation outside the Biodiversity Protection Area and outside the hazard management areas to the extent feasible; and
  - (d) are capable of meeting any the recommendations in the revised Landslide Hazard Assessment required under Condition 4.
4. Prior to the endorsement of the amended plans required under Condition 1, a revised Landslide Assessment Report by a suitably qualified person and to the satisfaction of the Manager Development Services must be submitted for endorsement. This Landslide Assessment must:
  - (a) address the existing landslide in Lot 7;
  - (b) consider the location and failure mechanism of this feature and any recommended mitigation measures in relation to requirements for on-site wastewater assessment and bushfire hazard management, including revegetation where required;
  - (c) provide advice on the appropriate siting and design of future buildings and wastewater systems; and
  - (d) follow the recommendations of the Australian Geomechanics Society Landslide Risk Management Guidelines 2007. and that the recommendations of the report be required to be complied with during and after construction.

When endorsed, this Plan will form part of the Permit.

5. To mitigate the impacts of the unauthorised vegetation removal (including four (4) native trees >25cm and approximately 2464m<sup>2</sup> of native vegetation) and offset the loss of three (3) very high conservation value trees (all *E. viminalis* >25cm), the following measures must be implemented:
  - (a) Prior to the endorsement of the amended plans required under Condition 1, a Rehabilitation Plan to the satisfaction of the Manager Development Services and which:

- (i) identifies the vegetation retention and rehabilitation areas, which must include:
  - a. the Biodiversity Protection Area and areas previously or currently containing native vegetation and located outside the hazard management areas identified in the revised Bushfire Hazard Report and BHMP endorsed under Condition 3; and
  - b. any areas requiring revegetation to meet the recommendations in the revised Landslide Hazard Assessment required under Condition 4.
- (ii) provides for the retention and natural regeneration all native vegetation within the rehabilitation areas, including revegetation where required;
- (iii) provides for replacement plantings for the loss of four (4) native trees at a ratio of 3:1 within areas identified under (a) (i);
- (iv) details how these areas will be regenerated, including facilitation of natural regeneration, replanting with a mix of local provenance species where required, site preparation, weed management, protection of plantings and ongoing maintenance;
- (v) specifies the species, density and number of plantings, including but not limited to the replacement plantings;
- (vi) specifies appropriate timeframes for all recommended measures;
- (vii) excludes the following activities within the rehabilitation area:
  - a. vehicular access;
  - b. stockpiling or placement of fill;
  - c. excavation works;
  - d. storing of materials, contaminants or other material;
  - e. grazing by domestic animals; and
  - f. slashing;
- (viii) is prepared by a suitably qualified person; and

When endorsed, this Plan will form part of the Permit.

The Rehabilitation Plan must be implemented by the developer in accordance with specified timeframes to the satisfaction of the Manager Development Services.

Ongoing management of the site must be in accordance with this Plan unless otherwise approved in writing by Council.

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

Reporting on the progress with respect to the Rehabilitation Plan outcomes for the site must be to Council no less than once a year for a minimum of 5 years.

- (b) a financial contribution to offset the loss of three (3) very high conservation values trees, at a rate of \$500/ tree must be paid into Council's Environmental Fund, to



be used to manage and conserve the habitat of the forty-spotted pardalote on Bruny Island. This offset, totalling \$1500, must be paid prior to approval of an 'Application for Approval of Planning Start of Works Notice'.

6. Unless otherwise approved in writing, the development must only proceed in accordance with the approved stages as set out below:
  - Stage 1 – Lots 1 to 5, 9, Lot 100 (Road Lot), Lot 101 (footway and TasNetworks easement) and Lot 102 (Road lot).
  - Stage 2 – Lot 10
  - Stage 3 – Lots 6, 7 and 8.
  - Stage 5 – Lots 5 and 6
7. Prior to the permit coming into the effect, the landowner must enter into a Part 5 Agreement with and to the satisfaction of Council to the effect that the measures contained within the revised certified subdivision Bushfire Hazard Report and associated Bushfire Hazard Management Plan required under Condition 3 must 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:
  - (a) are no greater than that shown in the subdivision BHMP;
  - (b) are consistent with the vegetation classifications in the subdivision BHMP;
  - (c) do not impact upon individual native trees with a diameter >25cm at 1.4m from natural ground level; and
  - (d) 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.

This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties prior to commencement of works. The Agreement must then be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to the lots.

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.

*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. Registration of the Agreement on the titles can be done at the time of the registration of the Final Plan of Survey. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

8. Prior to the permit coming into the effect, the landowner must enter into a Part 5 Agreement with and to the satisfaction of Council to the effect that the measures contained within the revised Landslide Hazard Assessment required under Condition 4 must be implemented in relation to any future development on the lots.

This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties prior to commencement of works. The Agreement must then be lodged at

the Land Titles Office together with the Final Plan of Survey and registered on the title to the lots.

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.

*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. Registration of the Agreement on the titles can be done at the time of the registration of the Final Plan of Survey. A 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 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. This Part 5 Agreement must:
- (a) specify that future development of the lots is limited to a single dwelling or other single habitable building only, including but not limited to the provision of services, on-site wastewater, utilities, bushfire hazard management;
  - (b) provide for the protection for natural values through the establishment of conservation zones;
  - (c) verify the extent of conservation zones, which must encompass all native vegetation within the Biodiversity Protection Area and areas previously or currently containing native vegetation but located outside the hazard management areas identified in the revised Bushfire Hazard Report and BHMP endorsed under Condition 3;
  - (d) identify management prescriptions to ensure that natural values in the conservation zone are managed for their long term survival, including but not limited to weed management in accordance with the Weed Management Plan required under Condition 17; rehabilitation in accordance with the Rehabilitation Plan required under Condition 5; prohibiting firewood collection; managing and limiting recreational uses; limiting vehicular access and track construction; fire management and monitoring and reporting,. These management prescriptions are to be drafted by a suitably qualified environmental consultant and include a schedule of works with timeframes and details for each action;
  - (e) require the following to be located entirely outside the conservation zones:
    - (i) all development, including buildings, structures, services, on-site wastewater, utilities, bushfire hazard management and any other works, but excluding boundary fencing;
    - (ii) cut, fill or other works;
    - (iii) slashing or removal of native vegetation; and
    - (iv) grazing by domestic and stock animals including but not limited to horses, cattle, sheep, pigs and alpacas.
  - (f) require boundary fences to be designed, located and constructed to:
    - (i) ensure individual trees with a dbh >25cm are able to be retained and any impacts are tolerable;

- (ii) minimise encroachment into the tree protection zone through the design and location of fencing; and
  - (iii) ensure there is no cut, fill or placement of materials within the tree protection zones.
- (g) require development, including buildings, structures, services and utilities, boundary fences and any other works outside the Conservation Zones, to be designed, located and constructed to:
  - (i) ensure individual trees with a dbh >25cm are able to be retained and any impacts are tolerable;
  - (ii) minimise encroachment into the tree protection zone through the design and location of development; and
  - (iii) ensure there is no cut, fill or placement of materials within the tree protection zones.
- (h) specify that no felling, lopping, ringbarking or otherwise injuring or destroying of native trees with a diameter >25 cm at 1.4m from natural ground level can take place without the prior written consent of Council;
- (i) specify that Council will only approve impacts on native trees with a diameter >25 cm at 1.5m from natural ground level, including encroachment into the tree protection zone or lopping, where it can be demonstrated that the trees are located outside the Conservation Zones and, based on the advice of a suitably qualified arborist (Cert V 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;
- (j) specify that Council will only approve removal on native trees with a diameter >25 cm at 1.5m from natural ground level where:
  - (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert V 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 or are unfeasible for retention in the landscape, 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.
- (k) specify that 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.

- (l) specify that the owner or occupier agrees not to introduce and keep domestic cats. This is due to the presence of conservation significant species, including the forty-spotted pardalote, eastern barred bandicoots and the eastern quoll.

This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties prior to commencement of works. The Agreement must then be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to all lots.

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.*

10. Prior to the permit coming into effect and commencement of on site works, the landowner must enter into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council in relation to the upgrading and maintenance of the existing swale drain at the rear of the proposed Lot 9 and Lot 10. This Part 5 Agreement must be to the satisfaction of Council's Director Engineering Services and Manager Development Services and provide for the swale drain on proposed Lot 9 and Lot 10 to be maintained by the owner/s at their cost.

This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties prior to commencement of works. The Agreement must then be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to Lots 9 and 10.

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

*Please note: planning permits containing a requirement for a Part 5 Agreement are not 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. Registration of the Agreement on the titles can be done at the time of the registration of the Final Plan of Survey. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

11. 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. Plans must be to satisfaction of the Director Engineering Services and comply with the following:

- Tasmanian Standard construction drawings
- Austroads standards and Australian Standards
- Australian Rainfall and runoff guidelines
- The revised subdivision Bushfire Hazard Report and Management Plan endorsed under Condition 3
- The revised Landslide Assessment Report endorsed under Condition 4.

The Plans must include, but are not limited to:

- (a) Design of the internal road including
  - i. Longitudinal sections and cross- sections
  - ii. Road designed in accordance with TSD-R06-v3 (no footpath)
  - iii. Kerb and channel for the road in accordance with TSD-R14-v3
  - iv. Reticulated stormwater drainage system for the road
  - v. Sealed road with no more than 16% grade
  - vi. Pavement design
  - vii. Intersection design
  - viii. The cul-de-sac at the end of the road in accordance with TSD-R08-v3 (Urban Type, as per note 5 for bushfire management)
  - ix. Vehicular accesses for all lots in accordance with the Tasmanian Standard Drawings (TSD-R09-v3, TSD-RF01-v3 and TSD-E01-v1)
  - x. Vehicular access to property 'lot 1 Bruny Island Main Road' must be reinstated at the same location or as required by the property owner
- (b) Design with hydraulic calculation and modelling of the stormwater infrastructure including:
  - i. Long section details for the proposed stormwater infrastructure
  - ii. Water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including supporting documentation with associated hydraulic calculations and MUSIC modelling with revised stormwater report (as required)
  - iii. The reticulated stormwater system must be sized to accommodate at least the estimated 5% AEP flow based on a future fully-developed catchment. Hydraulic calculations and modelling with revised stormwater report (as required) must be submitted
  - iv. Overland flowpaths should be sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow based on a future fully-developed catchment. Hydraulic calculations and modelling with revised stormwater report (as required) must be submitted

- v. Demonstration the reticulated stormwater system upgrades the existing stormwater discharge point, provide necessary scour protection and minimise impacts on native vegetation
- (c) Drainage easements provided within the subject property boundaries and the stormwater main must be located centrally within the easement
- (d) Each Lot must be provided with 150mm diameter stormwater lot connection to stormwater reticulation system to enable future developments to discharge stormwater by gravity
- (e) The stormwater reticulation must be extended through proposed lot 5 to connect to the existing culvert under Bruny Island Main Road
- (f) The upgrading of the existing open drain at the rear of the proposed Lot 9 to Lot 10 up to the common boundary of Lots 8/9 only, to direct overland flow to new road stormwater reticulation
- (g) Consistent plans with Lot 5 building envelope located outside of drainage easement
- (h) Demonstrate the Electricity Easement and associated infrastructure is to be moved to an alternative location, consistent with Condition 2
- (i) Include a Vegetation Protection Plan developed in consultation with a suitably qualified arborist which:
  - (i) identifies the location, diameter at chest height and species of all trees with a DBH >25cm and all native vegetation within 15m of the proposed subdivision works, including road construction, services and utilities;
  - (ii) identifies which vegetation requires removal for the subdivision works;
  - (iii) demonstrates all trees identified for retention in Council Plan Reference P6 and received on 10 January 2023 are feasible for retention;
  - (iv) demonstrates the road, services and utilities are designed, located and constructed to minimise impacts on native vegetation and ensure the retention of the trees to the extent feasible, including radiata pines located within the Nebraska Road reserve;
  - (v) identifies reasonable mitigation and/or 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; and
  - (vi) is in accordance with Australian Standard 4970-2009 for the protection of trees on development sites.

Once endorsed the plans will form part of the permit.

12. 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.
13. 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) A 150mm diameter stormwater lot connection point must be provided to each lot
- (b) The vehicular accesses for all lots must be constructed in accordance with the Tasmanian Standard Drawings (TSD-R09-v3, TSD-RF01-v3 and TSD-E01-v1) from the kerb crossing layback to the lot boundary
- (c) The existing power pole must be relocated as required in accordance with the TasNetworks requirements
- (d) Scour and erosion protection measures must be provided as required
- (e) Upgrade of the existing stormwater swale at the rear of Lots 9 and 10 in accordance with the endorsed engineering drawings required under Condition 11 prior to the sealing of the final plan of survey for Stage 1.

The works must be supervised by a professional Civil Engineer in accordance with Council's inspections schedule. All enquiries and matters pertaining to the works during the construction and maintenance stages shall be directed to the applicant or applicant's representative in the first instance, until the works have successfully undergone the requisite 52 week maintenance period and have been taken over by Council.

- 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. Only that vegetation identified for removal in the endorsed engineering drawings required under Condition 11 and the revised Bushfire Hazard Report and BHMP endorsed under Condition 3 is approved for removal as part of the subdivision.

This vegetation must not be removed prior to 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.

- 16. Prior to the commencement of on-site works (including any vegetation removal, demolition, excavations, placement of fill, delivery of construction materials and/or temporary buildings), all native vegetation identified for retention in endorsed plans required under Condition 1 must be retained and appropriately protected during subdivision works in accordance with the endorsed engineering drawings and accompanying arborist advice required under Condition 11. This includes but is not limited to the installation of signage and temporary fencing between any on-site works and retained vegetation in accordance with AS 4970-2009 to exclude:
  - (a) machine excavation including trenching;
  - (b) excavation for silt fencing;
  - (c) cultivation;
  - (d) storage;
  - (e) preparation of chemicals, including preparation of cement products;
  - (f) parking of vehicles and plant;
  - (g) refuelling;

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

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

17. Due to the presence of environmental weeds, prior to the commencement of on-site works, a Weed Management Plan developed by a suitably qualified person and to the satisfaction Council's Manager Development Services must be submitted. This Plan needs to include:

- (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site, including but not limited to boneseed, radiata pine, thistles and winter euryops;
- (b) weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised;
- (c) a fully costed implementation, monitoring and reporting plan for a minimum of five years (including actions and timeframes).

When endorsed, this plan forms part of the permit.

In addition, a weed management bond equivalent to the costs of implementing, monitoring and reporting on outstanding actions in the Weed Management Plan must be bonded to Council prior to the sealing of the Final Plan of Survey.

Reporting on the progress with respect to the Weed Management Plan outcomes for the site is to be to Council no less than once a year for a minimum of 5 years.

The bond will be repaid to the payer in stages on an annual basis upon completion of the plan to the satisfaction of Council's Manager Development Services and receipt of the annual report, in accordance with the cost schedule identified in the Plan.

18. 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.

19. An application for a Council permit to undertake works in Council's road reserve must be lodged by the applicant's supervising engineer, the associated fee paid and permit issued prior to works commencement within (Nebraska Road) road reservation.

21. Prior to the sealing of the Final Plan of Survey for Stage 1, the subdivision road must be constructed in accordance with the certified Bushfire Hazard Report and BHMP required under Condition 3.



Prior to the sealing of the Final Plan of Survey for each stage, any interim hazard management areas must be established in accordance with the certified Bushfire Hazard Report and BHMP required under Condition 3.

22. The titles are to be endorsed to state that onsite wastewater disposal must be via an Aerated Wastewater Treatment System (AWTS), or an alternative treatment system capable of treating effluent to secondary standard prior to discharge to the land application area.
23. 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
  - (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 'As Constructed' drawings in accordance with Council's Survey Brief, 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
  - (h) Provide an arborist assessment that the vegetation protection measures as required in the Vegetation Protection Plan have been satisfactorily implemented.

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

- (a) All mandatory audit inspections;
  - (b) Provision of acceptable documentation;
  - (c) Practical completion inspection;
  - (d) Provision of Bond and Bank guarantees.
24. 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. Services conduits must be provided to the lots proper at the developer's cost and in accordance with the service authority's requirements. The underground cabling and street lighting design including annual operating costs must be submitted to Council for approval prior to engineering plan approval.

25. All works associated with each approved stage of the subdivision must be completed to the satisfaction of the Director 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 follow must be confirmed in writing:
- (a) That all stormwater and associated lot 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.

26. A dedication of public land for road widening of nine (9) metres from the centreline of the existing constructed Bruny Island Main Road as required by the Department of State Growth (DSG) and indicated on the approved plans, must be shown as "Road" on the Final Plan of Survey submitted for sealing.

*ADVICE: The applicant shall arrange for the necessary transfer of the road reservation(s) to Department of State Growth (DSG) at the time of lodgement of the Plan of Survey for sealing.*

27. 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.

The supervising engineer must request a Final Inspection of the subdivision works with Council's Development Engineer just prior to the end of the maintenance period. Any outstanding works must be completed and reinstated prior to Council take-over of their infrastructure.

28. 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;

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.

29. All stormwater pipelines must be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing. These easement/s must be to the satisfaction Director Engineering Services

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

30. A road reservation must be provided with the lot boundaries to the satisfaction of the Director Engineering Services and shown as "Road" on the Final Plan of Survey. The applicant must arrange at their expense for the necessary transfer of the road reservation(s) to Council at the time of lodgement of the Final Plan of Survey for sealing.

### ADVICE

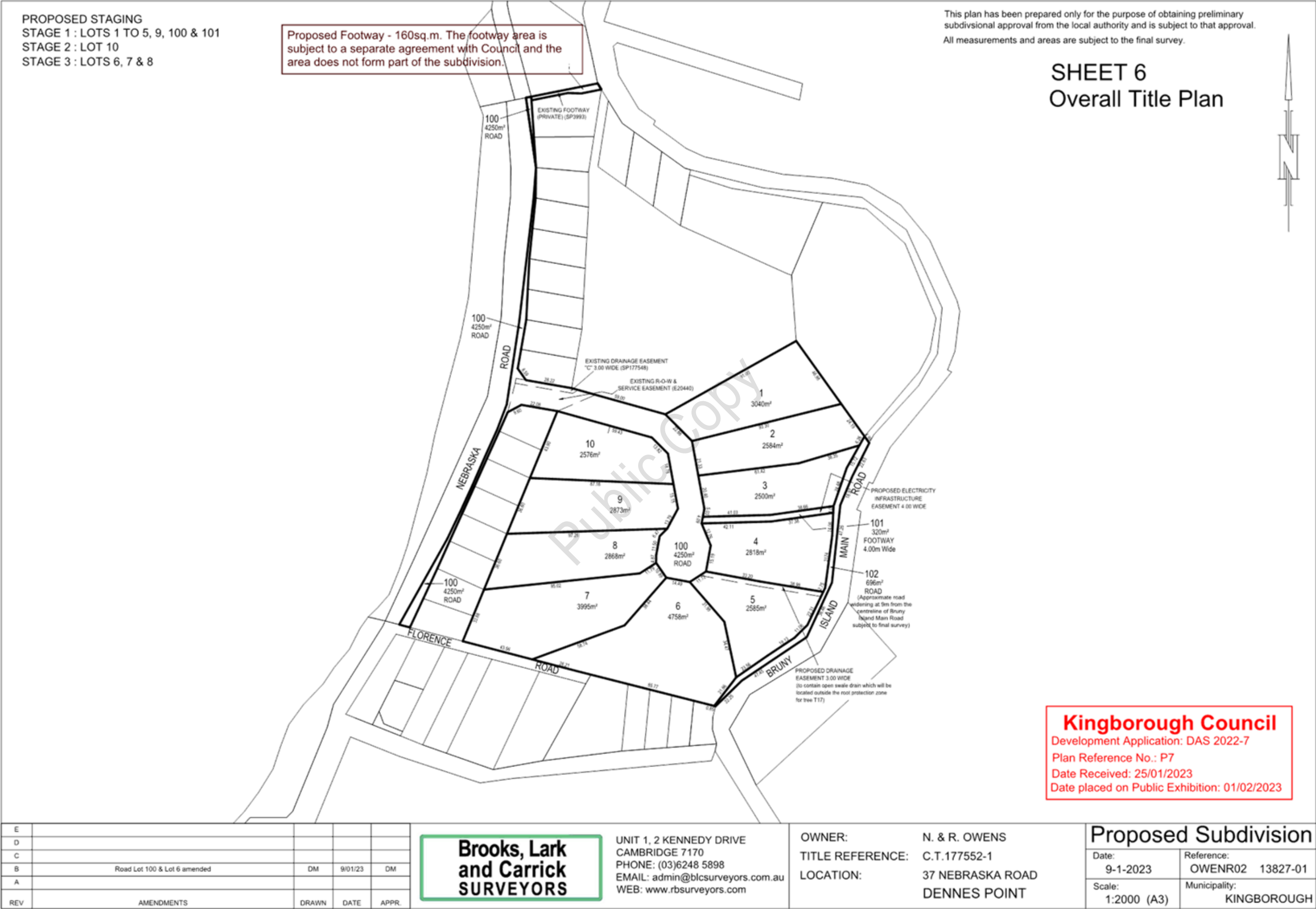
- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. A Final Plan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

New property addresses have been allocated as follows:

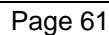
Lot No.	Allocated Property Address
1	1 Un-named Road, Dennes Point
2	3 Un-named Road, Dennes Point
3	5 Un-named Road, Dennes Point
4	7 Un-named Road, Dennes Point
5	9 Un-named Road, Dennes Point
6	10 Un-named Road, Dennes Point
7	8 Un-named Road, Dennes Point
8	6 Un-named Road, Dennes Point
9	4 Un-named Road, Dennes Point
10	2 Un-named Road, Dennes Point

### ATTACHMENTS

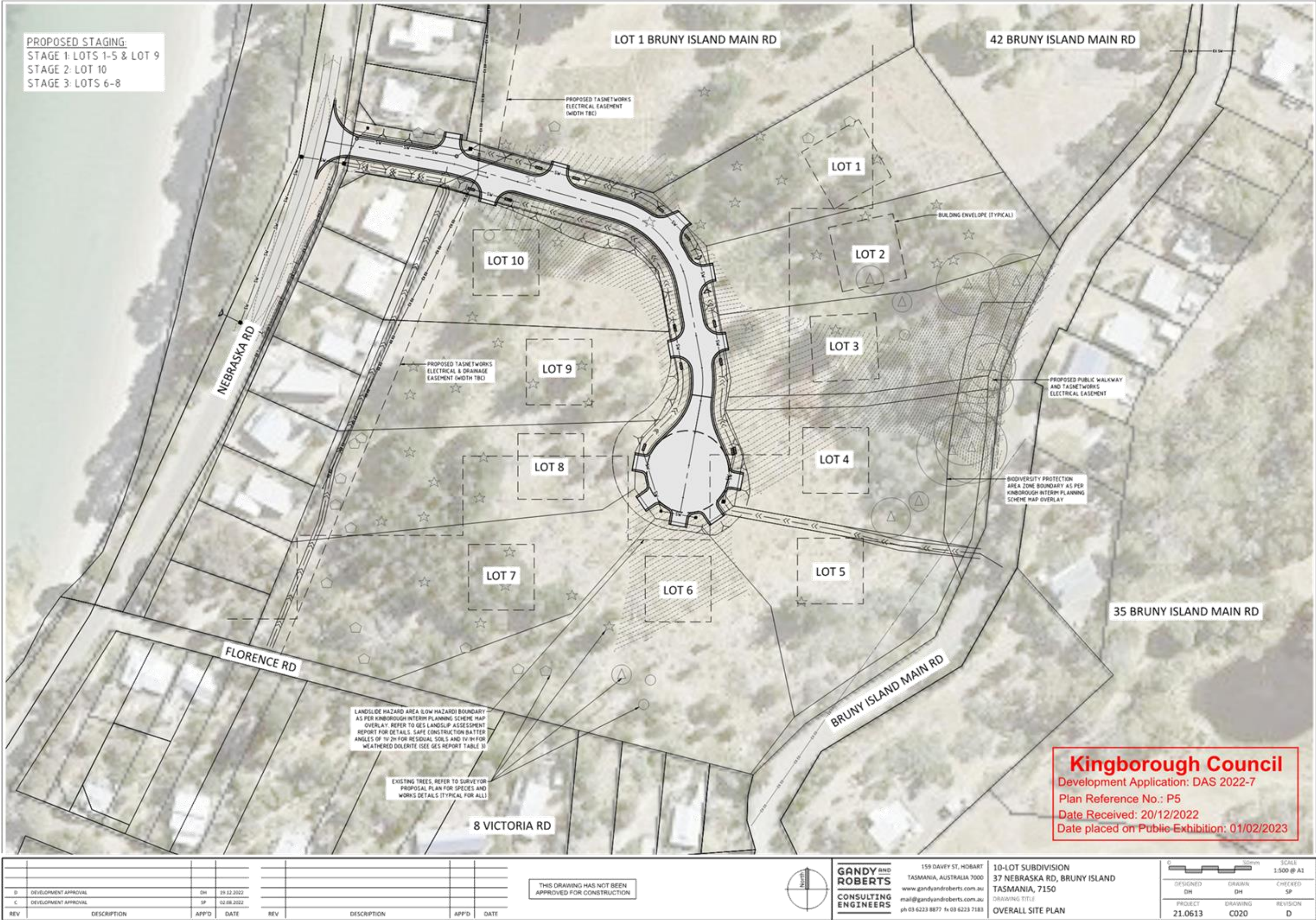
1. Plans
2. Assessment Checklist



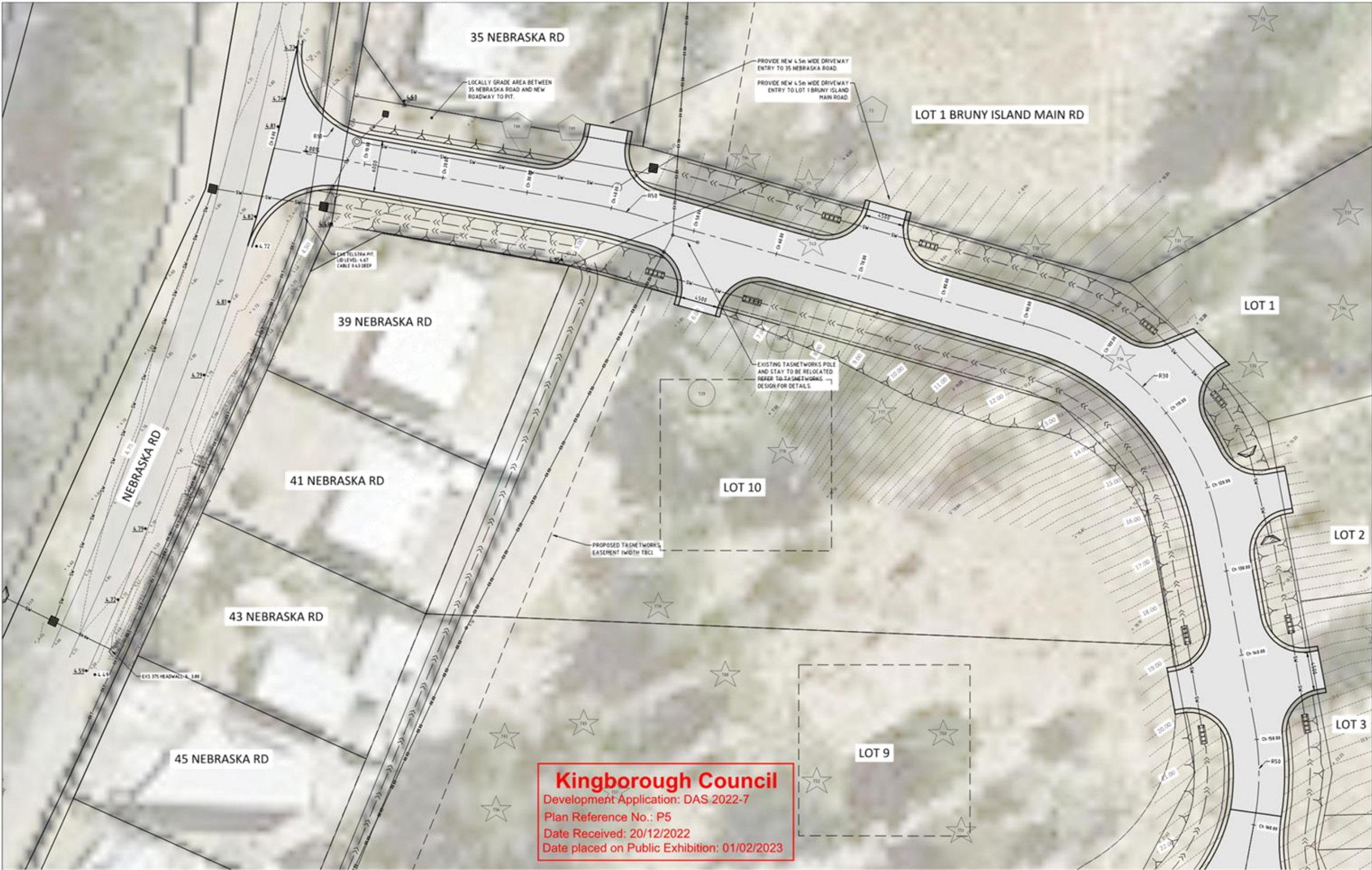












**Kingborough Council**  
Development Application: DAS 2022-7  
Plan Reference No.: P5  
Date Received: 20/12/2022  
Date placed on Public Exhibition: 01/02/2023

SEE DRAWING C201 FOR CONTINUATION

REV	DESCRIPTION	APP'D	DATE	REV	DESCRIPTION	APP'D	DATE
D	DEVELOPMENT APPROVAL	DH	19.12.2022				
C	DEVELOPMENT APPROVAL	SP	02.08.2022				

THIS DRAWING HAS NOT BEEN  
APPROVED FOR CONSTRUCTION



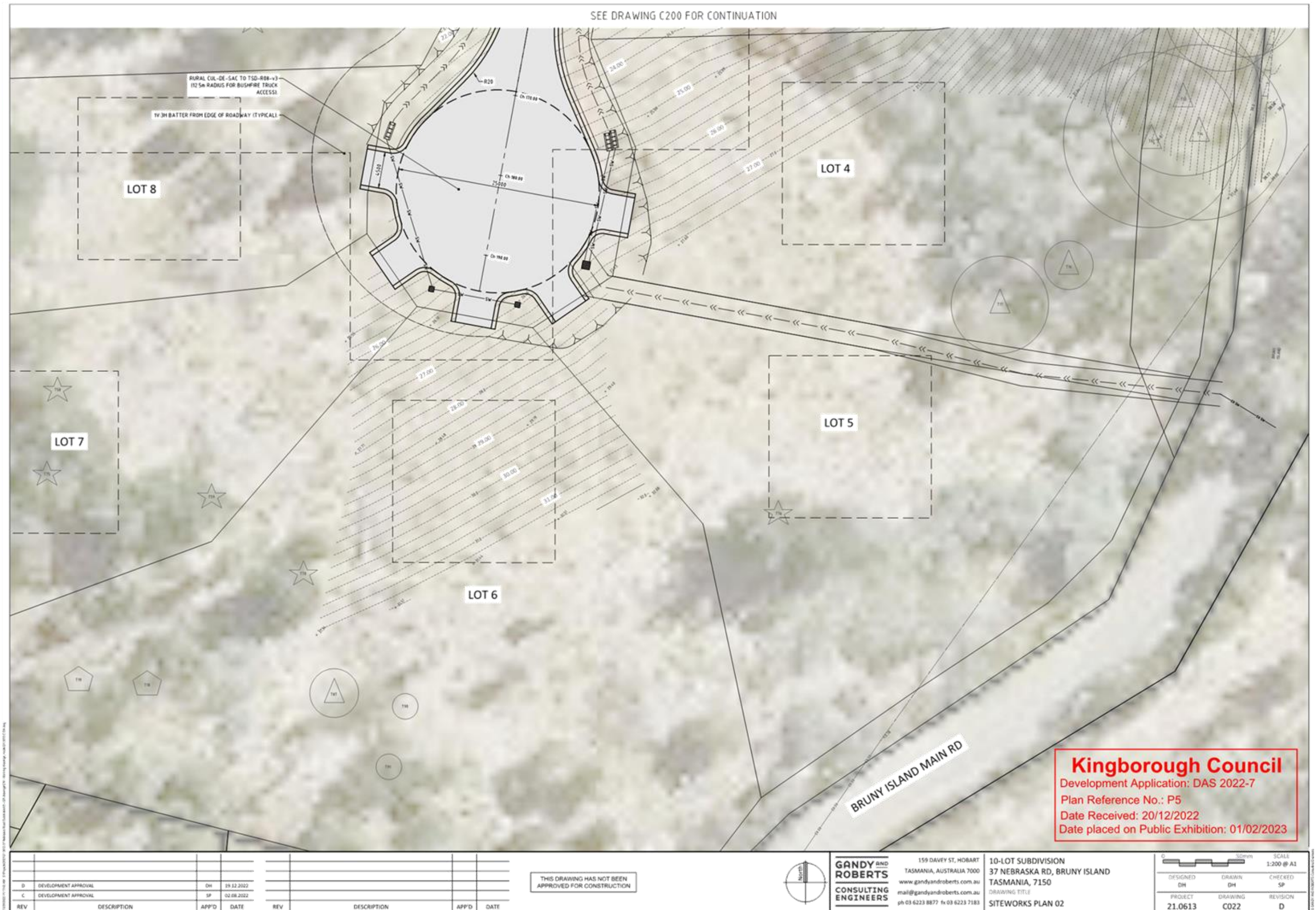
**GANDY AND ROBERTS**  
CONSULTING ENGINEERS

159 DAVEY ST, HOBART  
TASMANIA, AUSTRALIA 7000  
www.gandyandroberts.com.au  
mail@gandyandroberts.com.au  
ph 03 6223 8877 fx 03 6223 7183

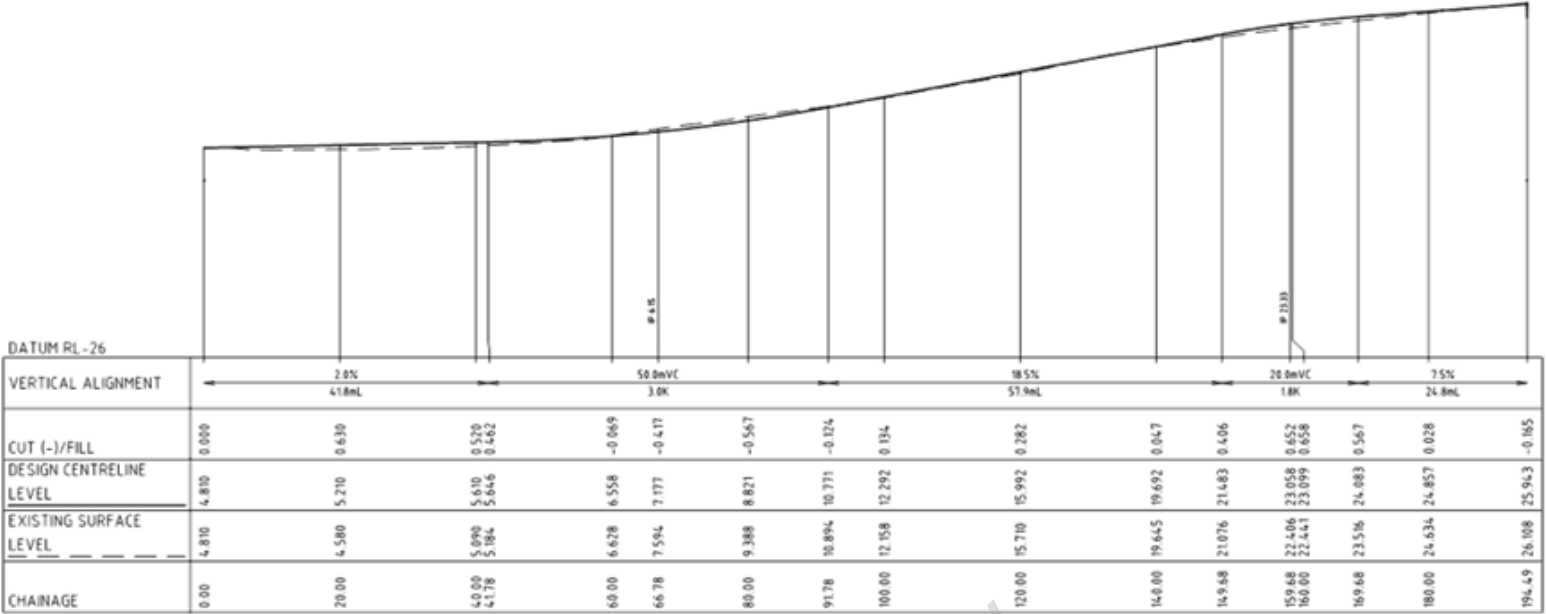
10-LOT SUBDIVISION  
37 NEBRASKA RD, BRUNY ISLAND  
TASMANIA, 7150  
DRAWING TITLE  
SITEWORKS PLAN 01

DESIGNED	DRAWN	CHECKED
DH	DH	SP
PROJECT	DRAWING	REVISION
21.0613	C021	D









LONGITUDINAL SECTION: ROAD 1  
HORIZONTAL SCALE 1:500 VERTICAL SCALE 1:500

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REV	DESCRIPTION	APP'D	DATE	REV	DESCRIPTION	APP'D	DATE
C	DEVELOPMENT APPROVAL	SP	02.08.2022				

THIS DRAWING HAS NOT BEEN  
APPROVED FOR CONSTRUCTION

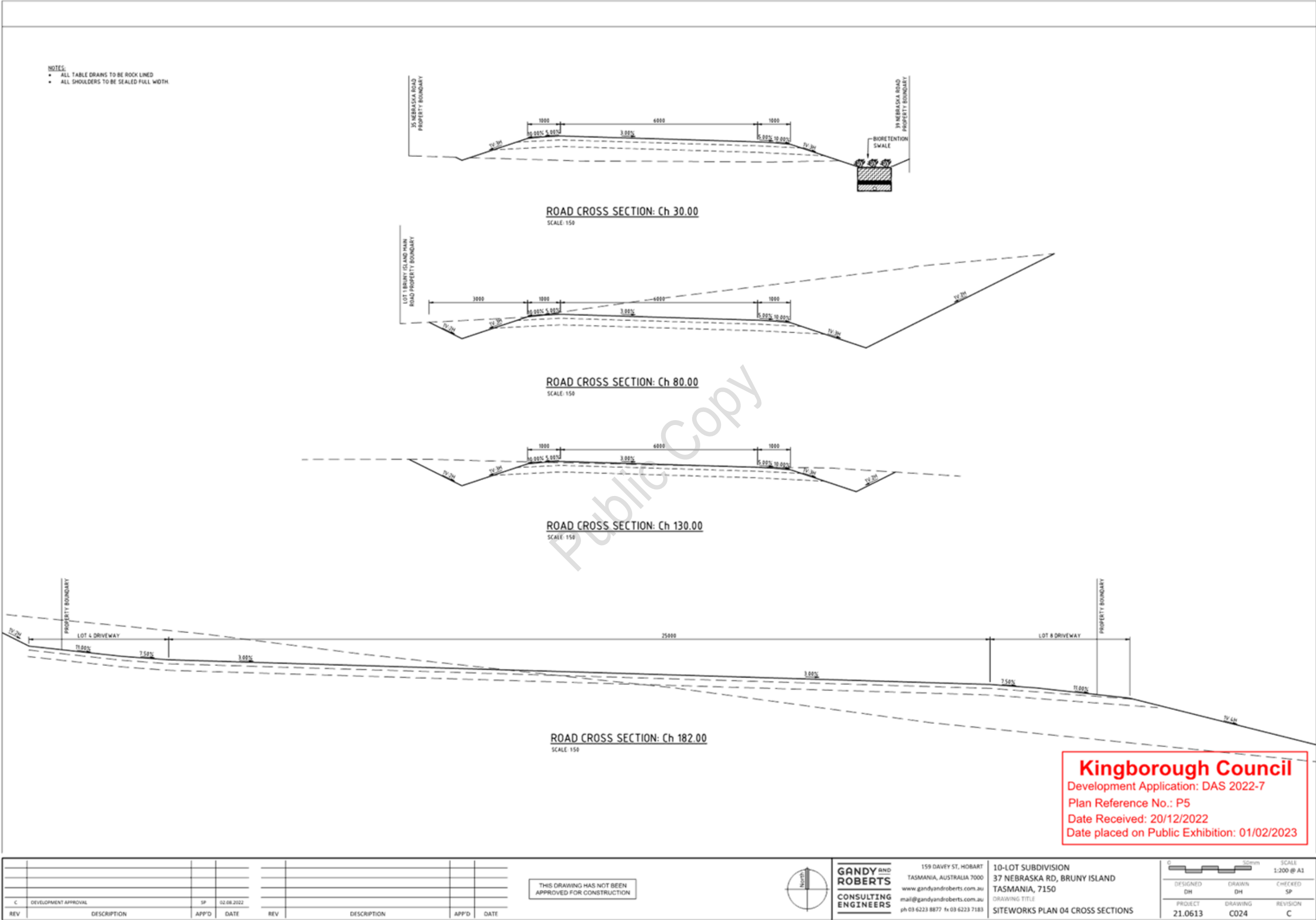


**GANDY AND ROBERTS**  
CONSULTING ENGINEERS

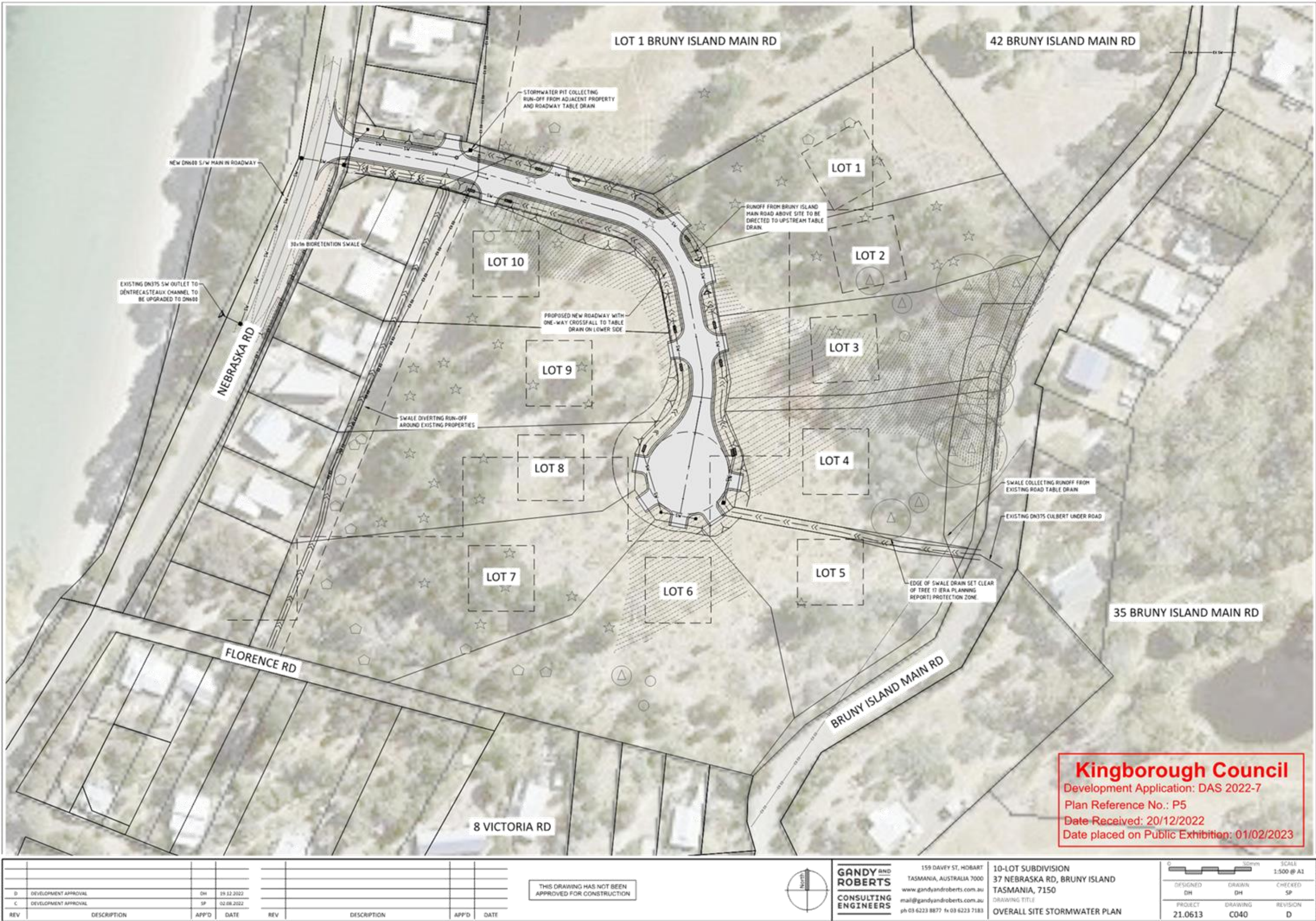
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10-LOT SUBDIVISION  
37 NEBRASKA RD, BRUNY ISLAND  
TASMANIA, 7150  
DRAWING TITLE  
SITEWORKS PLAN 03 SECTIONS

DESIGNED DH	DRAWN DH	CHECKED SP
PROJECT 21.0613	DRAWING C023	REVISION C







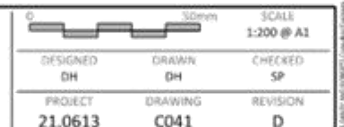




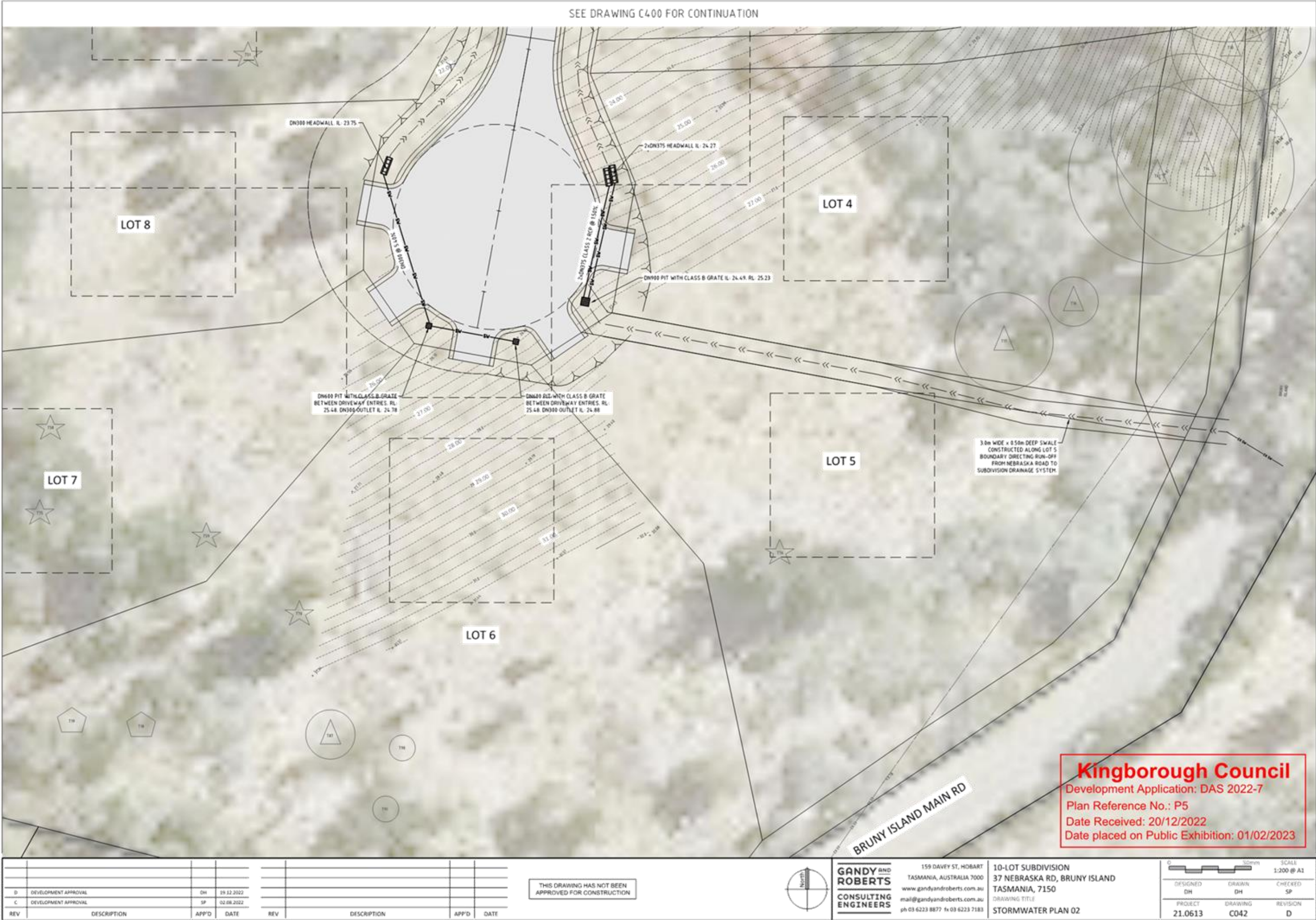
THIS DRAWING HAS NOT BEEN  
APPROVED FOR CONSTRUCTION

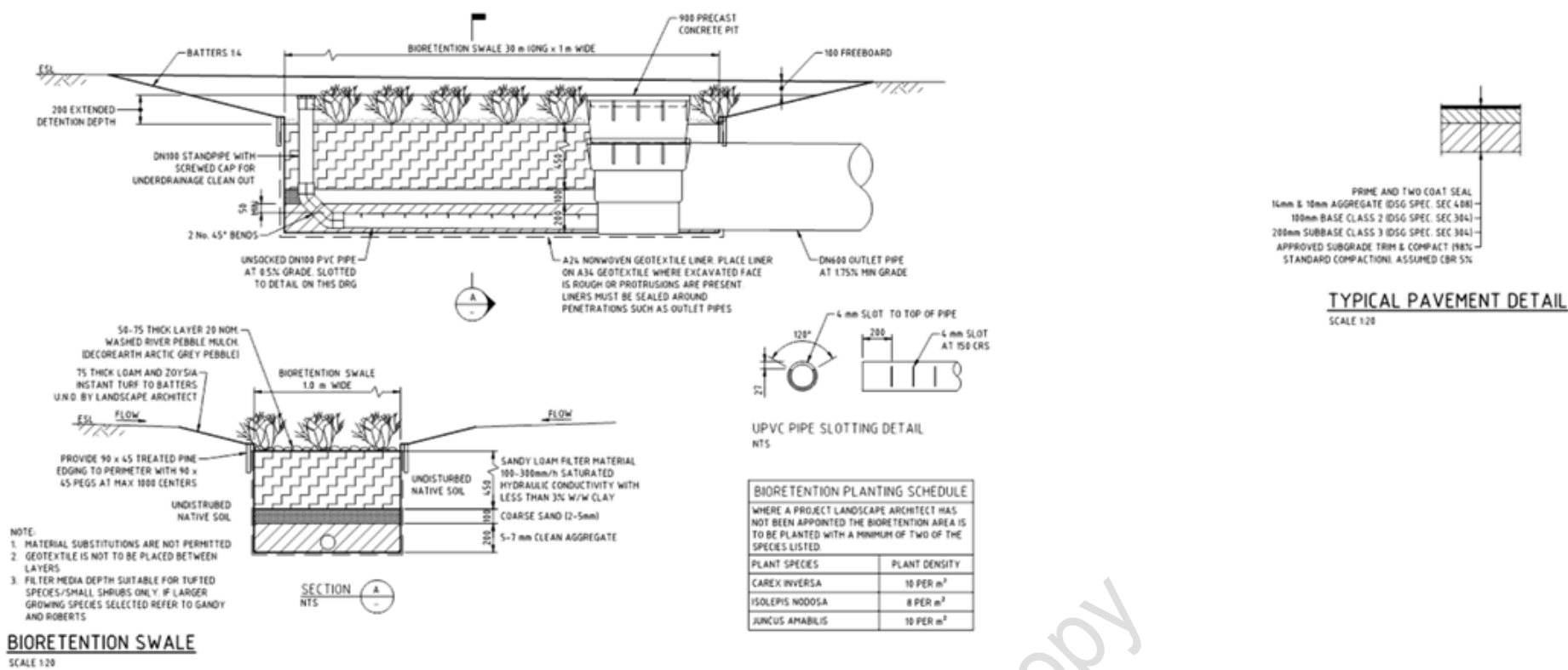


10-LOT SUBDIVISION  
37 NEBRASKA RD, BRUNY ISLAND  
TASMANIA, 7150  
DRAWING TITLE  
STORMWATER PLAN 01









**Kingborough Council**  
Development Application: DAS 2022-7  
Plan Reference No.: P5  
Date Received: 20/12/2022  
Date placed on Public Exhibition: 01/02/2023

REV	DESCRIPTION	APP'D	DATE	REV	DESCRIPTION	APP'D	DATE
C	DEVELOPMENT APPROVAL	SP	02.08.2022				

THIS DRAWING HAS NOT BEEN  
APPROVED FOR CONSTRUCTION



**GANDY AND  
ROBERTS**  
CONSULTING  
ENGINEERS

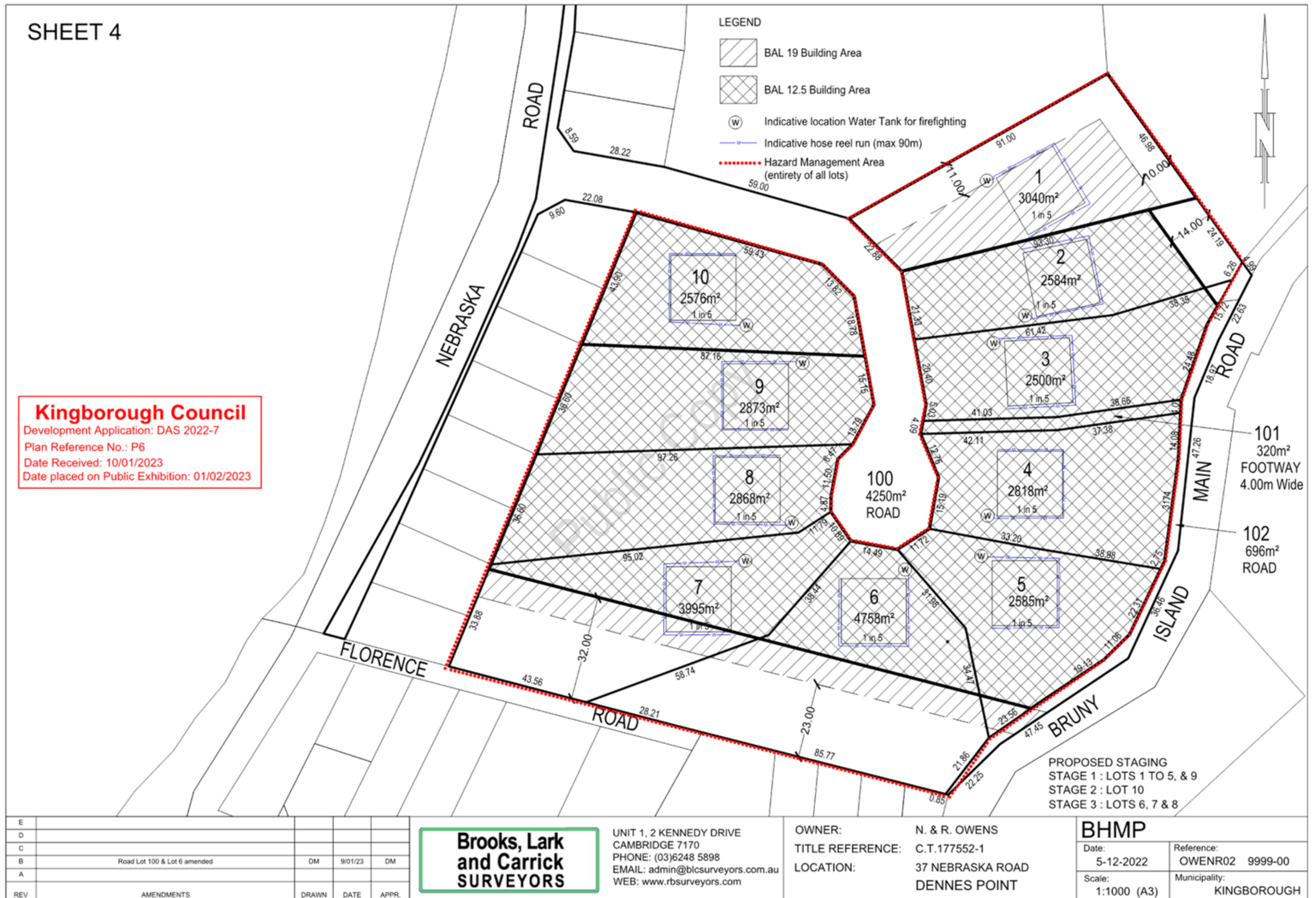
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10-LOT SUBDIVISION  
37 NEBRASKA RD, BRUNY ISLAND  
TASMANIA, 7150  
DRAWING TITLE  
DETAILS

DESIGNED	DRAWN	CHECKED
DH	DH	SP
PROJECT	DRAWING	REVISION
21.0613	C070	C



SHEET 4



## Assessment Checklist

### Low Density Residential Zone Provisions (subdivision)

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

Clause	Compliance/Comments
<b>12.5 Development Standards for Subdivision</b>	
<b>Clause 12.4.1 Non-dwelling development</b> Non-dwelling development must comply with the following acceptable solutions as if it were a dwelling: (a) 12.4.2 A1 and A3; (b) 12.4.3 A1 (a) and (b); (c) 12.4.7 A1. (d) 12.4.2 A4	<b>A1 (d) Not Complying</b> 12.4.2 A4 states: No trees of high conservation value will be impacted. The proposed subdivision works will impact on trees of high conservation value, these impacts require assessment against the performance criteria P4
<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</b> – complies- the proposed 10 lots, and the road lot, would have a site area each which would be greater than 2,500m <sup>2</sup> . The proposed lot sizes are as follows: Lot 1- 3,040m <sup>2</sup> ; Lot 2- 2,741m <sup>2</sup> ; Lot 3- 2,546m <sup>2</sup> ; Lot 4- 2,739m <sup>2</sup> ; Lot 5- 2,644m <sup>2</sup> ; Lot 6- 5,386m <sup>2</sup> ; Lot 7- 4,012m <sup>2</sup> ; Lot 8- 2,926m <sup>2</sup> ; Lot 9- 2,899m <sup>2</sup> ; Lot 10- 2,576m <sup>2</sup> ; The proposal also includes: Road lot 100 – 4,250m <sup>2</sup> ; Footway lot – 320m <sup>2</sup> ;
<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; (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.	<b>A2 – Not Complying</b> - As the proposed building areas are subject to a number of codes in this planning scheme and impact on environmental values, the proposal is not capable of complying with the acceptable solution and requires assessment under the performance. A 20m x 20m building area is shown for the proposed new lots. <b>A2(a)</b> – complies- the building areas indicated in the subdivision plan would be clear of the frontage, side and rear boundary setbacks. <b>A2(b) – does not comply</b> - the building areas on the lots would be subject to: E1.0 Bushfire- Prone Areas (all the lots); E3.0 Landslide (low) (Lots 1 – 8); E23.0 Onsite Wastewater Management (all the lots); <b>A2(c)</b> – complies- the building areas would be clear of title restrictions such as easements and restrictive covenants. <b>A2(d)</b> – Complies



Clause	Compliance/Comments
	<p><b>A2(e)</b> – Complies- each lot would have a building area that is a minimum of 20m x 20m</p> <p><b>A2(f)</b> – <b>Not Complying</b></p> <p>There are a range of environmental values on the site, principally characterised by native vegetation, including individual trees and shrubs and a small area of <i>Eucalyptus viminalis</i> grassy forest. This vegetation provides habitat for numerous species, soil stabilisation and other environmental services.</p> <p>In relation to individual trees, an amended plan of subdivision and civil drawings submitted in response to further information request identify 35 individual native trees on the subject land, including:</p> <ul style="list-style-type: none"> <li>• six (6) <i>Eucalyptus viminalis</i> trees of very high conservation value, providing habitat for the endangered forty-spotted pardalote and potential hollow dwelling habitat for a range of species;</li> <li>• eight (8) <i>Eucalyptus viminalis</i> trees of high conservation value, providing habitat for the endangered forty-spotted pardalote; and</li> <li>• 21 other native trees which do not meet the threshold for high conservation value trees but are of environmental value;</li> </ul> <p>Of these native trees, five (5) have already been removed without authorisation, including three (3) <i>E. viminalis</i> of high conservation value, one (1) <i>E. pulchella</i> and one (1) <i>Allocasuarina verticillata</i>. Numerous smaller native trees and shrubs have also been removed. Retrospective approval for this vegetation removal is being sought as part of the subdivision application.</p> <p>The plans also identify 45 <i>Pinus radiata</i> (radiata pine) trees, which are classified as environmental weeds in the Kingbrough Weed Management Strategy. These pine trees have also been removed, with their removal exempt under Clause 5.4.4 (b) of the Scheme.</p> <p>As the proposed building areas are subject to a number of codes in this planning scheme and impact on environmental values, the proposal is not capable of complying with the acceptable solution and requires assessment under the performance criteria P2</p>
<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:</p> <p>30m.</p>	<p><b>A3</b> – <b>Not Complying</b> –</p> <p>Lots 1-9 do not comply with frontage to the new road lot:</p> <p>Lot 1- 22.88m;          Lot 2- 21.33m;          Lot 3- 25.43m          Lot 4- 27.95m          Lot 5- 11.72m          Lot 6- 14.49m;          Lot 7- 10.89m;          Lot 8- 22.84m</p>

Clause	Compliance/Comments
	Lot 9- 25.94m Lot 10 complies with a frontage of 92.13m.
<b>A4</b> – No lot is an internal lot.	<b>A4</b> – complies- no lot would be an internal lot.
<b>A5</b> – Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	<b>A5</b> – n/a – the site has no existing buildings.
<b>Clause 12.5.2 - Roads</b> <b>A1</b> - The subdivision includes no new road.	<b>A1</b> <b>Not Complying</b> –the subdivision includes a new road lot.
<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> –n/a- there is no reticulated potable water available for the area.
<b>A2</b> – Each lot must be connected to a reticulated sewerage system where available.	<b>A2</b> – NA - there is no reticulated sewerage system available for the area.
<b>A3</b> – Each lot must be connected to a stormwater system able to service the building area by gravity.	<b>A3</b> – <b>Complies</b> - the lots would be connected to a reticulated stormwater system.
<b>A4</b> - The subdivision includes no new road.	<b>A4</b> – <b>Not Complying</b> the subdivision includes a new road.
<b>Environmental Management Zone</b>	
<b>Clause 29.3.1 – Use Standards for Reserved Land</b> <b>A1</b> - Use is undertaken in accordance with a reserve management plan.	<b>A1</b> – <b>Not Complying</b> As there is no reserve management plan, this use requires assessment against the performance criteria.
<b>Clause 29.4.2 Setback</b> <b>A1</b> - Buildings and works must be setback from land zoned Environmental Living no less than 30m.	<b>A1</b> – Complies
<b>Clause 29.4.3 Design</b> <b>A1</b> - The location of buildings and works must comply with any of the following: (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline; (b) be located within a building area, if provided on the title; (c) be an addition or alteration to an existing building; (d) as prescribed in an applicable reserve management plan.	<b>A1</b> - <b>Not Complying</b> The proposal involves the upgrading of the stormwater system located on Nebraska Road and the Council owned lot 100. This will involve works on the existing culvert that may require the clearing of native vegetation (subject to detailed civil design). The proposal is unable to comply with A1(a) as some native coastal vegetation will require removal to facilitate the works. As the proposal also does not comply with any of the other acceptable solution, the works require assessment against the performance criteria.
<b>Clause 29.5.1 Subdivision</b> <b>A1</b> - Subdivision must comply with any of the following: (a) be for the purpose of providing for public open space, a reserve, or a Utilities, Emergency	<b>A1</b> – <b>Not Complying</b> The subdivision is not for a purpose stated in (a) and (b) of the Acceptable Solution.

Clause	Compliance/Comments
<p>services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.</p> <p>(b) be for lots proscribed in an applicable reserve management plan.</p>	

## Code Provisions

Clause	Compliance/Comments
<b>E1.0 Bushfire-Prone Areas Code</b>	
<p><b>Clause E1.6.1 - Subdivision: Provision of hazard management areas</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 the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(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</p> <p>(iv) is accompanied by a bushfire hazard 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>A1 – Complies</b></p> <p>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 a BAL 19 for all lots.</p> <p>A subdivision plan was also submitted with the application demonstrating that the proposal complies with A1(b) as follows:</p> <ul style="list-style-type: none"> <li>the plan shows all lots that are located within a bushfire prone area;</li> <li>the plan identifies a compliant building area for each lot;</li> <li>the bushfire hazard management area for each lot is equal to or greater than the separation distances required for BAL-19;</li> <li>the application is accompanied by a bushfire hazard management plan certified by an accredited person (ERA, 17 December 2021) and showing hazard management areas equal to or greater than the separation distances required for BAL 19.</li> </ul> <p>While the BHMP and plan of subdivision meet the acceptable solution for Clause E1.6.1, as discussed above and below, these bushfire hazard management measures do not meet the requirements of Clauses 12.5.1 P2 (e) and E10.8.1 P1, as the measures do not minimise impacts on environmental values and the building areas and associated hazard management areas do not minimise impacts as far as reasonably practicable. It is also unclear whether the level of vegetation management required for bushfire hazard management purposes has been considered as part of the Landslide Hazard Assessment and is compatible with managing landslide risk on the site. Therefore, a revised Bushfire Hazard Report and accompanying BHMP which meets the requirements</p>

Clause	Compliance/Comments
	<p>of Clauses 12.5.1 P2 (e), E1.6.1 A2 and E10.8.1 P1 and demonstrates consistency with any recommendations in the revised Landslide Hazard Assessment required to satisfy Code E3.0 (see below) is required.</p> <p>In addition, to ensure the bushfire hazard management requirements identified in this report are satisfied, a condition should also be included in the permit requiring a Part 5 Agreement which ensures the measures contained within the plan are 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 enable the retention of individual trees and do not rely upon the management of any additional native vegetation.</p> <p>A condition is also recommended for inclusion in any permit issued requiring any interim hazard management areas to be implemented prior to the sealing of the final plan of survey for the relevant stage.</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 – Complies</b></p> <p>The subdivision complies with A1 (b) as the proposed plan of subdivision shows the proposed new road complies with Table E1, the road will be constructed as part of Stage 1 and the plan has been certified by an accredited person. Private accesses will need to comply with Table E2 at the time of development of the lots. A condition is recommended for inclusion in any permit issued requiring the road to be constructed in accordance with the certified Bushfire Hazard Report and BHMP prior to the sealing of the final plan of survey for stage 1.</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</p>	<p><b>A1 – NA</b></p>

Clause	Compliance/Comments
supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.	
<p><b>A2</b> – In areas that are not serviced by reticulated water by the water corporation:</p> <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><b>A2</b> – Complies</p> <p>The subdivision complies with A2 (b) as proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5 and this plan has been approved by an accredited person as being compliant with Table E5.</p>
<b>E3.0 Landslide Code</b>	
<p><b>Clause E3.8.1 – Subdivision</b></p> <p><b>A1</b> – No acceptable solution</p>	<p><b>A1</b> – <b>Not Complying</b></p> <p>No acceptable solution (requires assessment against performance criteria)</p> <p>Proposed lots 1-8 of the subject land are within a Landslide Hazard Area (Low). In addition, there is a known historic landslide which extends across the bottom of proposed Lot 7.</p> <p>The unauthorised works which occurred on the site involved vegetation removal and soil disturbance of &gt;1000m<sup>2</sup>. These works therefore meet the definition of major works under E3.3.1 of the Scheme.</p> <p>As the proposed subdivision creates more than two lots located within a Low Landslide Hazard Area, the proposed subdivision requires assessment against Clause E3.8.1 P1 of the Scheme.</p>
<p><b>A2</b> - Subdivision is not prohibited by the relevant zone standards.</p>	<p><b>A2</b> – <b>Complies</b></p> <p>Subdivision is allowed in the Low Density Residential Zone.</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</b> – NA</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</b> – NA</p>

Clause	Compliance/Comments
<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</b> – Complies
<b>E5.5.2 Exiting level crossings</b> <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.	<b>A1</b> – NA
<b>Clause E5.6.1 - Development adjacent to roads and railways</b> <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: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	<b>A1.1</b> – NA
<b>A1.2</b> – Buildings, may be: (a) located within a row of existing buildings and 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>A1.2</b> – NA
<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 Complies with A2 (road/area with speed limit of 60km/h or less) as one vehicular access is proposed for each lots which will provide both entry and exit.
<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> – Complies The Nebraska Road has a speed limit of 40km/h. The Table E5.1 requires 80m of SISD for vehicle speed of 50km/h. In this case, the vehicle speed can be assumed to be 40km/h (due to speed limit 40km/h), which requires less than 80m of SISD. There is more than 80m of SISD available for the proposed road junction.
<b>E6.0 Parking and Access Code</b>	
<b>E6.7.1 Number of Vehicular Accesses</b>	<b>A1</b> – Complies

Clause	Compliance/Comments
<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	Each lot is provided with one vehicular access
<b>E6.7.2 Design of Vehicular Accesses</b> <b>A1</b> - Accesses must comply with Australian Standard AS2890 and comply with the required sight distance provision	<b>A1 – Complies</b> A condition has been included on the Permit requiring the vehicular accesses to be constructed to comply with the relevant TSDs which complies with AS2890.
<b>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> The new road and associated stormwater drainage requires redesigning which is conditioned in the planning permit.  The road is required to be designed and construct to a standard urban road (instead of rural road) with kerb and channel and underground stormwater drainage system. The maximum grade for the road must be no more than 16%.
<b>E7.0 Stormwater Management Code</b>	
<b>E7.7.1 Stormwater Drainage and Disposal</b> <b>A1</b> -Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. <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: (a) the size of new impervious area is more than 600 m <sup>2</sup> ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots. <b>A3</b> - A minor stormwater drainage system must be designed to comply with all of the following: (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; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. <b>A4</b> - Design of major stormwater drainage system A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	<b>A1 – Complies</b> Stormwater from new impervious surfaces is disposed of by gravity to Councils stormwater infrastructure.  The stormwater runoff is proposed to be discharged by gravity to existing outlet at Nebraska Road. A condition is included on the Permit for a revised stormwater drainage plans to the satisfaction of Council. The existing stormwater outlet requires measures for scour and erosion protection. <b>A2 - Complies</b> Water sensitive urban design principle is proposed to be incorporated for the treatment and disposal of stormwater. A condition is included on the Permit for amended stormwater plans to be submitted for endorsement. The proposed 30m <sup>2</sup> bio-retention swale drain (bio-retention) proposed at the bottom of the new road is to be redesigned and a revised stormwater report submitted with relevant engineering designs and associated MUSIC model. <b>A3 – Complies</b> A stormwater report and preliminary engineering design drawings have been submitted. <b>A4 – Complies</b> The new road will act as a major drainage system in the event of a 1 in 100 year storm.

Clause	Compliance/Comments
<b>E10.0 Biodiversity Code</b>	
<b>E10.8.1 Subdivision</b> <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: <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>	<b>A1 – Not Complying</b> The subdivision does not comply with any of the Acceptable Standard requirements.
<b>A2</b> - Subdivision is not prohibited by the relevant zone standards.	<b>A2 – Complies</b>
<b>E11.0 Waterway and Coastal Protection Code</b>	
<b>Clause E11.7.1 - Buildings and works</b> <b>A1</b> - Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme	<b>A1 – Not Complying</b> A Waterway and Coastal Protection Area (WCPA) extends on to the subject land in the vicinity of the proposed new road. In addition, the intersection of the new road and upgrades to stormwater infrastructure, including the upgrade to the existing stormwater discharge point, are located within the WCPA. As the works are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria P1.
<b>A4</b> – Development must involve no new stormwater point discharge into a watercourse, wetland or lake	<b>A4 - Complies</b> – The development relies upon the existing stormwater discharge point and does not involve a new stormwater discharge point into a watercourse, wetland or lake. Therefore, the proposal complies with the acceptable solution.
<b>Clause.E11.8.1Subdivision</b> <b>A1</b> Subdivision within a Waterway and Coastal Protection Area must comply with one or more of the following: <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>	<b>A1 – Complies</b> The proposed subdivision includes a small area of the WCPA in the vicinity of the proposed new road. The new lots are located entirely outside the WCPA. As the subdivision within the WCPA is for the creation of a lot for utility purposes, the proposal complies with A1 (b).



Clause	Compliance/Comments																		
<b>E16.0 Coastal Erosion Hazard Code</b>																			
<b>Clause.E16.7.1 Buildings and works</b> <b>A1</b> No acceptable solution	<b>A1 Not Complying</b> No acceptable solution (requires assessment against performance criteria)																		
<b>Clause.E16.8.1 Subdivision</b> <b>A1</b> – No acceptable solution <b>A2</b> – No acceptable solution	<b>A1 and A2 – NA</b> While works associated with the subdivision are located within a Coastal Erosion Hazard Area, the subdivision is located entirely outside this area. Therefore, Clause 16.8.1 is not applicable. the proposal requires assessment against the performance criteria.																		
<b>E23.0 On-Site Wastewater Management Code</b>																			
<b>Clause E.23.9.1 - Development Standards for New Lots</b> <b>A1</b> - A new lot must have an area no less than: 5,000 m <sup>2</sup> .	<b>A1 – Not Complying</b> The proposed lots, except Lot 6, are smaller than 5,000 m <sup>2</sup> : <table> <tr> <th>Lot</th><th>Area</th></tr> <tr> <td>1</td><td>3,040m<sup>2</sup></td></tr> <tr> <td>2</td><td>2,741m<sup>2</sup></td></tr> <tr> <td>3</td><td>2,546m<sup>2</sup></td></tr> <tr> <td>4</td><td>2,739m<sup>2</sup></td></tr> <tr> <td>5</td><td>2,644m<sup>2</sup></td></tr> <tr> <td>7</td><td>4,012m<sup>2</sup></td></tr> <tr> <td>8</td><td>2,926m<sup>2</sup></td></tr> <tr> <td>9</td><td>2,899m<sup>2</sup></td></tr> </table> Lot 6 is 5,386m <sup>2</sup>	Lot	Area	1	3,040m <sup>2</sup>	2	2,741m <sup>2</sup>	3	2,546m <sup>2</sup>	4	2,739m <sup>2</sup>	5	2,644m <sup>2</sup>	7	4,012m <sup>2</sup>	8	2,926m <sup>2</sup>	9	2,899m <sup>2</sup>
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9	2,899m <sup>2</sup>																		
<b>A2</b> - Subdivision is not prohibited by the relevant zone standards.	<b>A2 – Complies – The Low Density Residential (Area A) Zone permits subdivision.</b>																		
<b>Clause E.23.9.2 - Development Standards for New Boundaries</b> <b>A1</b> - A new boundary must have a separation distance from an existing land application area that complies with E.23.10.1 A3.	<b>A1 – Complies</b>																		
<b>Clause E23.10.1 – Land application areas</b> <b>A1</b> – Horizontal separation distance from a building to a land application area must comply with one of the following: (a) be no less than 6m; (b) be no less than; (i) 2m from an upslope or level building; (ii) if primary treated effluent be no less than 4m plus 1m for every degree of average gradient from a downslope building; (iii) if secondary treated effluent and subsurface application, no less than 2m plus 0.25m for every degree of average gradient from a down slope building.	<b>A1 – NA</b>																		
<b>A2</b> – Horizontal separation distance from downslope surface water to a land application area must comply with any of the following: (a) be no less than 100m;	<b>A2 – NA</b>																		

Clause	Compliance/Comments
<p>(b) if the site is within a high rainfall area or the site soil category is 4, 5 or 6, be no less than the following;</p> <p>(i) if primary treated effluent standard or surface application, 50m plus 7m for every degree of average gradient from downslope surface water;</p> <p>(ii) if secondary treated effluent standard and subsurface application, 50m plus 2m for every degree of average gradient from down slope surface water.</p> <p>(c) if the site is not within a high rainfall area or the site soil category is not 4, 5 or 6, be no less than the following;</p> <p>(i) if primary treated effluent 15m plus 7m for every degree of average gradient from downslope surface water;</p> <p>(ii) if secondary treated effluent and subsurface application, 15m plus 2m for every degree of average gradient from down slope surface water.</p>	
<p><b>A3</b> – Horizontal separation distance from a property boundary to a land application area must comply with either of the following:</p> <p>(a) be no less than 40m from a property boundary;</p> <p>(b) be no less than:</p> <p>(i) 1.5m from an upslope or level property boundary; and</p> <p>(ii) if primary treated effluent 2m for every degree of average gradient from a downslope property boundary; or</p> <p>(iii) if secondary treated effluent and subsurface application, 1.5m plus 1m for every degree of average gradient from a downslope property boundary.</p>	<b>A3</b> –
<p><b>A4</b> – Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must be no less than 50m.</p>	<b>A4</b> –
<p><b>A5</b> – Vertical separation distance between groundwater and a land application area must be no less than 1.5m.</p>	<b>A5</b> –
<p><b>A6</b> – Vertical separation distance between a limiting layer and a land application area must be no less than 1.5m.</p>	<b>A6</b> –
<p><b>A7</b> – The arrangement of a land application area must comply with both of the following:</p> <p>(a) not include areas beneath buildings, driveways or other hard stand areas;</p> <p>(b) have a minimum horizontal dimension of 3m.</p>	<b>A7</b> –
<b>E25.0 Local Development Code</b>	
Pursuant to Clause E25.2, Code E25.0 only applies to building height of residential development on lots in the coastal proximity area, The proposal is for subdivision of land, therefore Code E25.0 does not apply.	

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

**13.2 DA-2022-480 - DEVELOPMENT APPLICATION FOR MIXED USE COMMERCIAL BUILDING (OFFICES, RETAIL AND CAFE) AND ASSOCIATED ROAD WORKS (FOOTPATH AND STAIRS) AT 'KINGSTON PARK', 7 GOSHAWK WAY, KINGSTON AND GOSHAWK WAY ROAD RESERVE (CT 179541/101)**

**File Number:** DA-2022-480  
**Author:** Sarah Silva, Consultant Planner  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	Traders In Purple Pty Ltd
<b>Owner:</b>	Kingborough Council
<b>Subject Site:</b>	'Kingston Park', 7 Goshawk Way, Kingston and Goshawk Way road reserve (CT 179541/101)
<b>Proposal:</b>	Mixed use commercial building (offices, retail and cafe) and associated road works (footpath and stairs)
<b>Planning Scheme:</b>	<i>Kingborough Interim Planning Scheme 2015</i>
<b>Zoning:</b>	Central Business
<b>Codes:</b>	E1.0 Bushfire-Prone Areas Code E5.0 Road and Railway Assets Code E6.0 Parking and Access Code E7.0 Stormwater Management Code E15.0 Inundation Prone Areas Code E17.0 Signs Code
<b>Use Class/Category:</b>	Business and Professional Services (office), General Retail and Hire (shop), Food Services (café)
<b>Discretions:</b>	D22.0 Central Business Zone Clause 22.4.8 – Environmental Values (A1) F3.0 Kingston Park Specific Area Plan Clause F3.7.1.1 Building setbacks and height (A1) E5.0 Road and Railway Assets Code Clause E5.5.1 – Existing road accesses and junctions (A3) E17.0 Signs Code Clause E17.7.1 - Standards for Signs (A1)
<b>Public Notification:</b>	Public advertising was undertaken between 25 January 2023 and 8 February 2023 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
<b>Representations:</b>	A total of six (6) representations were received. Issues raised include: <ul style="list-style-type: none"> <li>- Height</li> <li>- Existing carpark</li> <li>- Inadequate consultation</li> <li>- Non-compliance with the Kingston Park Specific Area Plan</li> <li>- Traffic and Parking</li> <li>- Planning discretions</li> </ul>
<b>Recommendation:</b>	Approval subject to conditions.

## 1. PROPOSAL

### 1.1 Description of Proposal

The proposed development is for Phase 1 only of the overall development proposed for 7 Goshawk Way (CT-180139/100). The proposal includes the construction of a commercial building, which will be located at the south-western portion of the overall site (which includes the community hub and the playground), at the corner of Goshawk Way (southern side) and the Huon Highway.

The proposed building will be five (5) storeys in height including both a lower ground level and roof top area for plant and equipment. The building will consist of the following:

#### Lower ground level

- A designated retail space (174.3m<sup>2</sup>)
- An internal parking area comprising 23 parking spaces
- Secure bicycle storage room for the parking of up to 28 bicycles
- End of trip facilities comprising changeroom areas and showers
- A plant room (54.9m<sup>2</sup>)
- A switch room (12.2m<sup>2</sup>)

#### Ground level

- Main pedestrian entrance leading into a lobby area (113.9m<sup>2</sup>)
- A small interchangeable retail / café space (48.3m<sup>2</sup>)
- Office space (673.4m<sup>2</sup>)
- Staff amenities
- A garbage storage area (41.0m<sup>2</sup>)

#### Level 1

- Office space (1360.2m<sup>2</sup>)
- A balcony (located over the retail space below) with roof top landscaping
- Staff amenities

#### Level 2

- Office space (1360.2m<sup>2</sup>)
- Staff amenities

#### Level 3

- Roof top plant (350.8m<sup>2</sup>)
- Solar panels

Access throughout the building will be via two lift shafts and a central stairwell.

The proposal includes a new crossover from Goshawk Way and the construction of an external parking area at ground level with parking for 58 vehicles. The proposal will also rely on a total of 45 parking bays within the existing temporary carpark located on the site. This carpark is designated to be developed as part of Phase 2 of the overall development of the site, which will be subject to a separate planning application. Any future planning application will have to ensure that these 45 bays are accounted for in any future development application for Phase 2 given the inclusion of these parking bays results in the subject proposal meeting the permitted standards in terms of carparking numbers. If this does not occur, then a new planning application for the reduction in car parking spaces for the subject use and development will likely be required; this is recommended as advice on any approval.

The main pedestrian access to the building will be via two separate sets of stairs located at the Goshawk Way frontage. Direct access is also provided from the proposed parking area, which will provide an at grade entry for easy access. A direct pedestrian entry is also to be provided to the retail tenancy located at the corner of Goshawk Way and the Huon Highway.

The hours of operation are to be from 6am to midnight Monday to Saturday; and 8am to 10pm Sundays and public holidays.

Perspectives of the proposed development are at **Figure 1**, **Figure 2** and **Figure 3** below.



**Figure 1: concept image of the proposed building as viewed from the north as entering Kingston CBD (source: Design Analysis, Nettleton Tribe)**



**Figure 2: South and west elevations (source: Design Analysis, Nettleton Tribe)**



**Figure 3: North and east elevations (source: Design Analysis, Nettleton Tribe)**

Supporting documents submitted with the application included:

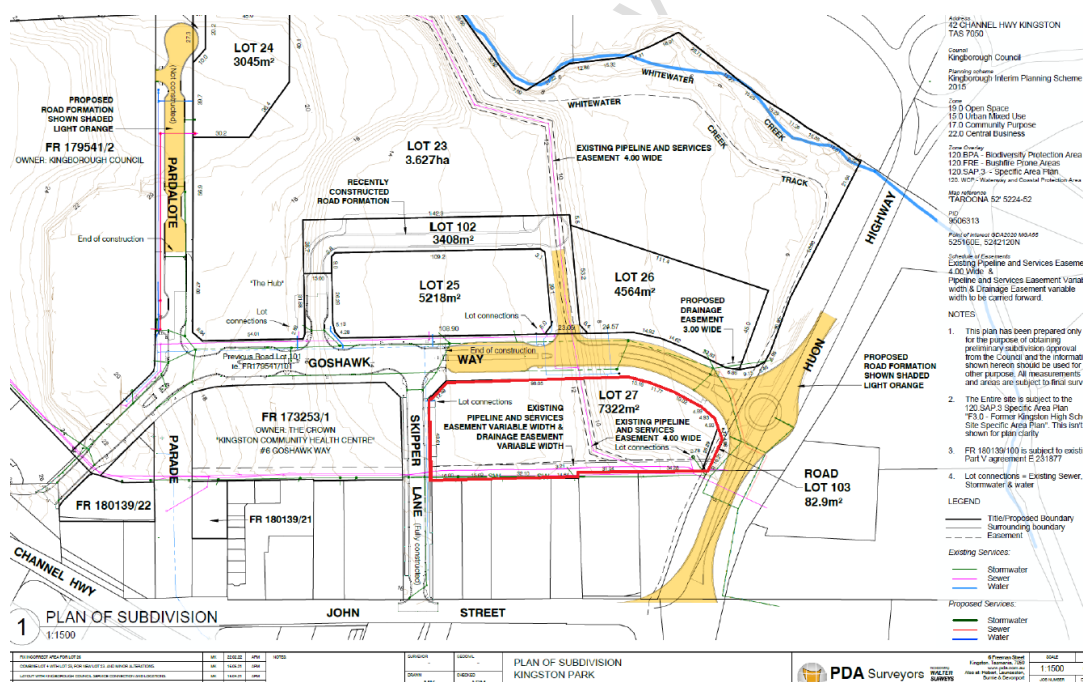
- Supporting planning report, prepared by All Urban Planning, dated 15 November 2022
- Proposed development plans including an architectural design statement, prepared by Nettleton Tribe, dated November 2022



- Landscape Concept Plans, prepared by Lange Design Landscape Architecture, dated 24 January 2023
- Stormwater Quality Summary, prepared by MRC Consulting Engineers, dated 21 October 2022
- Water and Sewerage Report, prepared by MRC Consulting Engineers, dated 14 October 2022
- Traffic Impact Assessment, prepared by Pitt & Sherry, dated 26 October 2022
- Arboriculture Impact Assessment, prepared by Tasmanian Arboriculture Consultants, dated 15/11/2022

## 1.2 Description of Site

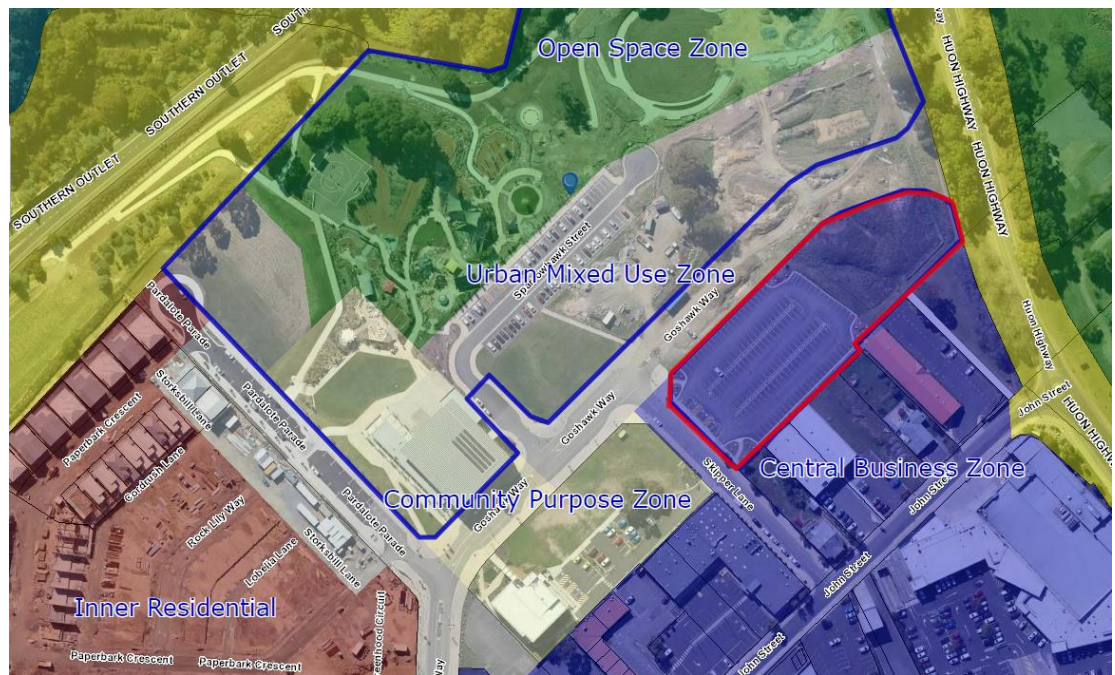
The site forms part of the Kingston Park redevelopment and is located to the east of the Kingborough Community Hub (the Hub), south-east of Kingston Park. The subject area for development does not currently have a separate title however, the overall site is proposed for subdivision. The area proposed for development is located to the south-east section of the parent parcel and is separated from the main site by Goshawk Way. This section of the overall site is identified as Lot 27 on the proposed plan of subdivision, as per the plan of subdivision at **Figure 4** below.



**Figure 4: proposed plan of subdivision. The subject site (Lot 27) is highlighted in red below (source: PDA Surveyors)**

Lot 27 and has three street frontages being Skipper Lane, Goshawk Way and the Huon Highway. Half of this site is developed with a temporary public parking area, with access from Skipper Lane.

Lot 27 is 7322m2 in size and is within the Central Business Zone, as shown in Figure 5 below.



**Figure 5: Zoning Plan (Lot 27 highlighted in red)**

The site is fully serviced with reticulated water, sewer, and stormwater services.

The site is partially affected by the Bushfire-Prone Areas overlay and is subject to the Kingston Park Specific Area Plan (SAP).

### 1.3 Background

- Planning Permit DA-2016-424 was granted in March 2017 for the first stage of major infrastructure works to enable implementation of the (former) Kingston High School Site Development Plan prepared on behalf of Council by Beca in 2013. These works included the junction with Pardalote Parade.
- Planning Permit DA-2017-95 was granted in August 2017 for the establishment of a community facility (The Hub) operated by the Council that would provide a central community space as well as be a hub for community cultural organisations. The approval included a condition that 77 parking spaces be provided in a temporary parking area.
- Planning Permit DA-2019-39 was granted in April 2019 for the construction of a parking lot comprising 146 spaces, 6 disabled parking spaces, and 5 motorcycle parking spaces. The parking lot will satisfy the parking requirements of the community facility approved in DA-2017-95.
- Planning Permit DA-2019-112 was granted in November 2019 for the construction of 67 multiple dwellings as stage 1 of the Kings Quarters development.
- Planning Permit DA-2021-168 was granted in July 2021 for the construction of 13 multiple dwellings as Stage 2 of the Kings Quarters development.
- On 20 April 2022, Council refused a planning application (DA-2021-548) on the site which proposed an apartment building (50 multiple dwellings). This decision was appealed to the Tasmanian Civil & Administrative Tribunal (TASCAT). An agreement was subsequently reached under mediation to amend the application (pursuant to Schedule 2, Part 8, cl. 9(7) of the TASCAT Act). This amendment did not reduce the number of apartments overall, although in summary included a



change in the reconfiguration of the apartment types, a reduction in height, reconfiguration of the parking layout, an increase of the setback from Pardalote Parade, revised stormwater management, and further articulation of the external facades.

## 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 site is within the Specific Area Plan F3.1 Kingston Park Specific Area Plan (the SAP). The SAP was created with a specific intention to improve design outcomes in the precinct for which the standard controls (those outside the SAP) cannot provide. The SAP provides a set of minimum requirements, with the intention to strive for an urban outcome that sets Kingston apart from other activity centres and is consistent with community expectations.

The relevant local strategic objectives associated with the Scheme are as follows:

#### A. Purpose of Specific Area Plan F3.1 (Kingston Park Specific Area Plan)

F3.1.1 The purpose of this Specific Area Plan is:

- (a) *To ensure that the use and development of the Kingston Park area takes advantage of its strategic location within central Kingston.*
- (b) *To create a dynamic and high-quality built environment that meets the long term needs of the community by:*
  - (i) *allowing for commercial activity supporting the growth of the Kingston central area;*
  - (ii) *establishing a hub for community-based facilities and services that will meet the long term needs of the community; and*
  - (iii) *providing opportunities for different forms of medium to high density residential use and development, broadening housing types available within the Kingston area.*
- (c) *To encourage activities that will stimulate more private investment throughout central Kingston.*
- (d) *To encourage high levels of connectivity with the established road network and surrounding open spaces network through new development that creates local roads, laneways, shared-ways, through-site links and walkways.*
- (e) *To promote public spaces that support vibrant and strong street life, high levels of walkability as well as high quality landscaping through water sensitive urban design measures.*

- (f) *To achieve a diverse and high quality built form which is consistent with good design principles, including but not limited to:*
  - (i) *character – respond to and enhances the distinctive characteristics of the precinct contributing to visual interest and a sense of place;*
  - (ii) *landscape quality - landscape and buildings operate as an integrated and sustainable system;*
  - (iii) *functionality and build quality – meet the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit;*
  - (iv) *legibility - provide clear connections and easily identifiable elements to help people find their way around the precinct;*
  - (v) *sustainability - optimises the sustainability of the built environment;*
  - (vi) *safety - optimise safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
- (g) *To encourage passive surveillance and is consistent with crime prevention through environmental design principles.*
- (h) *Within the areas zoned Central Business, Urban Mixed Use and Community Purpose:*
  - (i) *to provide high levels of visual interest and to reduce wind tunnelling through façade articulation;*
  - (ii) *to encourage active uses and active frontages at ground level; and*
  - (iii) *to establish and reinforce a well-defined built edge to roads and public spaces.*
- (i) *Within the areas zoned Inner Residential, to promote the creation of a medium density community with:*
  - (i) *a lot layout that encourages single dwellings on small lots with narrow frontages and access via rear laneways;*
  - (ii) *a compact and visually interesting streetscape with articulation incorporated into front elevations and consistent frontage setbacks defining a strong building line along the road that provides ample room for larger canopy street trees;*
  - (iii) *lots that have ample private open space at the rear or front of buildings with minimal side separation; and*
  - (iv) *easy accessibility for pedestrians, a well landscaped streetscape and convenient public open spaces.*

Planning Response:

It is considered that the proposed development aligns with the with the strategic intention of the SAP for the following reasons:

- (a) The proposed development will comprise a commercial activity which will contribute to supporting the growth of the Kingston central area. This can only encourage additional investment within the Kinston CBD.
- (b) The proposed development includes interactive frontages at ground level and will offer a high level of passive surveillance opportunities (in excess of what the SAP requires). This is considered particularly important given the development will overlook large areas of public open space, specifically the adjacent playground and recreational areas, including the Kingston Wetland area on the other side of the Huon Highway.
- (c) Extensive landscaping is proposed through the site, again in excess of what is required by the planning scheme. This will assist in softening the building form when viewed from the street and other public spaces.
- (d) In the short term, until adjacent land is developed to the north, the development is considered to be a gateway development in that it will be the first development visible in the CBD to those entering Kingston from the Huon Highway. In the short term, the development will appear larger in form than the surrounding area, particularly given much of the surrounding areas are either underdeveloped (in terms of the site zoning and development potential) or public open space. The proposed development however, accords with the Kingston Park Masterplan prepared on behalf of Council, by Beca in 2013. The SAP permits a maximum building height of 20m in the Central Business Zone; the proposed building height is 18.2m.
- (e) The design of the building consists of a curved building line and the use of varied setbacks and materials to create visual interest when viewed from street level. There are minimal expanses of blank walls and car parking areas located within the building are screened from external view. Landscaping is proposed to soften the built form from the street frontage and add further interest at ground level.
- (f) There are interactive spaces proposed both at the corner of Goshawk Way and the Huon Highway (balcony) and the Goshawk Way frontage (café / retail).
- (g) It is considered that the proposed building includes a well-defined built edge to roads and public spaces.

**B. F3.4 Desired Future Character Statements**

**Central Business Zoned Land**

Desired Future Character Statements	Implementation Strategy
(a) A high degree of ground level activity and integration should occur between land uses and pedestrian environments and this should be supported by attractive public spaces.	(a) Commercial and retail development should promote a strong integration with existing uses in central Kingston particularly those between the site and John Street.
(b) Building design should be interesting and attractive and promote an active and engaging interface with the adjoining street or pedestrian promenade.	(b) Design features should enhance the visual appeal of proposed developments. This could include iconic gateway developments on corners and a continuous 2-3 storey built form at the street level in between, with upper levels setback to reduce visual impact.
(c) Building design should seek to minimise a building's environmental impact.	(c) Building design should introduce lanes, shared ways or through-site links and narrow building frontages to limit the length and size of street blocks.

	<p>(d) Applications for new developments containing office premises with a net lettable area of 1,000m<sup>2</sup> or more should be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance tool.</p> <p>(e) Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to:</p> <ul style="list-style-type: none"> <li>(i) any adopted plan or strategy of the Council;</li> <li>(ii) potential harvesting and re-use of runoff; and</li> <li>(iii) potential on-site infiltration, detention and treatment.</li> </ul>
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It is considered that the proposed development aligns with the with the Desired Future Character Statements for the following reasons:

- Through the use of extensive glazing, a staff balcony, active uses such as retail and cafes on the ground floor together with external seating areas, the proposed building will ensure interaction at ground level and subsequently passive surveillance opportunities.
- It is considered that the building is interesting and attractive through use of an organic built form consisting of a variety of building materials and articulation. Low level planting at street level and at first floor level, will assist in softening the building when viewed from the street, whilst ensuring that safe sightlines and interactions with the street are maintained.
- The supporting design analysis prepared by Nettleton Tribe, provides that the building will be designed to have a reduced overall operational energy consumption below that of a comparable standard-practice building. This will be achieved through the use of solar panels; facades designed to minimise heat loads; vertical shading devices; exceeding insulation and glazing specification for ESD; reduced reliance on heating and air-conditioning, motion sensor lighting to appropriate common areas; the use of large internal concrete structures such as stairwells or lift shafts which provide a large volume of thermal mass to reduce cooling / heating requirements.
- There is one high conservation tree that will be impacted through the construction of the external carparking areas, noting the risk is deemed tolerable provided that mitigation strategies are adhered to during the construction phase of the development (Arboriculture Impact Assessment, prepared by Tasmanian Arboriculture Consultants).

C. Zone Purpose Statements of the Central Business Zone

The zone purpose statements of the Central Business Zone are to:

- 22.1.1.1 *To provide for business, civic and cultural, community, food, hotel, professional, retail and tourist functions within a major centre serving the region or sub-region.*

- 22.1.1.2 *To maintain and strengthen the principal activity centre providing for a wide range of services and facilities to serve the surrounding subregion, with a strong focus on the retail and commercial sector.*
- 22.1.1.3 *To facilitate high density residential development and visitor accommodation within the activity centre above ground level and surrounding the core commercial activity centre.*
- 22.1.1.4 *To ensure development is highly accessible by public transport, walking and cycling.*
- 22.1.1.5 *To provide for public open spaces as a focus for community facilities and events.*

Planning Response:

The underlying zone purpose statements address matters like those considered in the purpose of the Kingston Park SAP. The provisions in the SAP are more extensive than those of the Central Business Zone. The proposal is considered to align with the zone purpose statements for the same reasons. As such, no further discussion is necessary.

*D 22.1.2 Local Area Objectives and 22.1.3 Desired Future Character Statements of the Central Business Zone*

Local Area Objectives	Implementation Strategy
<b>KINGSTON</b>	
(a) Kingston is the commercial centre of the municipality and should continue to develop in a coordinated and cohesive manner that best responds to the needs of the community. (b) Central Kingston should provide a wide range of public and private services that suitably match the needs of the Kingborough community.	(a) The most significant commercial and community related activity should be located within central Kingston. (b) Gaps in existing services are to be identified and appropriate developments encouraged that meet these local needs.
Desired Future Character Statements	Implementation Strategy
<b>KINGSTON</b>	
(a) Central Kingston should be further developed and improved so that it is a pleasant destination, and is characterised by attractive public spaces and a modern urban design. (b) Central Kingston will be developed so that visitors are able to access the area and move about in a safe and efficient manner. (c) Car parking needs are to be met in a manner that allows for active streetscape functions, pedestrian safety and convenient locations.	(a) The redevelopment of significant land parcels (such as the former Kingston High School site) and public streetscapes will be based on contemporary urban planning techniques that meet long term community needs. (b) Traffic modelling will be required to ensure efficient movement and physical infrastructure will be provided to best meet the needs of vehicles, cyclists and pedestrians. (c) Car parking areas are not to face immediately onto streets within central Kingston and should be designed so that common areas are provided behind, under or above buildings facing the street.

Planning Response:

The subject area is subject to a SAP which identifies the intent for this specific site. The provisions in the SAP are more extensive than those of the Central Business Zone. As such, no further discussion is necessary.

**2.3 Statutory Planning**

The use is categorised as 'food services' (cafe), 'general retail and hire' (shop), and 'business and professional services' (office) under the Scheme which are all Permitted uses in the Central Business zone. It is noted that there are site qualifications that apply to the 'food services' use (except if a take away food premises with a drive through facility) and the 'general retail and hire' use (except if adult sex product shop or supermarket). As the development proposes none of the restricted uses, the proposed uses remain Permitted. Whilst the application is classified as a Permitted use, it relies on Performance Criteria to comply with the Scheme provisions, and is therefore discretionary.

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:

**Central Business Zone****Clause 22.4.8 – Environmental Values**

<b>Acceptable Solution</b>
<b>A1</b> No trees of high conservation value will be impacted.
<b>Performance Criteria</b>
<b>P1</b> Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.
<b>Proposal</b>
Environmental values are not considered under the SAP, therefore this clause is relevant. An Arboriculture Impact Assessment, prepared by Tasmanian Arboriculture Consultants, submitted with the application confirms there is a high conservation tree ( <i>Eucalyptus</i> sp.) located to the south-east of the subject site. The construction of the carpark along the south-eastern boundary of the subject site will impact on this tree. The construction will encroach a total of 17% into the Tree Protection Zone (TPZ) of the tree.

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

- The Arboriculture Impact Assessment confirms that construction will encroach a total of 17% into the TPZ of the tree, which is considered acceptable if the following conditions are adhered to:
  - The Tree Protection Plan is adhered to.

- Tree protection fencing is installed prior to any works commencing.
- Evidence of compliance with the Tree Protection Plan should be provided to council prior to a start works permit being granted.

The compliance with the recommendations of the Arboriculture Impact Assessment is included as a recommended condition of approval.

For the reasons above, it is considered that the development can satisfy the performance criteria.

### **F3.0 Kingston Park Specific Area Plan**

#### **Clause F3.7.1.1 Building setbacks and height**

<b>Acceptable Solution</b>
<p><b>A1</b></p> <p>A building must have a setback from frontage that is:</p> <ul style="list-style-type: none"> <li>(a) between 0-3m for frontages to Goshawk Way;</li> <li>(b) 1m from the frontage to Pardalote Parade; and</li> <li>(c) 2m from any connecting road from John Street.</li> </ul>
<b>Performance Criteria</b>
<p><b>P1</b></p> <p>A building must have a setback from frontage that is sufficient to enhance the streetscape, provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) maintain visual sight lines for safe pedestrian and traffic movement;</li> <li>(b) have sufficient site area and dimensions to accommodate development;</li> <li>(c) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality;</li> <li>(d) minimise overshadowing effects of new or majorly refurbished buildings on publicly accessible open space, including streets and areas for footway trading, between the hours of 9.00am to 3.00pm on 21 June;</li> <li>(e) demonstrate consistency with good urban design qualities and any relevant Desired Future Character Statements; and</li> </ul> <p>be not more than 3m from a road.</p>
<b>Proposal</b>
<p>The building setback ranges from 0 m to approximately 1.8 m to Goshawk Way, which complies with the acceptable solution.</p> <p>The technical setback to the existing boundary with the Huon Highway ranges from approximately 3m to 11m. Noting that there is a future road lot (yet to be issued titles, the setback is most appropriately taken from this road lot, which ranges from 1.03m to approximately 7.5m. As the proposed setback is not 2m, the proposal must be considered against the performance criteria P1.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Kingston Park Specific Area Plan for the following reasons:

- the non-compliant setback will be located along the eastern section of the building, adjacent to the intersection with Goshawk Way and the Huon Highway. There will be no vehicular access from this section of the site. Vehicular access is provided to the western side of the site. The setback is taken from a future road lot. This lot is yet to be formalised and the minimum setback from the existing Huon Highway

road reserve is approximately 3m. This area of the site is developed with a pedestrian footpath. For these reasons it is considered that the visual sight lines for safe pedestrian and traffic movement, even with the future formalisation of the road lot, will be sufficient to maintain visual sight lines for safe pedestrian and for traffic movement; specifically for vehicles exiting Goshawk Way onto the Huon Highway as these vehicles will be impacted the most. Landscaping will be located along the frontage. The submitted landscaping plan, prepared by Lange Design, indicates that this landscaping will be a combination of lawn and low level native shrubs and ground cover to ensure clear sightlines are not compromised. The street trees within the future road lot are existing and are to be retained.

- There is considered to be sufficient site area and dimensions to accommodate development, noting the irregular configuration of the site to the east. The building has been designed to respond to its corner location and to accommodate sufficient on-site parking areas.
- A TasNetworks substation is to be located along the eastern boundary. The proposed siting of this building will allow for easy access of the substation. In addition, the proposed siting of the building will ensure that there are clear sightlines for pedestrians / cyclists using the footpath that extends around the corner of the site. Given the glazed façade of the retail element of the building facing this footpath, the setback will provide opportunities for passive surveillance of the footpath and Huon Highway / Goshawk Way intersection.
- There are no new or majorly refurbished buildings within proximity to the site. All publicly accessible open space is located within the Kingston Playground area to the northern side of Goshawk Way, or the wetland area to the west on the opposite side of the Huon Highway. The only building to the south will be the older Kingston Community Health Centre. The proposed building will be located a minimum of 16.6m from the shared boundary, noting that there is a pipeline and services easement; and drainage easement (of variable width) located along the south-eastern boundary of the subject site. For the reasons discussed, any undue impacts from overshadowing are unlikely.
- The proposed development complies with Clause 22.4.3 Design of the *Kingborough Interim Planning Scheme 2015*, it is noted that building design (other than the placement of windows to facilitate effective passive surveillance) is not a consideration of the associated SAP. The proposed building is considered attractive in design, includes active interfaces, provides sufficient on-site parking, and enables safe and efficient movement around the site. For these reasons the development is considered to align with the Desired Future Character Statements for Central Kingston.

For the reasons above, it is considered that the development can satisfy the performance criteria.

### Road and Railway Assets Code

#### Clause E5.5.1 – Existing road accesses and junctions

Acceptable Solution
<p><b>A3</b></p> <p>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>
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:

- (a) The increase in traffic caused by the use
- (b) The nature of the traffic generated by the use
- (c) The nature and efficiency of the access or the junction
- (d) The nature and category of the road
- (e) The speed limit and traffic flow of the road
- (f) Any alternative access to a road
- (g) The need for the use
- (h) Any traffic impact assessment; and

Any written advice received from the road authority.

**Proposal**

According to the Traffic Impact Assessment submitted with the application the proposed development is expected to generate up to 361 vehicle movements per day to the existing road network. As this is more than 20% of the existing movements on Goshawk Way and is more than 40 movements, it is necessary to assess against the P3 Performance Criteria.

The Traffic Impact Assessment (TIA), prepared by Pitt & Sherry, provides that the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The proposed commercial building development has the potential to generate up to 361 vehicle movements per day. Traffic modelling was completed at nearby intersections for the weekday AM and PM peak hours. The traffic modelling results indicate that the development is not expected to have a noticeable impact to the safety and function of the surrounding road network.
- The proposed commercial building development is expected to generate light vehicles and rubbish trucks. These vehicle types are consistent with what is currently present on the surrounding road network.
- As discussed, traffic modelling results indicate that the development is not expected to have a noticeable impact to the safety and function of the surrounding road network. Goshawk Way would not be expected to carry high traffic volumes resulting in efficient operation of the access.
- The development will generate light vehicle traffic to Goshawk Way which will be a collector Road in the Kingston Park Precinct and to other arterial and collector roads in the vicinity.
- Goshawk Way has a speed limit of 40km/h and is used by primarily local traffic. This speed limit and road function is consistent with providing safe and efficient access to properties.
- There are no practical alternative access locations.
- Kingborough Council's strategic focus for this site is to create a viable balance of land uses for the site and to provide attractions that are creative and innovative to generate increased visitor levels and community pride. This will in turn help to sustain the long-term future of central Kingston and the Kingborough municipality

more broadly. A commercial building of this size would bring people into the centre of Kingston on weekdays.

- The TIA has been prepared for the proposed development and identifies that the commercial building development is not expected to have a noticeable impact to the safety and function of the surrounding road network.

For the reasons outlined above, the development is considered to satisfy the performance criteria.

### Signs Code

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

<b>Acceptable Solution</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>Performance Criteria</b>
<b>P1</b> 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: <ul style="list-style-type: none"> <li>(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;</li> <li>(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</li> <li>(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;</li> <li>(d) not result in loss of amenity to neighbouring properties;</li> <li>(e) not involve the repetition of messages or information on the same street frontage;</li> <li>(f) not contribute to or exacerbate visual clutter;</li> <li>(g) not cause a safety hazard.</li> </ul>
<b>Proposal</b>
The business directory sign will have a horizontal dimension of 800mm (only 600mm permitted) which does not comply. Sign 1 appears to project 1.75m from the face of the wall, Signs 2 and 3 appear to project 750mm from the wall (maximum 450mm permitted), which does not comply. The proposed signs comply with all of the remaining standards.

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

- Only one wall sign is proposed per frontage. Wall sign 1 will be located at a lower level on the precast wall (fronting the stairs) highlighting the pedestrian entry into the building from Goshawk Way. Wall signs 2 and 3 will be located at the top on the building facades facing the Huon Highway (northern elevation and southern elevation). The signage will be long and narrow, and the design is considered appropriate for the scale of the building and will ensure it is clearly identifiable from the street. For these reasons it is considered that the proposed signage will not dominate the building nor the streetscape.
- The signage appears to be flat and constructed of easily maintainable materials.

- There are no residential uses within proximity of the site.
- The signage is not considered repetitive.
- As only three signs are proposed, with only two being on the same level although a different frontage, it is considered that the signs will not create any visual clutter.
- The signs do not encroach on any pedestrian areas and are not considered to create a potential hazard.

For the reasons above, it is considered that the signage can satisfy the performance criteria.

## 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 25 January 2023 to 8 February 2023). A total of six (6) representations were received during the public exhibition period. The following issues were raised by the representors:

### 2.5.1 Height

The height is too excessive and is out of character with the area. This will set a precedent for other developments.

#### Planning response:

The height meets the permitted standard of the Kingston Park Specific Area Plan applicable to the site (Clause F3.7.1.1 Building setbacks and height, A2). The permitted building height is 20m and the maximum proposed building height is approximately 18.2m.

### 2.5.2 Carpark

The existing public car park is very important to commuters and residents and the loss of car parking will adversely impact on users. The Kingston Park project in this location does not support existing Kingborough residents who commute to the CBD. Instead of attracting visitors to shopping in Kingston (as detailed in the plan), this is encouraging residents to shop elsewhere.

#### Planning response:

The public carpark was always intended to be temporary in nature and in place until such a time as the Kingston Park Masterplan was fully implemented on the site. While the carpark will result in the loss of a portion of the public carpark, alternative Park and Ride facilities have been constructed in the area, the most recent being the Huntingfield Park and Ride, constructed by the Department of State Growth, which also provides free carparking conveniently located to public transport.

### 2.5.3 Inadequate public consultation

There was consultation with Indigenous people around the open space area and playground but it doesn't seem to have occurred with this building. The acknowledgement of indigenous people by the application is tokenistic.

#### Planning response:

This is not a consideration of the planning application. The application was publicly exhibited in accordance with the requirements of the *Land Use Planning and Approvals Act 1993*.

#### 2.5.4 *Non-compliance with the Kingston Park Specific Area Plan*

- Proposal does not comply with SAP as a 4 storey building is out of place.
- The building needs to be broken up to soften its impact.
- A rooftop garden would assist.
- Acknowledge the 5 Green Star rating but also should have a zero waste.
- A huge ugly multipurpose block, such as this one proposed is entirely out of keeping with Kingborough and is not why residents chose to live in this once natural and bush environment.
- Ugly monstrosity and a blot on the landscape and the design application should be refused.
- Generally, the building seems to have been well designed and details have been well considered, but on the site proposed, it risks being an ugly eyesore and a blot on the landscape, despite much careful design.
- This location needs something less obtrusive, less intrusive.
- Council can reject this DA in its current form and seek a much more sympathetic form and scale for this important site.

#### Planning response:

With the exception of the front setback to the Huon Highway, which is technically greater than the maximum required by the Kingston Park Specific Area Plan, the development is fully compliant with the use and development standards dictated by the SAP and the Central Business Zone. The combination of office, retail and café uses and the extensive glazing at ground level are considered to align with the Desired Future Character Statements of any Central Business zone land within the SAP.

Energy efficiency is not a planning consideration and is not a matter that can be enforced through a planning permit.

In relation to any roof top landscaping, this is also not a planning consideration, although some rooftop landscaping is proposed on the roof of the lower ground floor level facing the Huon Highway, which will assist in softening the development from the road. The supporting development includes a landscape plan which demonstrates the landscaping provided is more than that required by the planning scheme.

#### 2.5.5 *Traffic and Parking*

- The purpose to provide office space and thus lessen the journey to the city to work is just not feasible. Will increase the traffic problems in Kingston by enabling workers to travel from Hobart and surrounds to Kingston to work, and then we have the added problem of parking.

- The development is likely to make the roundabout, and others nearby, more congested and more dangerous. The transport corridors nearby are already busy and already struggle to cope with the rather light traffic using them. At least one roundabout has been very badly designed and needs to be improved immediately.

Planning response:

In response to the concern relating to exacerbated traffic issues, the Traffic Impact Assessment submitted with the planning application concludes the following:

- *The additional traffic volumes expected to be generated by the commercial building development is not expected to have a noticeable impact to the safety and function of the surrounding road network after completion.*
- *The development will provide a total of 127 car parking spaces (including 4 accessible spaces), 7 motorbike spaces and 28 bicycle spaces. These numbers meet or exceed the Planning Scheme requirements and are expected to be adequate for the development; and*
- *Car park, loading and access layouts are suitable for the development traffic and meet the requirements of the Planning Scheme and the Australian Standard dimensions.*

It is noted that no variation to the required carparking provision is proposed. The development provides the required carparking onsite to accommodate the uses proposed.

2.5.6 *Planning Discretions.*

There are at least three discretions over the DA which I trust will be considered in real detail.

- i) the setbacks and frontages to Huon Highway, Goshawk Way p 14
- ii) the impact on the tree outlined on p 18
- iii) Codes – the signage code.

Planning response:

There are confirmed discretions in relation to the setbacks to the Huon Highway and the Signage Code. These are discussed in detail in this report and are considered against the relevant performance criteria.

In relation to the subject tree, an Arboriculture Impact Assessment, prepared by Tasmanian Arboriculture Consultants, was submitted with the application which confirmed the following:

*‘construction will encroach a total of 17% into the Tree Protection Zone (TPZ) of the tree, which is considered acceptable if conditions are followed:*

- *The Tree Protection Plan is adhered to.*
- *Tree protection fencing is installed prior to any works commencing (appendix D).*

- *Evidence of compliance with the Tree Protection Plan should be provided to council prior to a start works permit being granted.*

Compliance with these recommended mitigation strategies is included as a condition of approval.

## 2.6 Other Matters

### TasWater

The application was referred to TasWater who advised on 22/11/2022 that they do not object to the granting of the permit subject to the inclusion of TasWater conditions. The TasWater Submission to Planning Authority Notice, TWDA 2022/01897-KIN, is attached to the permit.

### Department of State Growth

The application was referred to the Department of State Growth, however no response has been received.

### Restrictions on Title

Dealing No. E268965 – this Part 5 Agreement requires the implementation of Bushfire Protection Measures and Recommendations identified in the Bushfire Hazard Report (enviro-dynamics, dated February 2022). This BHMP requires development of Lot 27 meet the requirements for BAL-12.5. The submitted development plans note that the proposed building will comply with a BAL-12.5 rating.

### Parking

The temporary carpark currently provides 77 parking bays for the Hub development; approved by virtue of Planning Permit DA-2017-95. As the temporary carpark contains 152 spaces (including 6 disabled parking spaces), there will still be sufficient parking on-site to accommodate The Hub parking in addition to the bays required by this current development application; 122 bays total leaving 30 bays spare for additional public parking.

## 3. CONCLUSION

The development proposes a mixed use commercial building (offices, retail and cafe) and associated road works (footpath and stairs). The development will be located within the Central Business Zone of Kingston and is subject to the Kingston Park Specific Area Plan.

The development proposes a variation to the following requirements of the Kingborough Interim Planning Scheme 2015:

- D22.0 Central Business Zone - Clause 22.4.8 – Environmental Values (A1)
- F3.0 Kingston Park Specific Area Plan, Clause F3.7.1.1 Building setbacks and height (A1)
- E5.0 Road and Railway Assets Code, Clause E5.5.1 – Existing road accesses and junctions (A3); and
- E17.0 Signs Code, Clause E17.7.1 - Standards for Signs A1.

A variation to the abovementioned clauses is supported for the following reasons:

#### Environmental values

The Arboriculture Impact Assessment submitted with the planning application confirms that construction will encroach a total of 17% into the TPZ of the tree, which is considered acceptable provided that the Tree Protection Plan is adhered to, any tree protection fencing is installed prior to any works commencing, and evidence of compliance with the Tree Protection Plan is provided prior to works commencing. A condition requiring the protection of the subject tree is included within the recommendation.

#### Building setbacks

The non-compliant setback will be located along the eastern section of the building, adjacent to the intersection with Goshawk Way and the Huon Highway. There will be no vehicular access from this section of the site. Vehicular access is provided to the western side of the site. The setback is taken from a future road lot. This area of the site is developed with a pedestrian footpath. For these reasons it is considered that the visual sight lines for safe pedestrian and traffic movement, even with the future formalisation of the road lot, will be sufficient to maintain visual sight lines for safe pedestrian and for traffic movement; specifically for vehicles exiting Goshawk Way onto the Huon Highway as these vehicles will be impacted the most.

A TasNetworks substation is to be located along the eastern boundary. The proposed siting of this building will allow for easy access of the substation. In addition, the proposed siting of the building will ensure that there are clear sightlines for pedestrians / cyclists using the footpath that extends around the corner of the site. Given the glazed façade of the retail element of the building facing this footpath, the setback will provide opportunities for passive surveillance of the footpath and Huon Highway / Goshawk Way intersection.

The only building to the south will be the older Kingston Community Health Centre. The proposed building will be located a minimum of 16.6m from the shared boundary, noting that there is a pipeline and services easement; and drainage easement (of variable width) located along the south-eastern boundary of the subject site. For the reasons discussed, any undue impacts from overshadowing are unlikely.

The proposed building is considered attractive in design, includes active interfaces, provides sufficient on-site parking, and enables safe and efficient movement around the site. For these reasons the development is considered to align with the Desired Future Character Statements for both the Kingston Park SAP and Central Kingston.

#### Road and Railway Assets Code

The Traffic Impact Assessment, prepared by Pitt & Sherry concludes that the proposed commercial building development is not expected to have a noticeable impact to the safety and function of the surrounding road network and can satisfy the performance criteria of the Road and Railway Assets Code.

#### Signs Code

Only one wall sign is proposed per frontage. Wall sign 1 will be located at a lower level on the precast wall (fronting the stairs) highlighting the pedestrian entry into the building from Goshawk Way. Wall signs 2 and 3 will be located at the top on the building facades facing the Huon Highway (northern elevation and southern elevation). The signage will be long and narrow, and the design is considered appropriate for the scale of the building and will ensure it is clearly identifiable from the street. For these reasons it is considered that the proposed signage will not dominate the building nor the streetscape, nor create any visual clutter.

For the reasons above, the application is supported and is recommended for approval subject to conditions.

#### 4. RECOMMENDATION

That the Planning Authority resolves that the development application for mixed use commercial building (offices, retail and cafe) and associated road works (footpath and stairs) at 'Kingston Park', 7 Goshawk Way, Kingston and Goshawk Way road reserve (CT 179541/101) for Traders In Purple Pty Ltd 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-2022-480 and Council Plan Reference No's. P2 submitted on 15 November 2022, P5 submitted on 15 January 2023, P6 submitted on 31 January 2023, and P7 submitted on 28 February 2023.

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. A total of 23 parking spaces are provided within the internal carpark at lower ground level of the proposed building, and a further 58 bays are provided within the external parking area designated as Phase 1. The commercial development is approved on the basis that there is sufficient parking within the existing 'temporary' car park approved under DA-2019-39 to provide the additional 45 car parking spaces required for the development. In the event that this temporary car park site is redeveloped, a replacement car park must be constructed providing for a minimum of 45 spaces for users of the commercial building prior to removal of the existing 'temporary' carpark. These additional 45 spaces will need to be incorporated in the final development to be located within Phase 2.
3. Prior to the use commencing, a Waste Management Plan for private collection must be prepared to the satisfaction of the Manager Development Services. Once satisfactory, the Waste Management Plan will be endorsed and must be implemented to the satisfaction of the Manager Development Services. The Waste Management Plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:
  - (a) the type/s and number of waste bins;
  - (b) any screening of bins;
  - (c) type/size of trucks;
  - (d) frequency of waste collection;
  - (e) notation/statement that the bins are not to be placed kerbside for collection prior to the collection, but instead the collector has the responsibility for collection and return to internal areas of the site immediately after collection; and
  - (f) hours of collection (to comply with EPA Regulations).

The endorsed Waste Management Plan must not be amended without prior written consent of the Manager Development Services.

Prior to the Permit coming into effect, the developer must enter into a Part 5 Agreement pursuant to section 71 of the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of the Council to the effect that Council will not provide a garbage collection service.



This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties and registered on the title prior to commencement of works.

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.

*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. Registration of the Agreement on the titles can be done at the time of the registration of the Final Plan of Survey. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

4. The individual native tree identified for retention in Council Plan Reference No. P5 submitted on 15 January 2023 and P6 submitted on 31 January 2023, must be appropriately protected prior to and during construction in accordance with the Tree Protection Plan (TPP) contained in Appendix C of the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 15 November 2022). This includes, but is not limited to implementation of the following measures:
  - (a) Prior to the commencement of on-site works (including excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), implementation of the TPP, including:
    - (i) establishing the tree protection zone (TPZ) through the installation of 1.8m high chain wire mesh panels in accordance with AS 4687;
    - (ii) ensuring the fencing follows the development footprint as close as possible to the south-eastern boundary of Lot 27 within the TPZ;
    - (iii) ensuring the fencing follows the perimeter of the expanded TPZ circle, with a radius of 15.3m from the centre of the tree, in all other directions; and
    - (iv) installing visible signage securely attached to the fencing and in accordance with AS 1319 identifying the tree protection zone.

Written verification from the Project Arborist confirming that the TPP has been satisfactorily implemented must be provided to Council prior to works commencing.

- (b) During construction the protective fencing must not be altered without permission from the Project Arborist and the following activities must be excluded from within the fenced area:
  - (i) machine excavation including trenching;
  - (ii) excavation for silt fencing;
  - (iii) cultivation;
  - (iv) storage;
  - (v) preparation of chemicals, including preparation of cement products;
  - (vi) parking of vehicles and plant;
  - (vii) refuelling;
  - (viii) dumping of waste;

- (ix) wash down and cleaning of equipment;
- (x) placement of fill;
- (xi) lighting of fires;
- (xii) soil level changes;
- (xiii) temporary or permanent installation of utilities and signs; and
- (xiv) physical damage to the tree.

The protection measures must remain in place until after the construction is complete.

5. Plant, equipment and minor structures affixed to the building are to be screened from view from Goshawk Way and the Huon Highway so as not to be obvious elements in the external appearance of the building, to the satisfaction of the Manager Development Services. This restriction includes:
  - (a) any mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar; and
  - (b) roof-top service infrastructure, including service plants and lift structures which are to be incorporated within the design of the roof as shown in the endorsed plans; and
  - (c) all pipes (except down-pipes), fixtures, fittings and vents servicing any building.
6. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:
  - Tasmanian Standard Drawings
  - Austroads Standards and Australian Standards
  - Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
  - (i) Longitudinal and cross sections of the driveway/access road;
  - (ii) Contours, finish levels and gradients of the driveway/access road;
  - (iii) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish;
  - (iv) No parking/keep clear signage for turning bay areas;
  - (v) Wheel stops for parking bays (as appropriate);
  - (vi) Lighting for parking and vehicle circulation roadways and pedestrian paths; and
  - (vii) Surface treatment and stormwater drainage.
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:

- (i) Layout details;
- (ii) A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling; and
- (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow.

Once endorsed the plans will form part of the permit.

7. Prior to the commencement of any on-site works, a Construction Management Plan must be submitted to and endorsed by the Manager Development Services. No works are permitted to occur until the Plan has been endorsed by the Manager Development Services. Once endorsed, the Plan will form part of the permit and must be implemented to the satisfaction of the Manager Development Services. The plan must provide details of the following:
- (a) Hours for construction activity in accordance with any other condition of this Permit;
  - (b) Measures to control noise, dust, water and sediment laden runoff;
  - (c) Measures for waste management and disposal;
  - (d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
  - (e) The specifications and location of tree protection measures in accordance with Condition 3;
  - (f) The extent of cut and fill;
  - (g) Storage locations for the stockpiling of fill on site;
  - (h) Demonstration that the stockpiling of fill will not encroach into the Tree Protection Zones of trees identified for retention;
  - (i) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;
  - (j) A Traffic Management Plan showing truck routes to and from the site;
  - (k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - (l) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - (m) Measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site;
  - (n) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (o) Contact details of key construction site staff; and
  - (p) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves.

A site inspection of the implemented plan by the Council's Development Inspector and Council's Environmental Planner or delegates must be satisfactorily undertaken with the principal contractor prior to the commencement of on-site works and approval of an 'Application for Approval of Planning Start of Works Notice'.

8. Prior to the commencement of site works a Soil and Water Management Plan (SWMP) must be prepared by a suitably qualified engineer for the approved staged construction works to the satisfaction and approval of the Director Engineering Services and in accordance with the following:
  - (a) NRM South – Soil and Water Management of Construction Sites Guidelines.
  - (b) Prior to commencement of each stage of the works the approved SWMP must be implemented and satisfactorily inspected by the Development Inspector.
  - (c) Suitable approved topsoil must be stockpiled on the site for future reinstatement of disturbed areas for each construction stage.
  - (d) All cleared vegetation must be removed from the site. Disposal by burying or burning is not permitted.

9. The construction works must be undertaken in accordance with the approved engineering design drawings to the satisfaction and approval of the Director Engineering Services.

The works must be supervised by a professional Civil Engineer in accordance with Council's inspections schedule.

10. Documentation submitted for building approval must demonstrate that the development will be constructed to BAL-12.5, consistent with the requirements of the Part 5 Agreement (Dealing No. E268965).

All BAL-12.5 construction requirements identified in the approved building plans must be satisfactorily implemented and maintained for the life of the development.

11. 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.
12. Prior to the commencement of on-site works, including 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.

For Advice: This Planning Start of Works Notice is not the same as the Form 39 Building Start Works Notice. As such, lodgement of a Form 39 will not satisfy this condition and a separate 'Application for Approval of Planning Start of Works Notice' must be lodged with Council's Planning Department. A copy of the application form is available on Council's website.

13. A Permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.
14. 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.

15. Delivery vehicles must park within the site boundaries and must not under any circumstances block vehicular access along any road or adjoining property access.
16. During the period of construction, all waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
17. Prior to the occupation of the new building, landscaping must be provided to the satisfaction of the Council's Manager Development Services.

The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Manager Development Services.

18. Prior to the use of the building the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
  - (a) The parking areas, including signage and access;
  - (b) The garden and landscape areas; and
  - (c) Drainage works.
19. Hours of operation must be within the hours of:
  - (a) 6.00am to 11.59pm Mondays to Saturdays inclusive; and
  - (b) 8.00am to 10.00pm Sundays and Public Holidays.
20. 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. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- D. The proposed food business onsite is to be registered as a food business in accordance with the *Food Act 2003*.
- E. In accordance with the *Building Act 2016*, a Form 42 request from a Building Surveyor for an environmental health officer assessment of the food business must be received.
- F. Only those signs shown on the endorsed plans are approved as part of this Permit. Any further signage is not permitted without the prior written consent of the Council. Application for a Planning Permit must be submitted to Council, together with relevant documentation.
- G. Prior to the commencement of any on-site works within Kingston Park, a permit under the Parks, Recreation and Natural Areas By-Law 3 of 2021 must be obtained from Council.

#### ATTACHMENTS

- 1. **Assessment Checklist**
- 2. **Application Plans**
- 3. **TasWater Conditions**



## Assessment Checklist

### Central Business Zone Provisions

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

Clause	Compliance/Comments
<b>Clause 22.3 Use Standards</b>	
<b>Clause 22.3.1 – Hours of Operation</b> <b>A1</b> - Hours of operation of a use within 50 m of a residential zone must be within: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and Public Holidays. except for office and administrative tasks.	<b>A1</b> – n/a - Hours of operation are considered under the SAP (clause F3.6.1.2 Non-residential use) which overrides this clause. For this reason, clause 22.3.1 Hours of Operation is not applicable.
<b>Clause 22.3.2 - Noise</b> <b>A1</b> - 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) 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; (c) 65dB(A) (LAmx) 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. Noise levels are to be averaged over a 15 minute time interval.	<b>A1</b> – complies - Noise is not considered under the SAP and this clause is relevant. Given the proposed uses of the site for office, retail and a (potential) café, it is considered very unlikely that noise will exceed the acceptable levels, particularly given the closest residential zone is located approximately 147m away. For this reason it is considered that the acceptable solution will be met. Acceptable solution (A1) is met.
<b>Clause 22.3.3 – External Lighting</b> <b>A1</b> - External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 11:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.	<b>A1</b> – n/a - External lighting is not considered under the SAP and this clause is relevant. However, as there are no residential zones within 50m of the site, this clause is not applicable. Not applicable.
<b>Clause 22.3.4 – Commercial Vehicle Movements</b> <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: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and Public Holidays.	<b>A1</b> – n/a - Commercial vehicle movements are not considered under the SAP and this clause is relevant. However, as there are no residential zones within 50m of the site, this clause is not applicable.
<b>Clause 22.4 Development Standards for Buildings and Works</b>	
<b>Clause 22.4.1 – Building Height</b> <b>A1</b> - Building height must be no more than: 15 m.	<b>A1</b> – n/a - Building height is considered under the SAP (Clause F3.7.1.1 Building setbacks and height – A2) which overrides this clause. For this reason, clause 22.4.1 Building Height is not applicable.

Clause	Compliance/Comments
<p><b>A2</b> - Building height within 10m of a residential zone must be no more than:</p> <p>(a) 8.5m; or</p> <p>(b) 9.5m if for 6 Summerleas Road (FR 130964/1), 58 Channel Highway (FR 30067/2), 56A Channel Highway (FR 198046/1), 56 Channel Highway (FR 30067/3), 54 Channel Highway (FR 126454/4), 52 Channel Highway (FR 126454/5), 50 Channel Highway (FR 146799/1), 48 Channel Highway (FR 20911/3), 46 Channel Highway (FR 20911/2), or 44 Channel Highway (FR 140017/0, FR 140017/1, FR 140017/2).</p>	<p><b>A2</b> – n/a - Building height is considered under the SAP (Clause F3.7.1.1 Building setbacks and height – A2) which overrides this clause. For this reason, clause 22.4.1 Building Height is not applicable. Nonetheless, there are no residential zones within proximity to the site.</p>
<p><b>Clause 22.4.2 – Setbacks</b></p> <p><b>A1</b> - Building setback from frontage must be parallel to the frontage and must be no more than:</p> <p>3 m, if fronting Channel Highway.</p> <p>nil m, if fronting any other street.</p>	<p><b>A1</b> – n/a - Building setbacks are considered under the SAP (Clause F3.7.1.1 Building setbacks and height – A1) which overrides this clause. For this reason, clause 22.4.2 Setback is not applicable.</p>
<p><b>A2</b> - Building setback from a residential zone must be no less than:</p> <p>(a) 6 m;</p> <p>(b) half the height of the wall, whichever is the greater.</p>	<p><b>A2</b> – n/a Building setbacks are considered under the SAP (Clause F3.7.1.1 Building setbacks and height – A1), although this relates to frontages only and therefore this clause is relevant. The site does not share a boundary with a residential zone and for this reason this clause is not applicable.</p>
<p><b>Clause 22.4.3 – Design</b></p> <p><b>A1</b> - Building design must comply with all of the following:</p> <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 building or alterations to an existing façade 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 façade;</p> <p>(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;</p> <p>(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;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) not include security shutters over windows or doors with a frontage to a street or public place;</p> <p>(g) provide awnings over the public footpath if existing on the site or on adjoining lots.</p>	<p><b>A1(a)</b> – n/a - this is considered by the SAP. Nonetheless, pedestrian entrances are considered highly visible from any road or publicly accessible areas.</p> <p><b>A1(b)</b> – complies - the glazing at ground level well exceeds 40% and extends almost entirely around the building façade, with the exception of the garbage refuse area and loading area.</p> <p><b>A1(c)</b> – complies - The use of blank walls is minimal and only used where necessary i.e. servicing areas. Any facades facing public spaces are almost entirely glazing well under 30% of the length of the façade.</p> <p><b>A1(d)</b> – complies - The plans demonstrate that any mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar are to be screened from view from the street and other public spaces.</p> <p><b>A1(e)</b> – complies - Any roof-top service infrastructure, including service plants and lift structures, will be incorporated within the design of the roof.</p> <p><b>A1(f)</b> – complies - No security shutters are proposed over windows or doors with a frontage to a street or public place.</p> <p><b>A1(g)</b> – complies - No awnings are provided as none are existing on the site or adjoining lots.</p>

Clause	Compliance/Comments
<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</b> – n/a - Building facades facing a residential zone are not considered under the SAP and this clause is relevant. As there will be no walls facing a residential zone, this clause is not applicable.
<b>Clause 22.4.4 – Passive Surveillance</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 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; (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; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.	<b>A1</b> – n/a - Passive surveillance is considered under the SAP (Clause F3.7.1.2 Passive surveillance) which overrides this clause. For this reason, clause 22.4.4 Passive Surveillance is not applicable.
<b>Clause 22.4.5 – Landscaping</b> <b>A1</b> - Landscaping along the frontage of a site is not required if all of the following apply: (a) the building extends across the width of the frontage, (except for vehicular access ways); (b) the building has a setback from the frontage of no more than 1 m.	<b>A1</b> – complies - Landscaping along a frontage is not considered under the SAP and this clause is relevant. As the building does not extend across the full width of the boundary and the setbacks exceed 1m from the frontages, landscaping is required. A landscaping plan has been submitted with the application that includes landscaping to all frontages.
<b>A2</b> - Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2 m.	<b>A2</b> – n/a - Landscaping is not considered under the SAP and this clause is relevant. As the site does not share a boundary with a residential zone, this clause is not applicable.
<b>Clause 22.4.6 – Outdoor Storage Areas</b> <b>A1</b> - Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	<b>A1</b> – n/a - Outdoor storage is not included in the SAP and this clause is relevant. However, as no storage areas are proposed, this clause is not applicable.
<b>Clause 22.4.7 – Fencing</b> <b>A1</b> - Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5m must not be erected within 4.5m of the frontage;	<b>A1</b> – n/a - Fencing is not considered under the SAP and this clause is relevant. As no fencing is proposed, this clause is not applicable.

Clause	Compliance/Comments
(b) fences along a frontage must be at least 50% transparent above a height of 1.2m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1m and must not contain barbed wire.	
<b>Clause 22.4.8 – Environmental Values</b> A1 - No trees of high conservation value will be impacted.	<b>A1 – does not comply</b> - Environmental values are not considered under the SAP and this clause is relevant. An Arboriculture Impact Assessment submitted with the application confirms there is a high conservation tree ( <i>Eucalyptus sp.</i> ) located to the south-east of the subject site. The construction of the carpark along the south-eastern boundary of the subject site will impact on this tree. The construction will encroach a total of 17% into the Tree Protection Zone (TPZ) of the tree.  <b>Subsequently, the proposal must be considered against the performance criteria P1.</b>

### F3.0 Kingston Park Specific Area Plan Provisions

Clause	Compliance/Comments
<b>F3.6.1 - Use Standards for Central Business Zoned Land and Urban Mixed Use Zoned Land</b>	
<b>Clause F3.6.1.1 Retail impact</b> <b>A1</b> - The gross floor area for General retail and hire uses must be not more than 350m <sup>2</sup> per tenancy.	<b>A1 – complies</b> - The proposed development provides two separate retail tenancies: one 174.3m <sup>2</sup> tenancy at lower ground level; and one 48.3m <sup>2</sup> tenancy at ground level.  As each tenancy does not exceed the maximum floor area, the proposal complies with the acceptable solution.
<b>Clause F3.6.1.2 Non-residential use</b> <b>A1</b> - Hours of operation of a non-residential use, (excluding office and administrative tasks) must be within the hours of: (a) 6.00am to 9.00pm Mondays to Saturdays inclusive; and (b) 9.00am to 7.00pm Sundays and Public Holidays;  Except for non-residential uses with a frontage to Goshawk Way or Pardalote Parade where hours of operation must be within the hours of: (a) 6.00am to 11.59pm Mondays to Saturdays inclusive; and (b) 8.00am to 10.00pm Sundays and Public Holidays.	<b>A1 – complies</b> - The development proposes three non-residential uses: general retail and hire (shop); food services (café); and business and professional services (office). As office and administrative tasks are excluded, only the retail and café elements need to be considered. Given the non-residential use (retail) will front Goshawk Way.  The hours of operation must be within the hours of: - 6.00am to 11.59pm Mondays to Saturdays inclusive; and - 8.00am to 10.00pm Sundays and Public Holidays.  Given the small scale of the non-residential uses, it is considered that the development will comply with the stipulated hours and the uses will comply with the acceptable solution. Compliance to be ensured through a condition of approval.
<b>F3.7.1 Development Standards for Central Business Zoned Land</b>	
<b>Clause F3.7.1.1 Building setbacks and height</b> <b>A1</b> - building must have a setback from frontage that is: (a) between 0-3m for frontages to Goshawk Way; (b) 1m from the frontage to Pardalote Parade; and	<b>A1 – does not comply</b> - The building setback ranges from 0 m to approximately 1.8 m to Goshawk Way, which complies with the acceptable solution.  The technical setback to the existing boundary with the Huon Highway ranges from approximately 3m to

Clause	Compliance/Comments
(c) 2m from any connecting road from John Street.	<p>11m. Noting that there is a future road lot (yet to be issued titles, the setback is most appropriately taken from this road lot, which ranges from 1.03m to approximately 7.5m.</p> <p><b>As the proposed setback is not 2m, the proposal must be considered against the performance criteria P1.</b></p>
<b>A2</b> - Building height must be no more than 20 metres.	<b>A2</b> – complies - The maximum building height is approximately 18.2m above natural ground level which complies with the acceptable solution.
<p><b>Clause F3.7.1.2 Passive surveillance</b></p> <p><b>A1</b> - Buildings must be designed to provide for surveillance of public spaces, including the street, services and car parking by satisfying the following:</p> <ul style="list-style-type: none"> <li>(a) locate windows to overlook the street and other public spaces;</li> <li>(b) design and locate main entrances to provide high visibility for users;</li> <li>(c) provide clear sight lines between a building and adjacent properties and public land;</li> <li>(d) locate external lighting to illuminate otherwise shaded or dark locations;</li> <li>(e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</li> <li>(f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; and</li> <li>(g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance.</li> </ul>	<p><b>A1</b> – complies - The proposed building facades comprise an extensive amount of glazing to all elevations. Specifically, windows are designed to overlook Goshawk Way, Huon Highway through to Beach Road, the Kingston Playground and wetland areas with associated public walking tracks. In addition, given that the proposed building is to be three levels above the ground, there will be view opportunities through to John Street, Kingston Heath Precinct and associated carpark, in addition to the temporary carpark located to the south-west of the site.</p> <p>Through a combination of building design, landscaping and signage, the main entrance to the building appears to be highly visible from Goshawk Way.</p> <p>Given the proposed external windows will directly front occupied spaces and extend to the outer perimeter of the building, there are clear sightlines through to adjacent properties and public land.</p> <p>The plans submitted with the application include bollard lighting along external pedestrian pathways in addition to motion sensor lighting within external public spaces at ground level. The parking area at lower ground level will be designed to meet Australian Standard AS1680 (interior and workplace lighting).</p> <p>No entrapment spaces have been identified.</p> <p>Due to the topography of the site, the lower ground retail element at the north-eastern end of the building, is located at grade with the Huon Highway and Goshawk Way. Glazing at the façade provides view opportunities to the intersection of both roads. A pedestrian footpath extends around the retail use offering view opportunities inside the building. Except for the garbage refuse and loading area, the remainder of the building at ground level offers similar interaction opportunities between the building and the street as office and retail uses are proposed at this level with ample glazing provided to each frontage.</p> <p>For the reasons above, the proposed development complies with the acceptable solution A1.</p>
<b>Clause F3.7.1.3 Private open space for multiple dwellings</b>	<b>A1</b> – n/a - No multiple dwellings are proposed and for this reason this clause is not applicable.

Clause	Compliance/Comments												
<p><b>A1</b> - Multiple dwellings wholly above ground floor level must provide private open space for each dwelling that:</p> <p>(a) includes one area as per the dimensions below:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio &amp; 1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table> <p>(b) is directly accessible from and adjacent to, a habitable room (other than a bedroom);</p> <p>(c) does not contain services and fixtures, including but not limited to air-conditioner units and clothes drying, that are visible from the street;</p> <p>(d) has a gradient not steeper than 1 in 10; and</p> <p>(e) not used for vehicle access or parking.</p>	Dwelling type	Minimum area	Minimum depth	Studio & 1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	
Dwelling type	Minimum area	Minimum depth											
Studio & 1 bedroom	8m <sup>2</sup>	2m											
2 bedroom	10m <sup>2</sup>	2m											
3+ bedroom	12m <sup>2</sup>	2.4m											

## Code Provisions

Clause	Compliance/Comments
<b>E1.0 Bushfire-Prone Areas Code</b>	
The Bushfire-Prone Areas overlay affects the north-eastern half of the site, which is the area proposed for development. As no hazardous or vulnerable uses are proposed, this Code is not triggered.	
<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>	<b>A1</b> – n/a - the proposed access will not be located on a category 1 or 2 road.
<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>	<b>A2</b> – n/a – the speed limit of Goshawk Way is only 40 km/h.
<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>	<b>A3</b> – <b>does not comply</b> – According to the TIA submitted with the application the proposed development is expected to generate up to 361 vehicle movements per day to the existing road network. As this is more than 20% of the existing movements on Goshawk Way and is more than 40



Clause	Compliance/Comments
	<p>movements, it is necessary to assess against the P3 Performance Criteria.</p> <p><b>Assessment against P3 required.</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</b> – n/a – there are no existing rail crossing in the area.</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> <ul style="list-style-type: none"> <li>(a) new buildings;</li> <li>(b) other road or earth works; and</li> <li>(c) building envelopes on new lots.</li> </ul>	<p><b>A1.1</b> – complies – The TIA submitted with the application provides that the Southern Outlet is the only category 1 road with speed limit of more than 60km/h in the vicinity of the development. The new building will be approximately 250m from the Southern Outlet, and therefore satisfies A1.1.</p>
<p><b>A1.2</b> – Buildings, may be:</p> <ul style="list-style-type: none"> <li>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</li> <li>(b) an extension which extends no closer than: <ul style="list-style-type: none"> <li>(i) the existing building; or</li> <li>(ii) an immediately adjacent building.</li> </ul> </li> </ul>	<p><b>A1.2</b> – n/a, as above.</p>
<p><b>Clause E5.6.2 - Road access and junctions</b></p> <p><b>A1</b> – No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>	<p><b>A1</b> – n/a – Goshawk Way has a speed limit of 40 km/h.</p>
<p><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.</p>	<p><b>A2</b> – complies – only one new access is proposed that will provide both entry and exit to Goshawk Way.</p>
<p><b>Clause E5.6.3 – New level crossings</b></p> <p><b>A1</b> – No acceptable solution (requires assessment against performance criteria)</p>	<p><b>A1</b> – n/a – no new level crossing proposed.</p>
<p><b>Clause E5.6.4 - Sight distance at accesses, junctions and level crossings</b></p> <p><b>A1</b> – Sight distances at:</p> <ul style="list-style-type: none"> <li>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</li> <li>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</li> </ul>	<p><b>A1</b> – complies – The TIA states that Table E5.1 does not specify a required sight distance for 40km/h. Therefore sight distance has been assessed in accordance with the Austroads Guide to Road Design Part 4A. The speed limit on Goshawk Way is 40km/h resulting in a required sight distance of 73m.</p> <p>The available sight distance is expected to meet or exceed this sight distance in both directions from the proposed vehicle access point.</p>

Clause	Compliance/Comments
<b>E6.0 Parking and Access Code</b>	
<p><b>Clause E6.6.1 - Number of car parking spaces</b></p> <p><b>A1</b> - The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>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>	<p><b>A1</b> – complies -</p> <p>Table E6.1 requires the following provision for carparking:</p> <p>Office – 1 for each 30m<sup>2</sup> of floor area.</p> <p>Café – 15 for each 100m<sup>2</sup> of floor area or 1 space for each 3 seats, whichever is the greater.</p> <p>Retail - 1 for each 30m<sup>2</sup> of floor area.</p> <p>The following floor areas are proposed:</p> <p>Office – 3,384.9m<sup>2</sup> – requires 112.82 (113) bays.</p> <p>Retail – 48.3m<sup>2</sup> (ground floor) requires 1.61 (2) bays.</p> <p>Retail - 174.3m<sup>2</sup> (lower ground) requires 5.81 (6) bays.</p> <p>Café – 48.3m<sup>2</sup> – 7.245 (8) or 6 (for 18 seats). 8 is the greater.</p> <p>Noting that the ground floor retail and café uses are interchangeable, the maximum carparking required for the use (incorporating the cafe element at ground level) is: 125.875 (126 bays). (112.82 + 5.81 + 7.245).</p> <p>The number of carparking bays proposed is 127; a surplus of 1 bays.</p> <p>It is noted that the development will rely on some of the carparking spaces located within the temporary carpark reserved for Phase 2 of the development of the site in the submitted development plans.</p> <p><u>Note:</u></p> <p>A total of 23 parking spaces are provided within the internal carpark at lower ground level of the proposed building, and a further 58 bays are provided within the external parking area designated as Phase 1. Therefore, the proposed development will rely on a total of 45 parking bays within Phase 2 of the development, which will need to be incorporated in the final development to be located within Phase 2. It is recommended that this is included as an advice on any approval.</p>
<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> <p>(a) satisfy the relevant provisions of the Building Code of Australia;</p> <p>(b) be incorporated into the overall car park design;</p> <p>(c) be located as close as practicable to the building entrance.</p>	<p><b>A1</b> – complies – the TIA provides that the Building Code of Australia requires 1 accessible parking space per 100 spaces or part thereof. Therefore 2 accessible parking spaces are required. The proposed car park design incorporates 2 accessible parking spaces in the basement carpark, adjacent to the entrance, and 2 additional accessible parking spaces on the ground floor in front of the main entrance.</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</p>	<p><b>A1</b> – complies – a total of 5.35 (6) motorcycle parking spaces are required (126 car parking bays <u>minus</u> the first 19 bays <u>divided by</u> 20). A total of 7 motorcycle bays are provided. A technical surplus of one (1) space.</p>

Clause	Compliance/Comments
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><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</b> – complies - Table E6.2 specifies the following:</p> <ul style="list-style-type: none"> <li>- retail: 1 for each 500 m<sup>2</sup> floor area after the first 500 m<sup>2</sup> floor area</li> <li>- café: 1 for each 100 m<sup>2</sup> of floor area available to the public.</li> <li>- office: 1 for each 250m<sup>2</sup> floor area after the first 250m<sup>2</sup> floor area</li> </ul> <p>Based on the proposed floor areas, the following bicycle parking spaces are required:</p> <p>Office – (3,384.9m<sup>2</sup>) – requires 12.54 (13) spaces.</p> <p>Retail – (48.3m<sup>2</sup> + 174.3m<sup>2</sup> = 222.6m<sup>2</sup>) – requires zero spaces.</p> <p>Café – (48.3m<sup>2</sup>) – requires 0.48 (1) spaces.</p> <p>A total of 13 parking spaces are required.</p> <p>A total of 28 bicycle parking spaces are provided within a secured area within the lower ground parking area; a surplus of 15 spaces.</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</b> – complies – only one new access along Goshawk Way is proposed.</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</b> – complies – the TIA submitted with the application provides that the design of the access has been reviewed against AS/NZS 2890.1:2004 in terms of location, sight distance, width and gradient and therefore complies with acceptable solution.</p>
<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> </ul> </li> </ul>	<p><b>A1</b> – complies – the proposed access is 6m wide to allow for two-way traffic.</p>

Clause	Compliance/Comments
<ul style="list-style-type: none"> <li>(iii) it meets a road serving more than 6000 vehicles per day</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>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</b> – complies - the TIA submitted with the application provides that the car park layout has been designed with 6.0m access and aisle widths, and 90 degree parking to enable light vehicles space to turn around and exit in a forward direction. An 8.8m MRV (rubbish truck) has also been considered, and swept paths show the vehicle can enter and exit in a 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</b> – complies - the TIA submitted with the application provides that all parking spaces at the ground level and lower level carpark have been assessed against the requirements of AS2890.1 and have been found to comply.</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</b> – complies - the proposed parking area and accessways will be asphalt or concrete and drained to the existing stormwater system.</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</b> – complies – the submitted plans do not include any lighting at this stage although are annotated to state that any lighting will be designed to be similar to a 5-6m light pole with single or dual heads, as per existing lighting within the temporary carpark located on the Phase 2 site. It is recommended that this is a condition of approval.</p>
<p><b>Clause E6.7.8 - Landscaping of parking areas</b></p> <p><b>A1</b> – Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.</p>	<p><b>A1</b> – n/a – no landscaping is required as the site is zoned Central Business. The Central business zone however dictates that landscaping is provided and extensive landscaping is proposed, as per the landscaping plan submitted with the application.</p>

Clause	Compliance/Comments
<p><b>Clause E6.7.9 – Design of motorcycle parking areas</b></p> <p><b>A1</b> - The design of motorcycle parking areas must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) be located within 30 m of the main entrance to the building.</li> </ul>	<p><b>A1</b> – complies - The TIA submitted with the application provides that the motorcycle parking area is designed in accordance with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004.</p> <p>The motorbike parking spaces are located on the lower ground level, approximately 15m from the main lifts and stairwell.</p>
<p><b>Clause E6.7.10 – Design of bicycle parking facilities</b></p> <p><b>A1</b> - The design of bicycle parking facilities must comply with all the following:</p> <ul style="list-style-type: none"> <li>(a) be provided in accordance with the requirements of Table E6.2;</li> <li>(b) be located within 30 m of the main entrance to the building.</li> </ul>	<p><b>A1</b> – complies - bicycle parking area provides storage for 28 bicycles, which is in excess of the 13 spaces required by Table E6.2. The bicycle parks are located in the dedicated bicycle storage room on the lower ground level, approximately 10m from the main lifts and stairwell.</p>
<p><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</p>	<p><b>A2</b> – complies – the submitted supporting documents do not explicitly state that the bicycle parking area will comply however this can be conditioned as part of any approval.</p>
<p><b>Clause E6.7.11 – Bicycle end of trip facilities</b></p> <p><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.</p>	<p><b>A1</b> – complies – more than 5 (a total of 28) parking spaces are provided. Technically as only 13 bays are required, only 2 change rooms and showers facilities are required. A total of 5 are provided with is a surplus of 3.</p>
<p><b>Clause E6.7.12 – Siting of car parking</b></p> <p><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.</p>	<p><b>A1</b> – n/a as the site is within the Central Business zone.</p>
<p><b>Clause E6.7.13 – Facilities for commercial vehicles</b></p> <p><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:</p> <ul style="list-style-type: none"> <li>(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;</li> <li>(b) the use is not primarily dependent on outward delivery of goods from the site.</li> </ul>	<p><b>A1</b> – complies – The TIA provides that a loading bay is provided for rubbish collection. Completed swept paths show that a garbage truck can enter and exit the site in a forward direction and safely manoeuvre around the site.</p>

Clause	Compliance/Comments
<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</b> – complies – access to Goshawk Way will be in accordance with the road authority being Council.
<b>E7.0 Stormwater Management Code</b>	
<b>Clause E7.7.1 - Stormwater drainage and disposal</b> <b>A1</b> – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	<b>A1</b> – complies – any new stormwater will be directed to existing public stormwater infrastructure via gravity.
<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: (a) the size of new impervious area is more than 600 m <sup>2</sup> ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	<b>A2</b> – complies – the Stormwater Quality Management report submitted with the application concludes that the required Water Quality Reduction Targets can be met for the proposed development.
<b>A3</b> – A minor stormwater drainage system must be designed to comply with all of the following: (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; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	<b>A3</b> – complies - This complies with the requirements of the scheme.
<b>A4</b> – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	<b>A4</b> – n/a
<b>E15.0 Inundation Prone Areas Code</b>	
The site is identified as being within the overland flow area associated with Whitewater Creek (Kingborough Flood Awareness Map, Council website). Council's DEO has advised that, given the recent development within the surrounding area, including the introduction of fill and the extension of Goshawk Way) this is no longer accurate and the site is no longer subject to flooding. The flood maps have yet not been updated to reflect the change in site conditions. For this reason, this Code is no longer relevant and no further assessment is required.	
<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</b> – The proposed signage will include the following: - 3 x wall signs - 1 x business directory sign These signs are all Permitted signs in the Table E.17.3 if within the Central Business zone.
<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</b> – complies – the proposed signage all relates directly to the proposed building it will be affixed to.



Clause	Compliance/Comments
<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</b> – complies – each proposed sign is to be static.
<b>A4</b> - An illuminated sign must not be located within 30m of a residential use, except if a Statutory Sign	<b>A4</b> – complies – there are no residential uses within 30 m of the site.
<p><b>Clause E17.7.1 - Standards for Signs</b></p> <p><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.</p>	<p><b>A1</b> –</p> <p>In response to Table E.17.2:</p> <p>Business directory sign:</p> <ul style="list-style-type: none"> <li>(a) there is only 1 sign proposed for the building – complies;</li> <li>(b) Vertical dimension is 1.8m (up to 2m permitted) – complies;</li> <li>(c) Horizontal dimension is 800mm (more than 600mm permitted) – <b>does not comply.</b></li> </ul> <p>Wall sign:</p> <ul style="list-style-type: none"> <li>(a) all proposed wall signs will face a frontage – complies;</li> <li>(b) Sign 1 appears to project 1.75m from the face of the wall, signs 2 and 3 appear to project 750mm from the wall (maximum 450mm permitted) – <b>does not comply.</b></li> <li>(c) None of the proposed signage extends laterally beyond the wall or above the top of the wall to which it is attached – complies.</li> <li>(d) signs 1 to 3 will be 6m<sup>2</sup> (max 2m<sup>2</sup> permitted) – <b>does not comply.</b></li> </ul> <p><b>As the signs do not entirely comply with the relevant standards, the application must be assessment against P1.</b></p>
<p><b>A2</b> - 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>	<p><b>A2</b> – in response to A2:</p> <ul style="list-style-type: none"> <li>- There is only 1 type of sign per frontage – complies</li> <li>- No window signs are proposed – n/a</li> <li>- The street frontage is more than 20m – n/a</li> <li>- Only 4 signs are proposed in total – complies.</li> </ul>
<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</b> – complies – none of the proposed signage will obscure any existing signage.

Clause	Compliance/Comments
<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</b> – complies – none of the proposed signage resembles a statutory sign.
<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</b> – n/a – the site is not a heritage place nor located within a heritage precinct.

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

Public Copy



### Kingborough Council

Development Application: DA 2022-480

Plan Reference No.: P5

Date Received: 15/01/2023

Date placed on Public Exhibition: 25/01/2023

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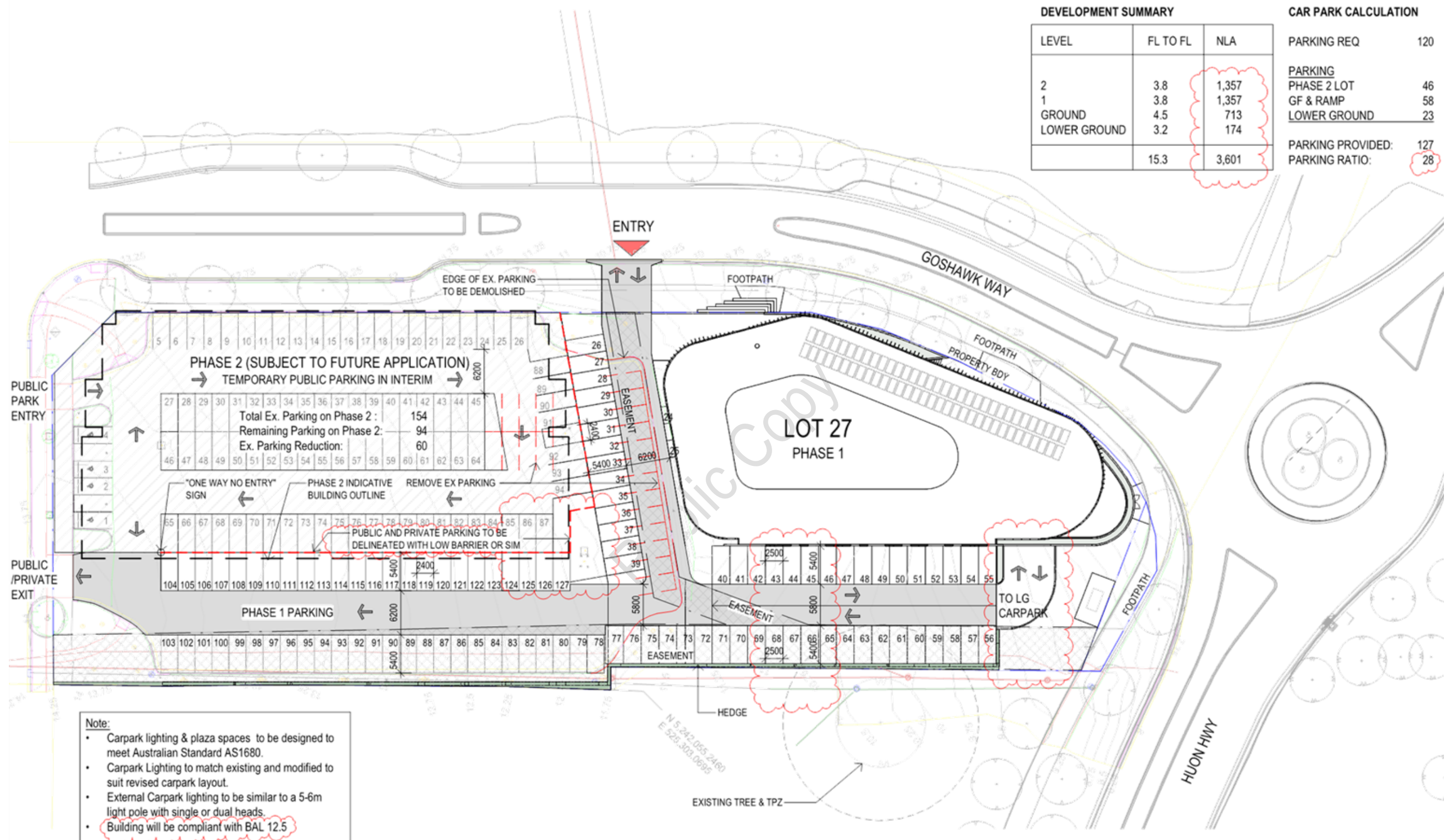
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Client



Project Name  
KINGSTON PARK COMMERCIAL

Project Address  
Lot 27 Goshawk Way, Kingston, Tasmania 7051

**Kingborough Council**

Development Application: DA 2022-480

Plan Reference No.: P5

Date Received: 15/01/2023

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Drawing Title:  
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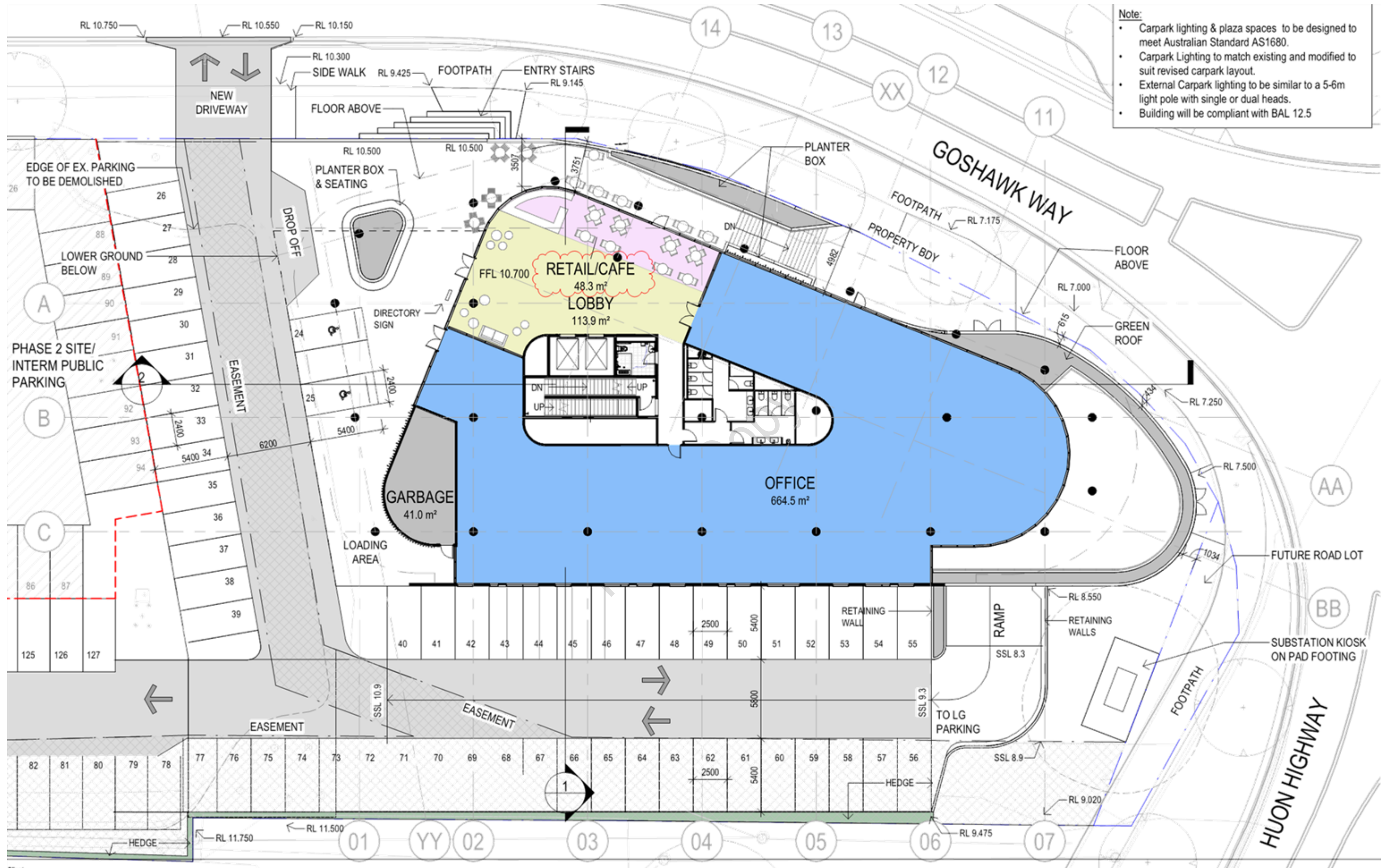
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**Project Name**  
KINGSTON PARK COMMERCIAL

**Project Address**  
Lot 27 Goshawk Way, Kingston, Tasmania 7051

**Kingborough Council**

Plan Reference No.: P7

Date Received: 28/02/2023

**Drawing Title:**  
GROUND FLOOR

**Date:**  
28/2/23

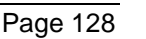
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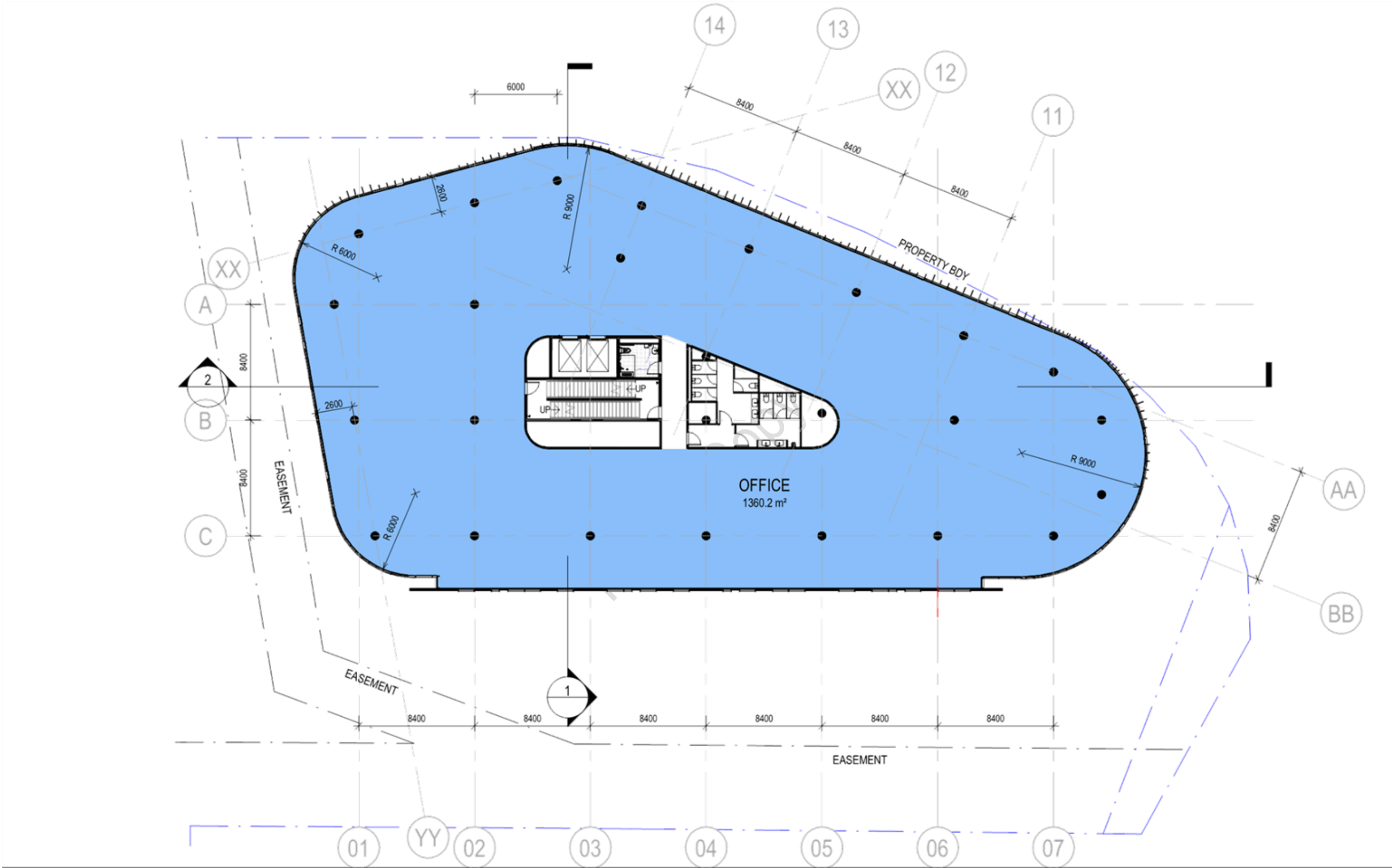
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Client



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**KINGSTON PARK COMMERCIAL**

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Lot 27 Goshawk Way, Kingston, Tasmania 7051

**Kingborough Council**  
Development Application: DA 2022-480  
Plan Reference No.: P5  
Date Received: 15/01/2023  
Date placed on Public Exhibition: 25/01/2023

Drawing Title:  
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Date:  
26/10/22

Drawing Number:  
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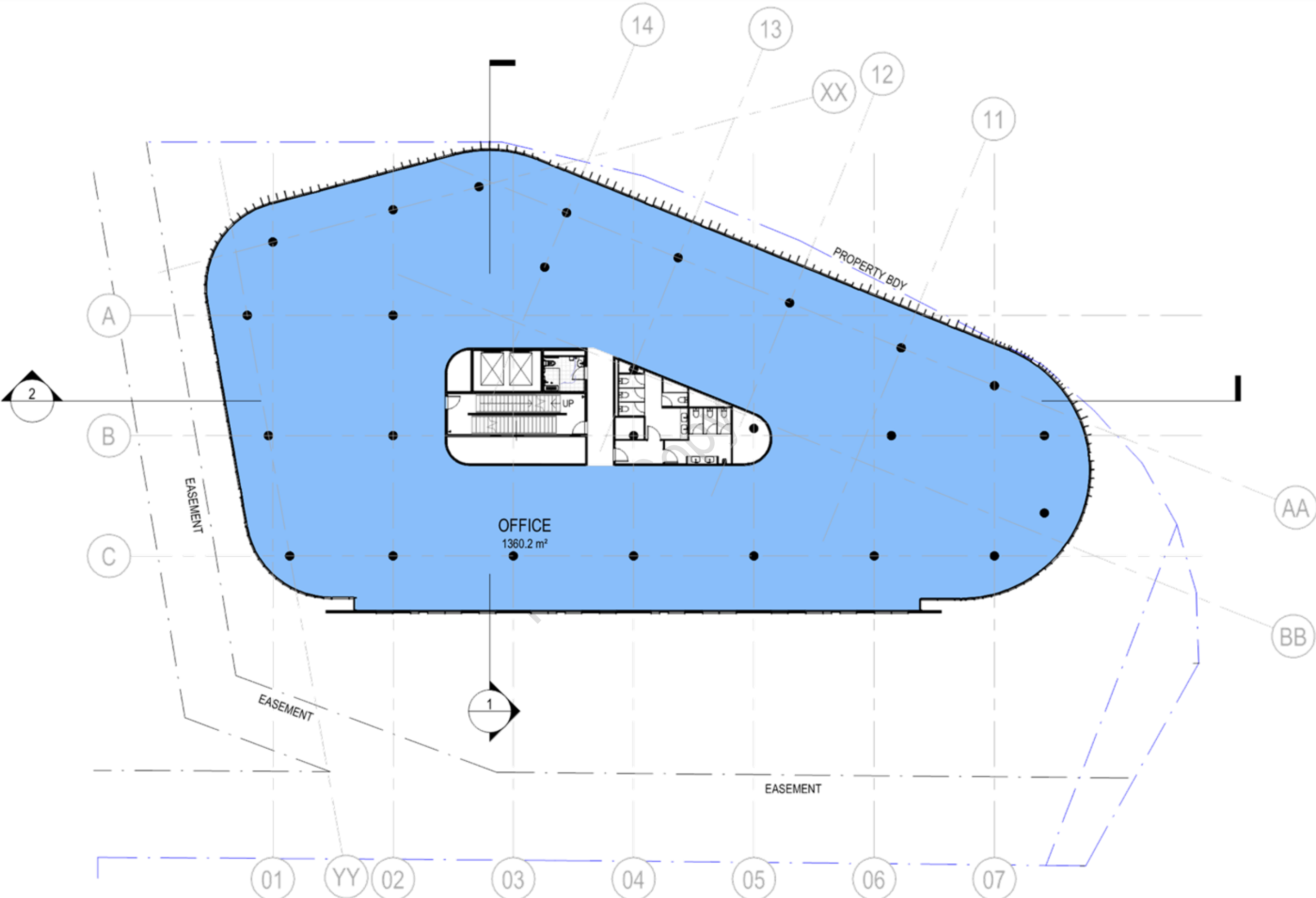
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Client



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Date Received: 15/01/2023

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Drawing Title:  
LEVEL 2

Date:  
26/10/22

Drawing Number:  
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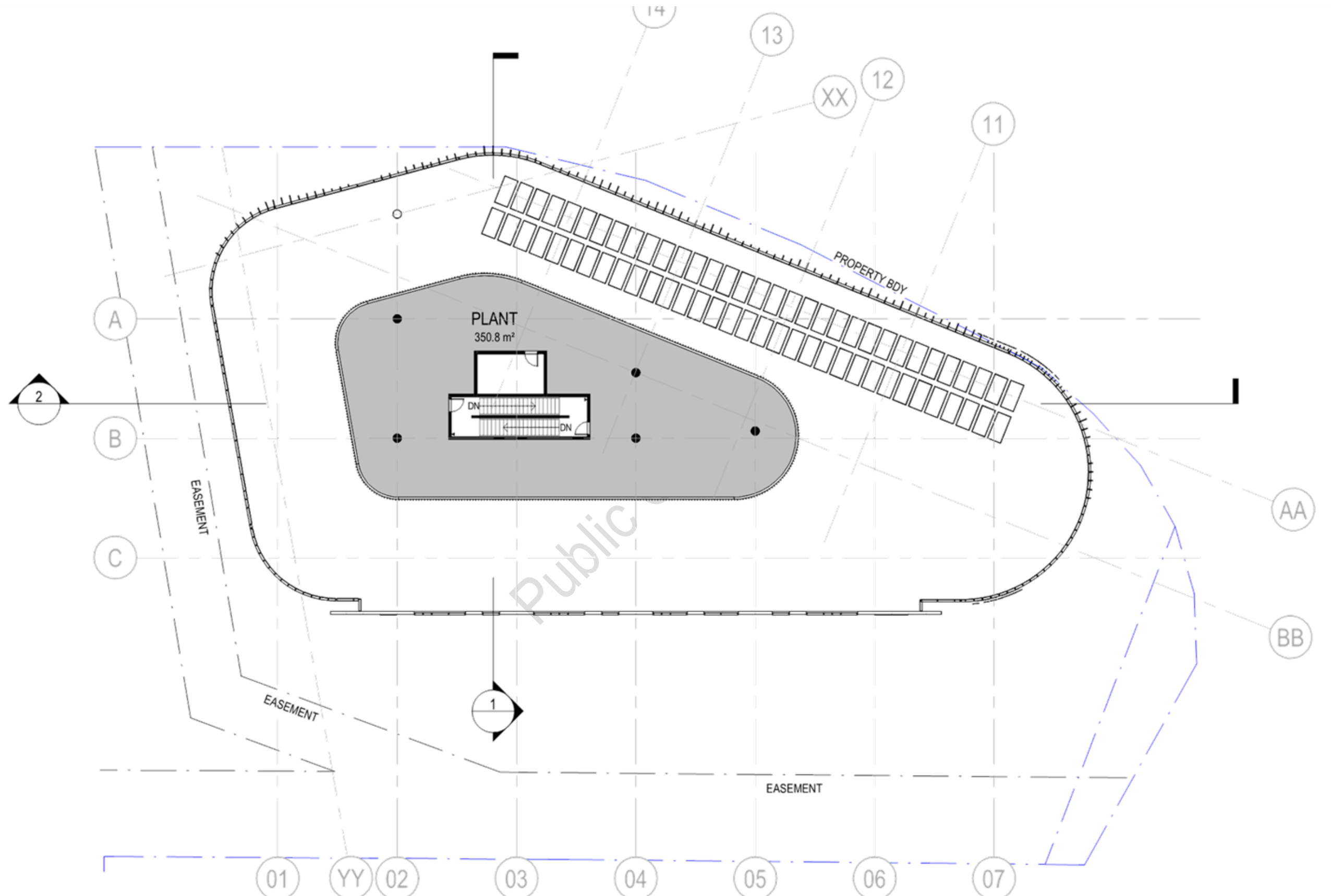
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Client



Project Name  
**KINGSTON PARK COMMERCIAL**

Project Address  
Lot 27 Goshawk Way, Kingston, Tasmania 7051

**Kingborough Council**

Development Application: DA 2022-480

Plan Reference No.: P5

Date Received: 15/01/2023

Date placed on Public Exhibition: 25/01/2023

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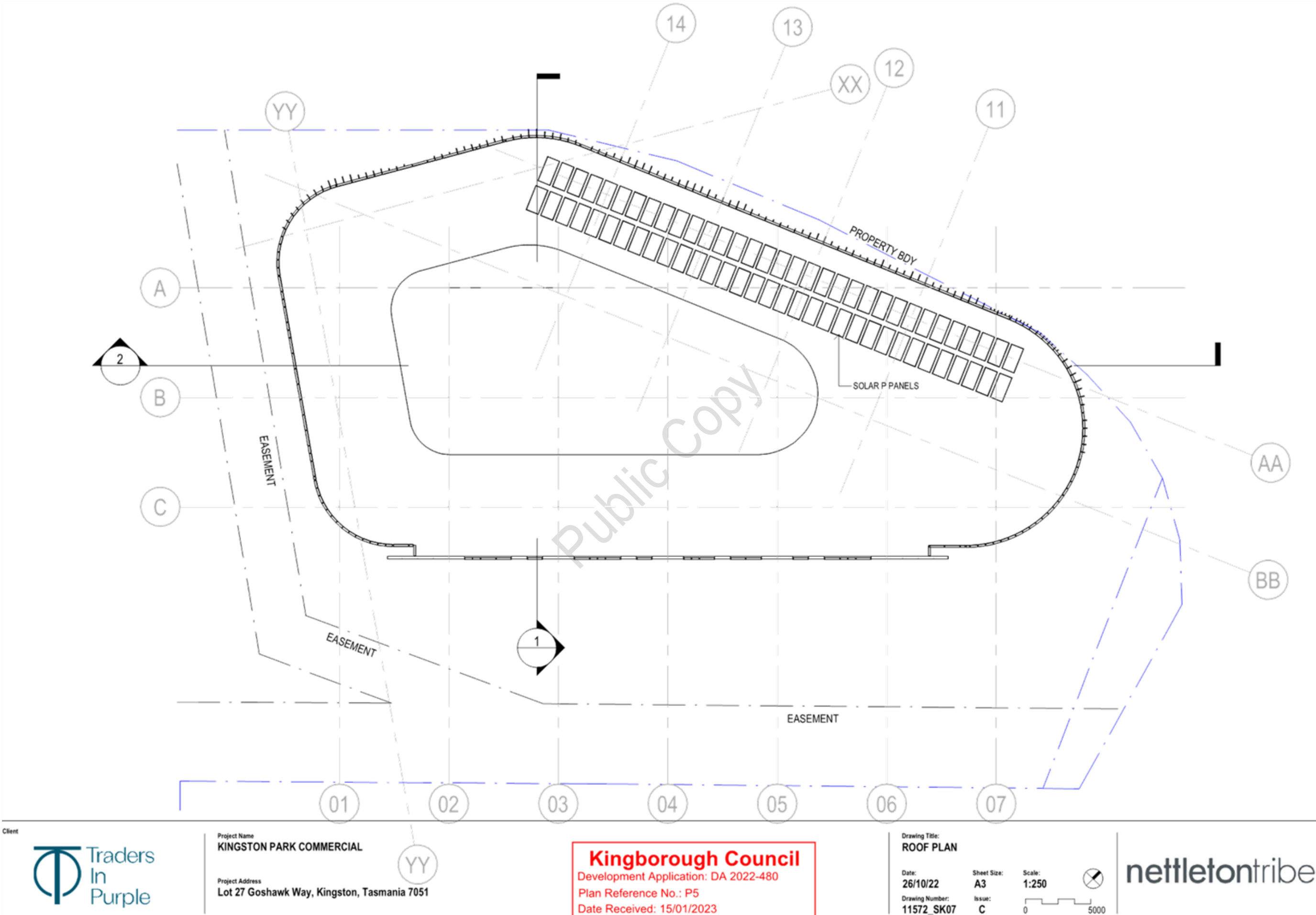
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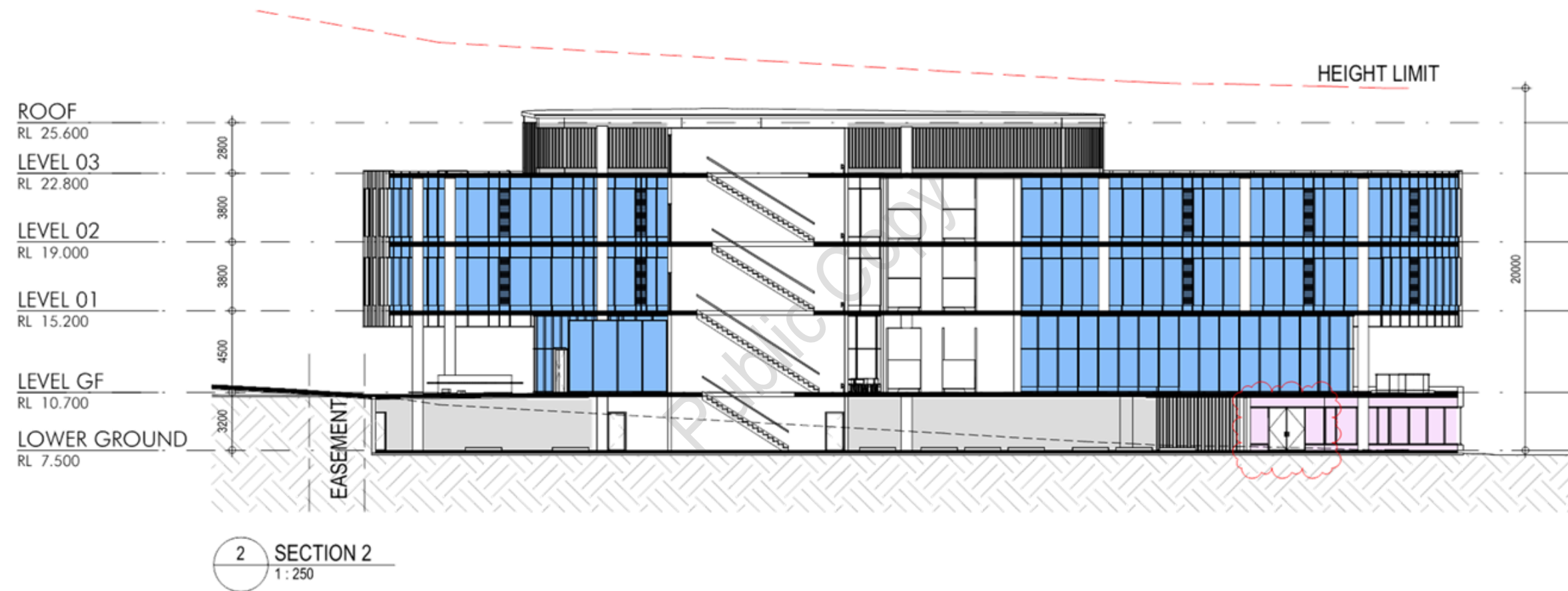
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**Kingborough Council**  
 Development Application: DA 2022-480  
 Plan Reference No.: P5  
 Date Received: 15/01/2023  
 Date placed on Public Exhibition: 25/01/2023

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Project Name  
**KINGSTON PARK COMMERCIAL**

Project Address  
 Lot 27 Goshawk Way, Kingston, Tasmania 7051

Drawing Title:  
**SECTION 2**

Date:  
 21/12/22  
 Drawing Number:  
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**Kingborough Council**  
Development Application: DA 2022-480  
Plan Reference No.: P5  
Date Received: 15/01/2023  
Date placed on Public Exhibition: 25/01/2023

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Project Name  
**KINGSTON PARK COMMERCIAL**

Project Address  
**Lot 27 Goshawk Way, Kingston, Tasmania 7051**

Drawing Title:  
**SECTION 1**

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**21/12/22**  
Drawing Number:  
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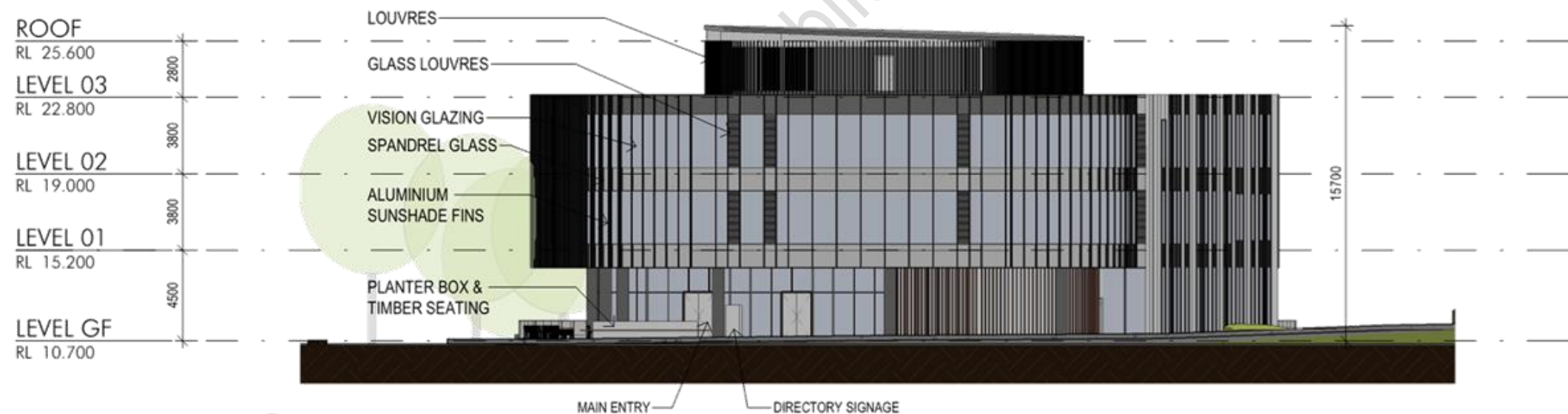
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1 SOUTH ELEVATION  
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2 WEST ELEVATION  
1:250

Client



Project Name  
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**Kingborough Council**

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Plan Reference No.: P5

Date Received: 15/01/2023

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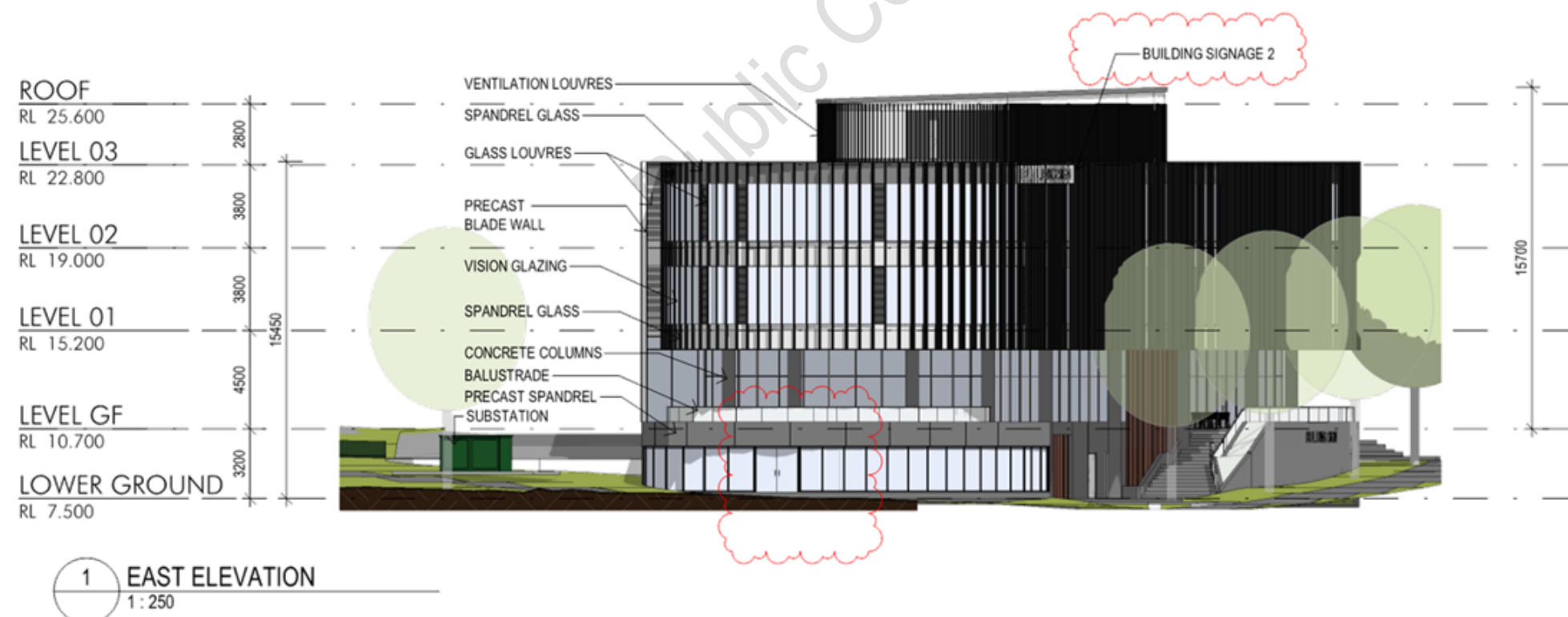
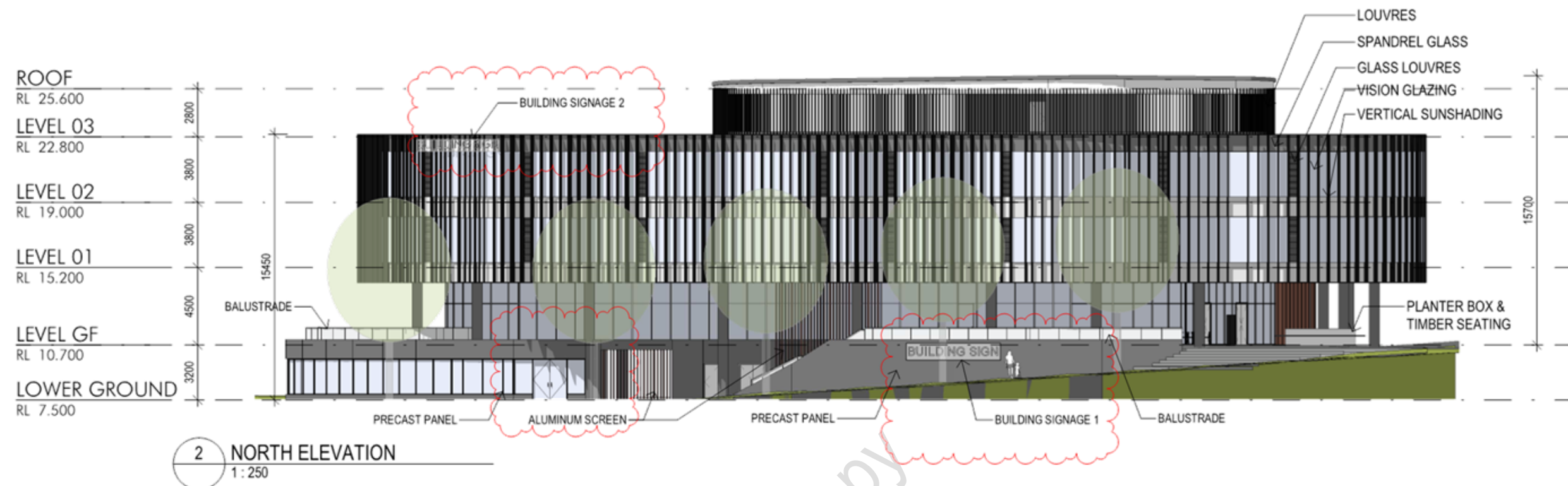
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**21/12/22**  
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Project Address  
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**Kingborough Council**

Development Application: DA 2022-480

Plan Reference No.: P5

Date Received: 15/01/2023

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Drawing Title:  
ELEVATIONS

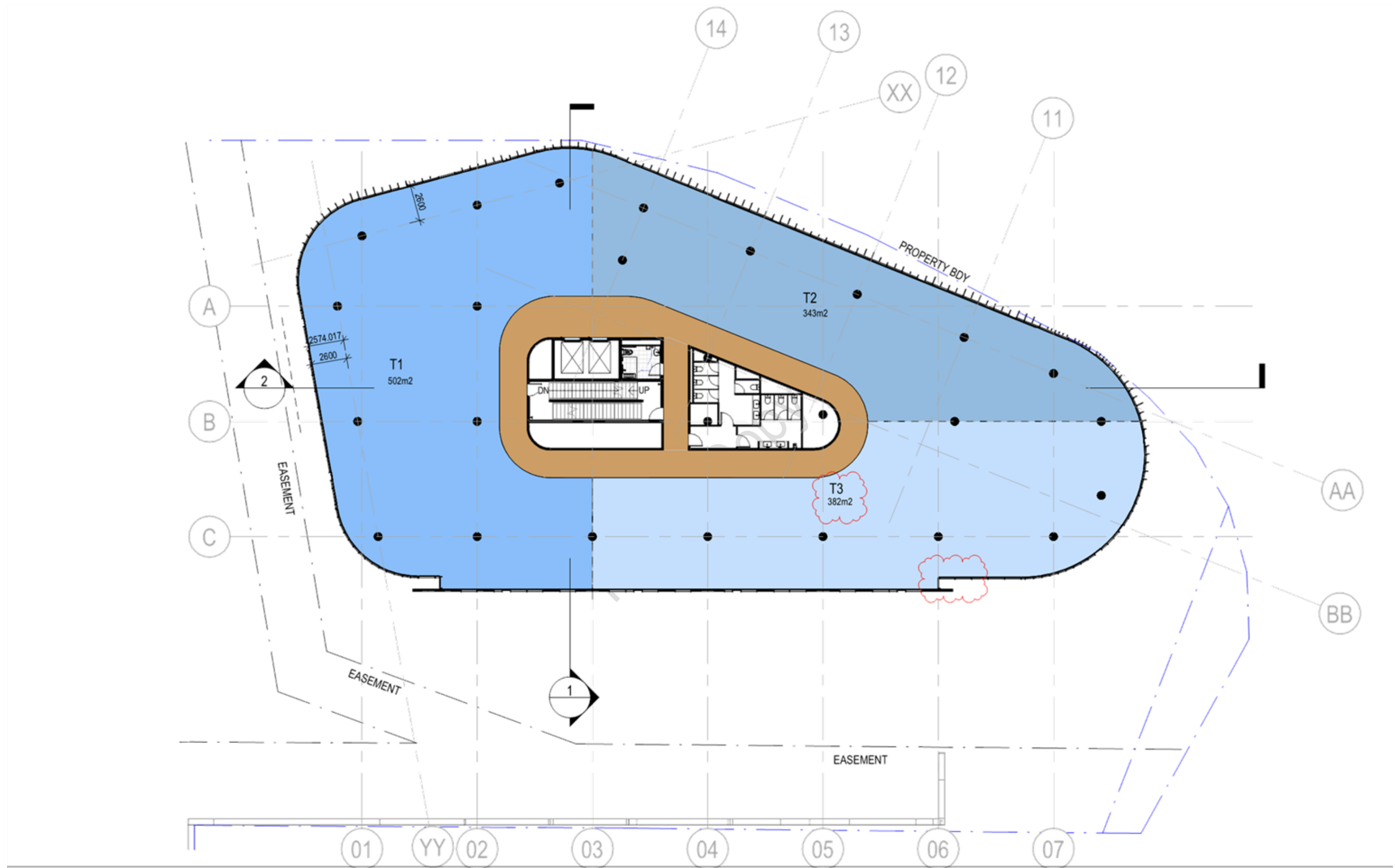
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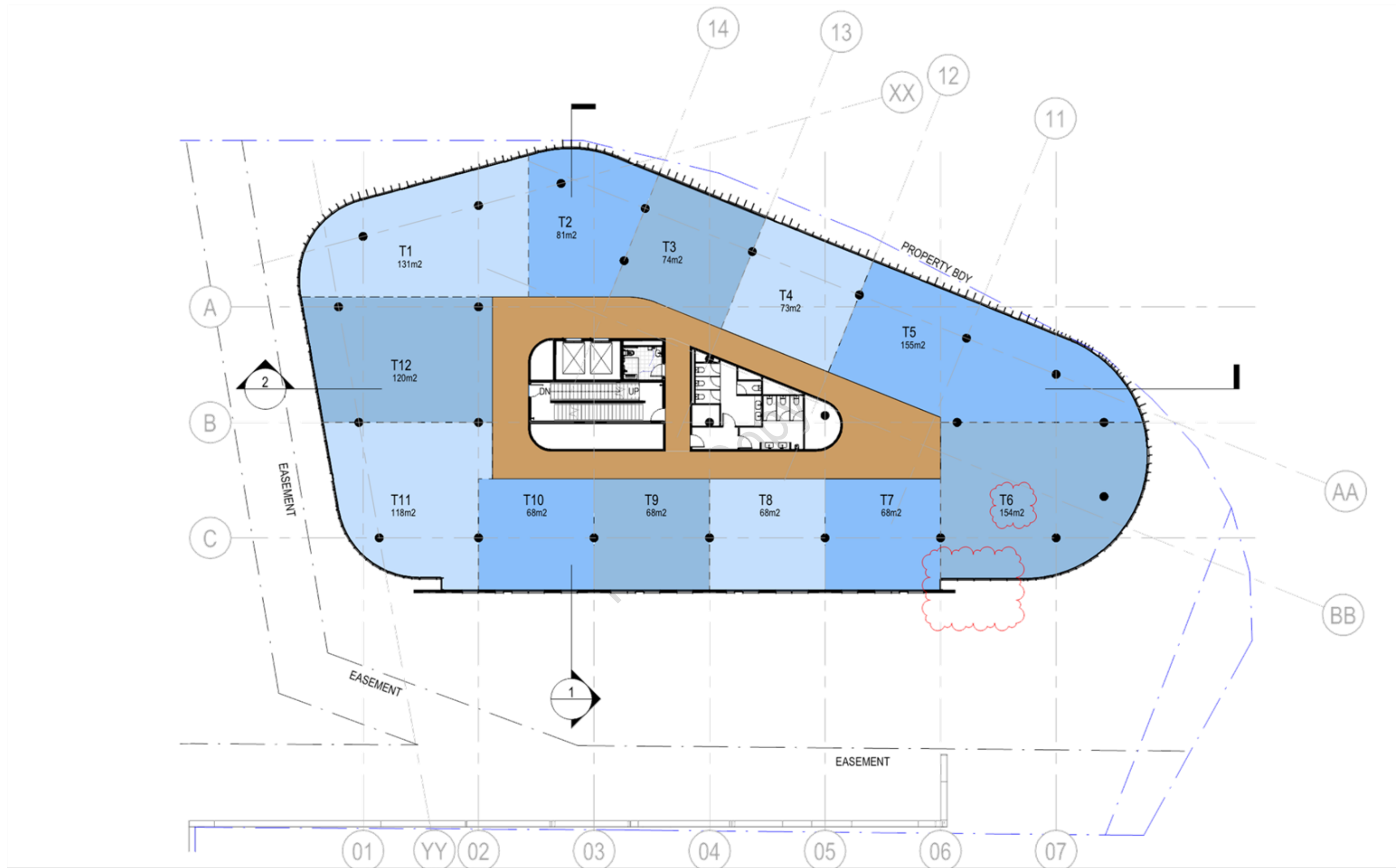
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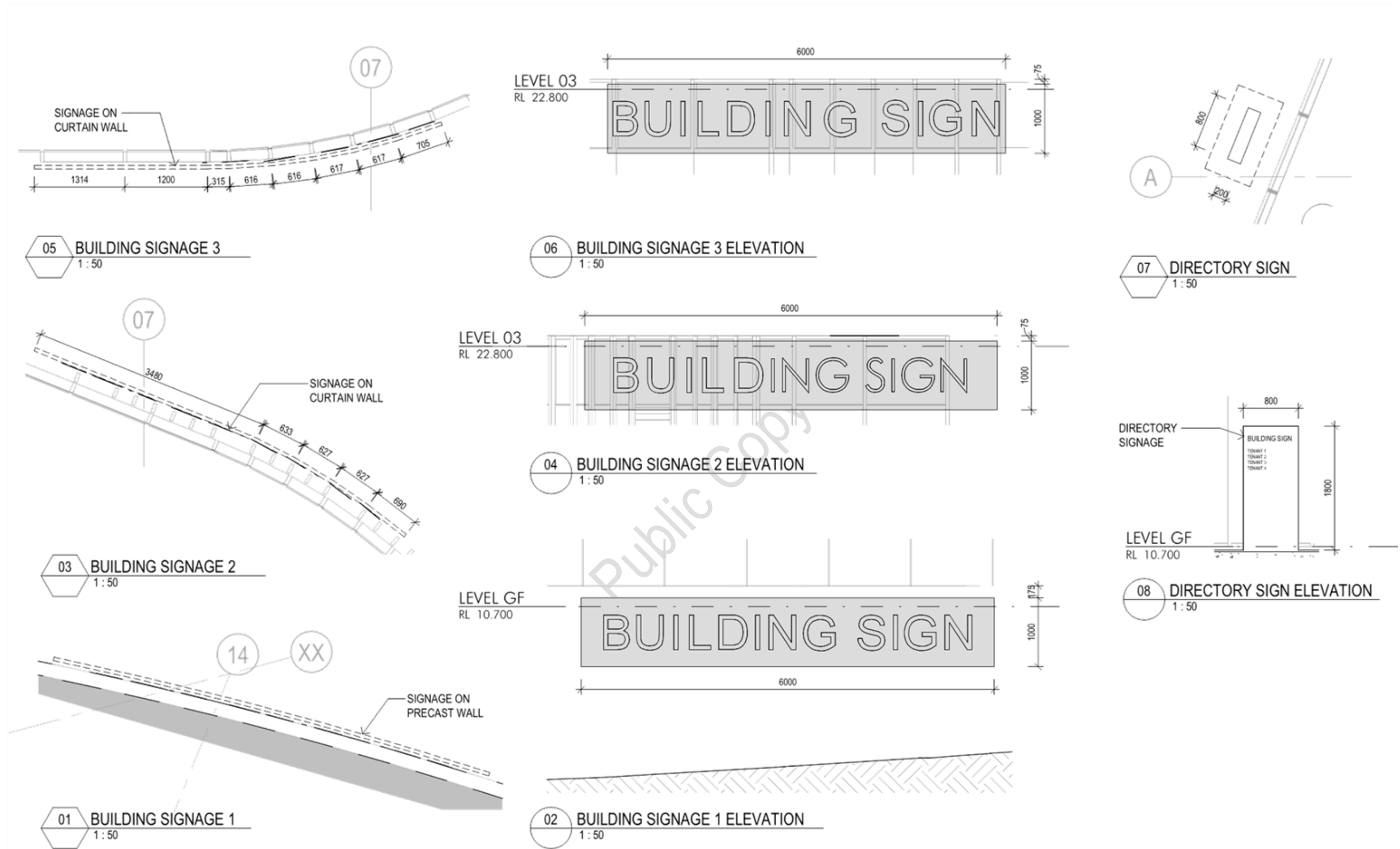


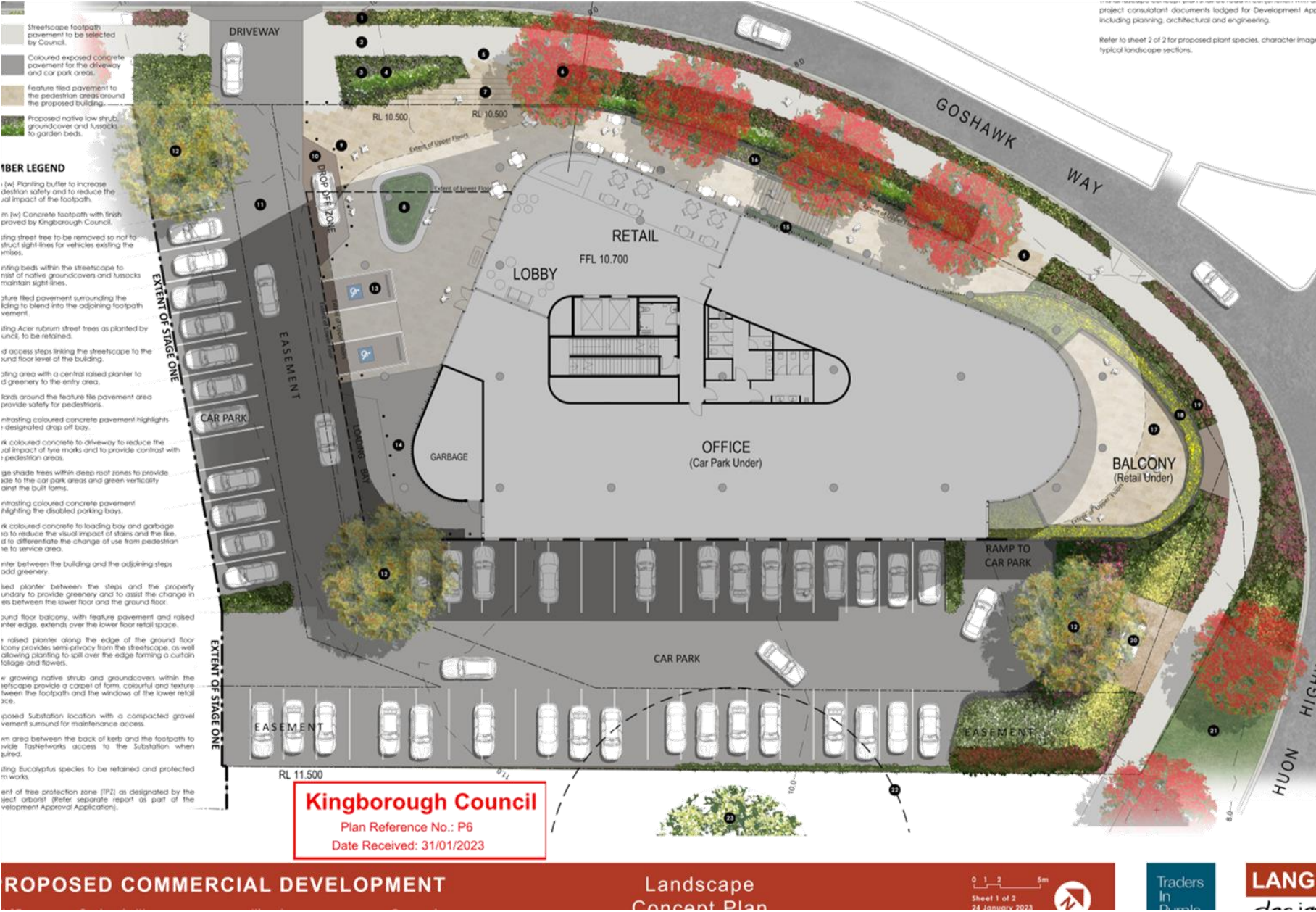
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<p>Client</p> 	<p>Project Name <b>KINGSTON PARK COMMERCIAL</b></p> <p>Project Address Lot 27 Goshawk Way, Kingston, Tasmania 7051</p>	<p><b>Kingborough Council</b>          Development Application: DA 2022-480          Plan Reference No.: P5          Date Received: 15/01/2023</p>	<p>Drawing Title: <b>SMALL TENANCIES</b></p> <p>Date: 21/12/22    Sheet Size: A3    Scale: 1:250</p> <p>Drawing Number: 11572_SK15    Issue: B</p> 	
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## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA-2022-480	<b>Council notice date</b>	22/11/2022
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2022/01897-KIN	<b>Date of response</b>	20/01/2023
<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>	7 GOSHAWK WAY, KINGSTON	<b>Property ID (PID)</b>	9409135
<b>Description of development</b>	New commercial building		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
MRC Consulting Engineers	Project: J22146	--	--
	Sheets: C-1.01, C-1.10, C-1.11, C-5.10, C-6.10	B	13/01/2023
	C-1.12,	A	13/01/2023
MRC Consulting Engineers	RAI Response Letter	--	12/01/2023
MRC Consulting Engineers	Water & Sewerage Report	--	14/10/2022
Netteton Tribe	Project: 11572	--	--
	Sheets: SK1, SK3	E	21/12/2022
	SK2, SK4	D	21/12/2022
	SK5	C	26/10/2022
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>A suitably sized water supply with metered connections 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. <i>Advice: TasWater notes that this development requires a private sewerage pump making this development a high-hazard site. Therefore increased backflow protection is required on the water connections. i.e The water connection will need to include an RPZD and any fire connections will require Double detector check valves.</i></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>			



#### INFRASTRUCTURE WORKS

4. 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.
5. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
6. A construction management plan must be submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing). The construction management plan must detail how the existing TasWater infrastructure will be protected during the construction of the works. The construction plan must 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 Certificate(s) for Certifiable Work (Building and/or Plumbing) being issued.

#### 56W CONSENT

7. Prior to the issue of the Certificate for Certifiable Work (Building and/or Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of the development works which is built within a TasWater easement or over or within two metres of TasWater infrastructure.

#### DEVELOPMENT ASSESSMENT FEES

8. The applicant or landowner as the case may be, must pay a development assessment fee of \$723.84 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

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

#### Advice

##### Water Capacity

Modelling indicates there is capacity in the existing network to supply this proposed 18 ET commercial development. Total boundary heads (HGL), not pressures, at the end of the existing DN150 main A3375765 are:

	HGL (m)
Peak Hour	75.51
Peak Hour + 20 L/s commercial fire flow	37.54

It should be noted that these are the boundary heads in the water main itself at the proposed connection point and do not include losses through the actual connection or associated pipework



### 56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building and/or Plumbing) will need to show elevations and sections at suitable intervals for the works over or within 2.0m from TasWater infrastructure and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction to ensure that no damaging loads are transferred to TasWater's infrastructure. These plans will need to clearly show the existing infrastructure depths and proposed finished surface levels over the infrastructure and where relevant any up-grades to lids and surrounds of infrastructure to withstand vehicular loads.

### Water Submetering

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website ([www.taswater.com.au](http://www.taswater.com.au)) within our Sub-Metering Policy and Water Metering Guidelines.

### 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>

### 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 permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- 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.
- 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

## PLANNING AUTHORITY SESSION ADJOURNS

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## OPEN SESSION RESUMES

### 14 PETITIONS STILL BEING ACTIONED

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There are no petitions still being actioned.

### 15 PETITIONS RECEIVED IN LAST PERIOD

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

### 16 OFFICERS REPORTS TO COUNCIL

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#### 16.1 FINANCIAL REPORT - FEBRUARY 2023

**File Number:** 10.47

**Author:** John Breen, Chief Financial Officer

**Authoriser:** Gary Arnold, General Manager

#### Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

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

#### 1. PURPOSE

- 1.1 The purpose of this report is to provide the February 2023 financial report information to Council for review.

#### 2. BACKGROUND

- 2.1 The attached report has been prepared based on current information with estimates being used where final information is not available.
- 2.2 The high inflation rate is having a substantial impact on Council's financial results with several large increases in expenditure being experienced.

#### 3. STATUTORY REQUIREMENTS

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

#### 4. DISCUSSION

- 4.1 The Summary Operating Statement contains several variances to the original budget. The following are the major variances and explanations:

- Rates are \$267k over budget due primarily to the receipt of \$293k of supplementary rates in the three months from September to November 2022. The reason for the substantial amount is the catch-up in supplementary rates from March 2022 that were delayed due to the revaluation of properties.
  - Statutory Fees and Fines are \$303k under budget due to revenue from planning being \$147k under budget because of post approval and planning application fee income being less than expected. Building and Plumbing fees are \$38k under budget due to a slowdown in activity over the past few months. Compliance income is \$78k under budget due to by-law and parking income being less than budget. There is over \$100k in fees and fines outstanding to Council, however the income is not recognised until collection takes place due to the uncertainty around payment of the outstanding balance.
  - User fees are \$86k over budget due to greater than expected income from KSC (+\$17k) the Community Hub (+\$22k) and Turf rental income (+\$34k) from the cricket ground usage due to the Twin Ovals being used as a training venue for the ICC World Cup.
  - Grants Recurrent are \$357k under budget due to the amount of prepaid grant income received in 2021/22. This variance will be eliminated when Council receives the prepaid amount at the end of 2022/23.
  - Other income is \$268k under budget primarily due to Private Works revenue of \$316k under budget as a result of the loss of the State Government contract for Bruny Island.
  - Employee Costs are \$122k over budget due primarily to sundry staff costs being over budget as a result of costs associated with the recruitment of staff adding around \$75k to expenses. Also annual leave usage is around \$50k less than predicted over the summer period resulting in a negative variance.
  - Materials and Services are \$286k over budget due primarily to expenditure on unsealed roads as a result of rain damage over the past four months. Also fuel costs are \$101k over budget due to the impacts of higher fuel costs.
  - Other Expenses are \$301k over budget due primarily to expenditure on land tax being \$127k over budget, Council election costs of \$65k and rate remissions of \$64k over budget. The rate remissions will be offset by reimbursements from the Government throughout the year.
  - Interest income is \$359k over budget due to the recent increases in interest rates producing additional interest income.
  - Grants Capital is over budget by \$1.5m due to grants carried over from 2021/22, the largest being \$2.2m for the Transform Kingston project. Council has received \$381K in capital grants made up of \$100k for the Woodbridge footpath, \$175k for the Kingston Beach boat ramp and breakwater upgrade and \$55 for rivulet flood mitigation work.
- 4.2 Council's cash and investments amount to \$19.6m at the end of the month, which is down \$4.7m from the February 2022 figure. Borrowings of \$22.3 million offset this amount.



**5. FINANCE**

- 5.1 Council's result for February 2023 is a \$8.7 million underlying surplus, which is a \$687k unfavourable variance on the budget for 2022/23. The forecast result for 2022/23 of a \$329k underlying deficit, which is down \$350k on the original budget. The move to a deficit highlights the impact of inflationary pressures on the Council budget.

**6. ENVIRONMENT**

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

**7. COMMUNICATION AND CONSULTATION**

- 7.1 The financial results for February 2023 are available for public scrutiny in the Council meeting agenda.

**8. RISK**

- 8.1 The result to February 2023 while below budget expectations, does not present a significant financial risk to Council.

**9. CONCLUSION**

- 9.1 Council is on track to deliver a result that is below the budget for 2022/23.

**10. RECOMMENDATION**

That Council endorses the attached Financial Report as at 28 February 2023.

**ATTACHMENTS**

1. Financial Report - February 2023
2. Capital Report - February 2023



# Kingborough

## KINGBOROUGH COUNCIL

**SUMMARISED FINANCIAL REPORT  
FOR THE PERIOD  
1ST JULY, 2022  
TO  
28TH FEBRUARY, 2023**

**SUBMITTED TO COUNCIL  
20TH MARCH 2023**

[kingborough.tas.gov.au](http://kingborough.tas.gov.au)



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**KINGBOROUGH COUNCIL - February 2023**

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<b>Table of Contents</b>	<b>Page No</b>
<a href="#"><u>Cash Balances</u></a>	5
<a href="#"><u>Cash, Investments and Borrowings</u></a>	6
<a href="#"><u>Reserves Balances</u></a>	7
<a href="#"><u>Budget Reconciliation Notes</u></a>	8
<a href="#"><u>Summary Operating Statement Total for All Programs</u></a>	9
<a href="#"><u>Governance Operating Statement</u></a>	10
<a href="#"><u>Corporate Services Operating Statement</u></a>	11
<a href="#"><u>Governance &amp; Property Services Statement</u></a>	12
<a href="#"><u>Environmental, Development &amp; Community Services Operating Statement</u></a>	13
<a href="#"><u>Infrastructure Services Operating Statement</u></a>	14

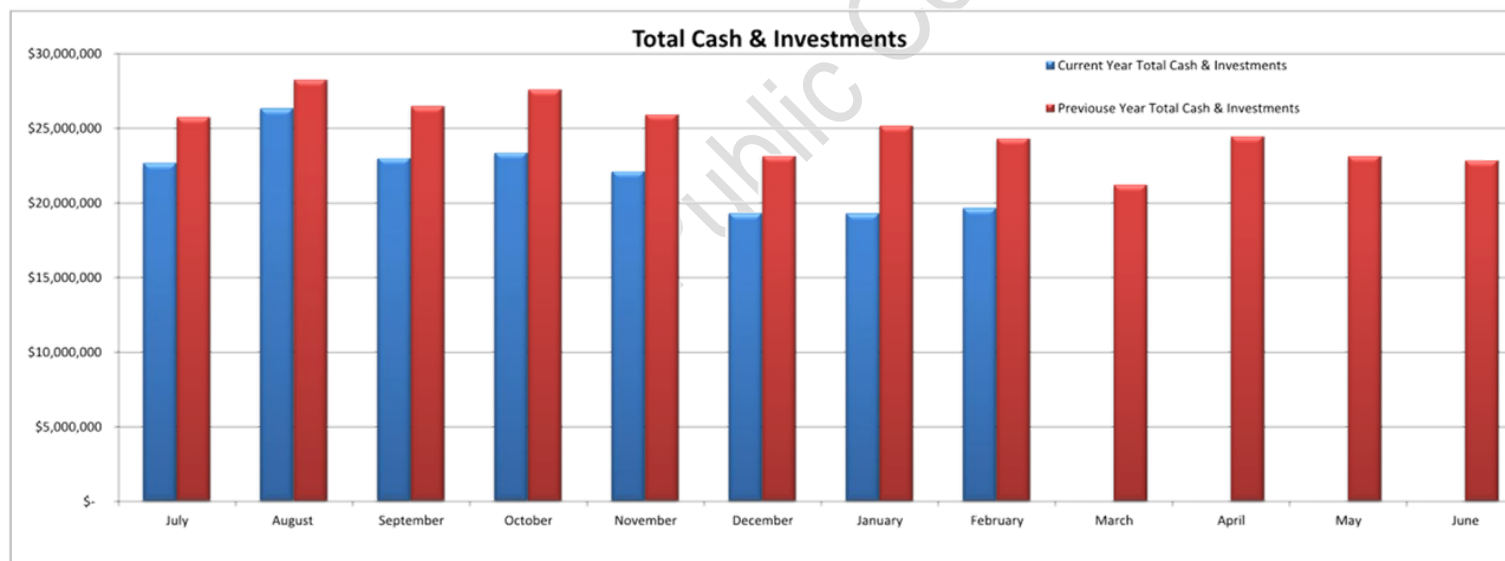
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# KINGBOROUGH COUNCIL - February 2023

## CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 3,171,178	\$ 3,371,968	\$ 2,992,671	\$ 2,997,893	\$ 3,078,821	\$ 2,879,919	\$ 2,881,967	\$ 2,888,160				
Held in Trust	\$ 1,723,151	\$ 1,715,862	\$ 1,718,254	\$ 1,715,602	\$ 1,701,857	\$ 1,666,750	\$ 1,683,915	\$ 1,684,914				
Unexpended Capital Works*	\$ 945,687	\$ 1,701,369	\$ 2,705,472	\$ 2,705,472	\$ 3,404,414	\$ 4,095,945	\$ 5,160,579	\$ 6,555,931				
<b>Current Year Total Committed Cash</b>	<b>\$ 5,840,016</b>	<b>\$ 6,789,199</b>	<b>\$ 7,416,397</b>	<b>\$ 7,418,967</b>	<b>\$ 8,185,092</b>	<b>\$ 8,642,614</b>	<b>\$ 9,726,462</b>	<b>\$ 11,129,005</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Total Committed Cash</b>	<b>\$ 5,796,140</b>	<b>\$ 5,850,837</b>	<b>\$ 6,475,439</b>	<b>\$ 7,077,500</b>	<b>\$ 7,443,381</b>	<b>\$ 8,159,380</b>	<b>\$ 9,343,942</b>	<b>\$ 10,790,363</b>	<b>\$ 12,140,597</b>	<b>\$ 12,868,125</b>	<b>\$ 13,995,239</b>	<b>\$ 14,314,832</b>
Uncommitted Funds	\$ 16,810,790	\$ 19,508,246	\$ 15,575,255	\$ 15,936,518	\$ 13,933,903	\$ 10,649,821	\$ 9,553,087	\$ 8,496,879	\$ -	\$ -	\$ -	\$ -
<b>Current Year Total Cash</b>	<b>\$ 22,650,806</b>	<b>\$ 26,297,444</b>	<b>\$ 22,991,651</b>	<b>\$ 23,355,485</b>	<b>\$ 22,118,994</b>	<b>\$ 19,292,435</b>	<b>\$ 19,279,548</b>	<b>\$ 19,625,884</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Total Cash</b>	<b>\$ 25,723,190</b>	<b>\$ 28,233,547</b>	<b>\$ 26,455,395</b>	<b>\$ 27,587,940</b>	<b>\$ 25,928,817</b>	<b>\$ 23,133,230</b>	<b>\$ 25,155,559</b>	<b>\$ 24,311,116</b>	<b>\$ 21,196,633</b>	<b>\$ 24,453,870</b>	<b>\$ 23,132,264</b>	<b>\$ 22,845,498</b>

\*Unexpended Capital Works excludes Kingston Park expenditure



## KINGBOROUGH COUNCIL - February 2023

## CASH, INVESTMENTS &amp; BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June
BA - Overdraft Account	2.60%	Ongoing	\$ 1,534,176	\$ 4,317,757	\$ 625,976	\$ 3,326,731	\$ 546,208	\$ 651,556	\$ 1,631,471	\$ 674,883				
BA - Applications Account	2.60%	Ongoing	\$ 133,571	\$ 370,506	\$ 496,030	\$ 46,346	\$ 943	\$ 11,369	\$ 64,851	\$ 3,043				
BA - AR Account	2.60%	Ongoing	\$ 301,705	\$ 917,998	\$ 1,157,922	\$ 227,541	\$ 3,609	\$ 11,886	\$ 63,496	\$ 476				
BA - Business Online Saver	3.20%	Ongoing	\$ 3,397,838	\$ 3,402,488	\$ 3,408,030	\$ 2,414,613	\$ 4,217,778	\$ 1,256,327	\$ 63,496	\$ 1,479,441				
<b>Total Cash</b>			\$ 5,367,289	\$ 9,008,750	\$ 5,687,958	\$ 6,015,231	\$ 4,768,538	\$ 1,931,138	\$ 1,823,314	\$ 2,157,843	\$ -	\$ -	\$ -	\$ -
<b>INVESTMENTS</b>														
Endigo 4	3.95%	11-May-23	\$ 5,019,292	\$ 5,019,292	\$ 5,019,292	\$ 5,019,292	\$ 5,019,292	\$ 5,019,292	\$ 2,102,791	\$ 2,102,791				
BA01	4.02%	04-Apr-23							\$ 3,000,000	\$ 3,000,000				
BA02	4.34%	11-Jul-23							\$ 1,500,000	\$ 1,500,000				
Wystate 3	4.20%	22-Mar-23	\$ 2,027,712	\$ 2,027,712	\$ 2,036,605	\$ 2,036,605	\$ 2,036,605	\$ 2,036,605	\$ 2,036,605	\$ 2,036,605				
Wystate 4	4.25%	01-May-23	\$ 3,009,948	\$ 3,009,948	\$ 3,009,948	\$ 3,037,715	\$ 3,037,715	\$ 3,037,715	\$ 3,037,715	\$ 3,037,715				
Wystate 5	4.40%	12-Jul-23							\$ 1,500,000	\$ 1,500,000				
Nestpac	3.08%	03-Jan-23	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000						
ascorp HT	3.28%	Managed Trust	\$ 2,121,098	\$ 2,124,373	\$ 2,128,302	\$ 2,132,943	\$ 2,137,925	\$ 2,143,466	\$ 2,149,109	\$ 2,154,529				
ascorp Cash Indexed	3.21%	Managed Trust	\$ 2,105,467	\$ 2,107,369	\$ 2,109,546	\$ 2,113,699	\$ 2,118,920	\$ 2,124,219	\$ 2,130,013	\$ 2,136,400				
<b>Total Investments</b>			\$ 17,283,517	\$ 17,288,694	\$ 17,303,693	\$ 17,340,254	\$ 17,350,457	\$ 17,361,297	\$ 17,456,234	\$ 17,468,041	\$ -	\$ -	\$ -	\$ -
<b>Current Year Total Cash &amp; Investments</b>			\$ 22,650,806	\$ 26,297,444	\$ 22,991,651	\$ 23,355,485	\$ 22,118,994	\$ 19,292,435	\$ 19,279,548	\$ 19,625,884	\$ -	\$ -	\$ -	\$ -
<b>Previous Year Cash &amp; Investments</b>			\$ 25,723,190	\$ 28,233,547	\$ 26,455,395	\$ 27,587,940	\$ 25,928,817	\$ 23,133,230	\$ 25,155,559	\$ 24,311,116	\$ 21,196,633	\$ 24,453,870	\$ 23,132,264	\$ 22,845,498
<b>Borrowings</b>														
ascorp (Grant Funded)	3.43%	22-Jun-23	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000	\$2,700,000				
ascorp	3.47%	11-Oct-23	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000				
ascorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000				
ascorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000				
ascorp (Grant Funded)	1.32%	16-Jun-23	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000				
ascorp (Grant Funded)	1.10%	19-Jun-24	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500				
			\$ 22,322,500	\$ 22,322,500	\$ 22,322,500	\$ 22,322,500	\$ 22,322,500	\$ 22,322,500	\$ 22,322,500	\$ 22,322,500	\$ -	\$ -	\$ -	\$ -

## KINGBOROUGH COUNCIL - February 2023

## RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733				
Car Parking	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248				
Hall Equipment Replacement	\$ 72,668	\$ 72,668	\$ 72,668	\$ 72,668	\$ 72,668	\$ 72,668	\$ 72,668	\$ 72,668				
IT Equipment Replacement	\$ 83,119	\$ 83,119	\$ 83,119	\$ 83,119	\$ 83,119	\$ 83,119	\$ 83,119	\$ 83,119				
KSC Equipment Replacement	\$ 130,717	\$ 130,717	\$ 130,717	\$ 130,717	\$ 130,717	\$ 130,717	\$ 130,717	\$ 130,717				
Office Equipment Replacement	\$ 106,059	\$ 106,059	\$ 106,059	\$ 106,059	\$ 106,059	\$ 106,059	\$ 106,059	\$ 106,059				
Plant & Equipment Replacement	\$ 814,932	\$ 814,932	\$ 814,932	\$ 814,932	\$ 814,932	\$ 814,932	\$ 814,932	\$ 814,932				
Public Open Space	\$ 996,796	\$ 1,191,796	\$ 801,796	\$ 801,796	\$ 851,796	\$ 878,046	\$ 878,046	\$ 878,046				
Tree Preservation Reserve	\$ 909,906	\$ 915,696	\$ 926,399	\$ 931,621	\$ 962,549	\$ 737,397	\$ 739,446	\$ 745,638				
Unexpended Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
<b>Current Year Total Reserve</b>	<b>\$ 3,171,178</b>	<b>\$ 3,371,968</b>	<b>\$ 2,992,671</b>	<b>\$ 2,997,893</b>	<b>\$ 3,078,821</b>	<b>\$ 2,879,919</b>	<b>\$ 2,881,967</b>	<b>\$ 2,888,160</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Previous Year Total Reserve</b>	<b>\$ 3,622,695</b>	<b>\$ 2,853,365</b>	<b>\$ 2,614,265</b>	<b>\$ 2,614,265</b>	<b>\$ 2,636,623</b>	<b>\$ 2,636,623</b>	<b>\$ 2,685,373</b>	<b>\$ 2,690,623</b>	<b>\$ 2,881,315</b>	<b>\$ 2,893,611</b>	<b>\$ 2,912,261</b>	<b>\$ 2,929,381</b>

## PUBLIC OPEN SPACE COMMITMENTS

Public Open Space Balance \$ 878,046

## Less Projects Committed, yet to be taken from POS

Project Amount

\$ -

Public Open Space Uncommitted Balance \$ 878,046

## Commitments yet to be taken from Public Open Space, to be funded by land sales

Donohoe Gardens \$ 275,000 Funded by sale of 41 Hiern Road

## Funds to come to Public Open Space

Sale of 110 Channel Highway Funds already used for Louisa Hinsby Park \$125,000



KINGBOROUGH COUNCIL - February 2023

BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
<b>BUDGET UNDERLYING RESULT</b>	<b>20,770</b>
<b>Forecast Changes:</b>	
Rates - over budget and supplementary rates	200,000
Rates - green waste and garbage collection charges	100,000
User Fees - Sports Centre and Twin Ovals (cricket)	100,000
Interest Income - interest rates	500,000
Materials & Services - Loss of Bruny Island State Government Contract	250,000
Statutory Fees & Fines - Planning revenue	(300,000)
Other Income - Loss of Bruny Island State Government Contract	(500,000)
Employee Costs - Annual leave and recruitment costs	(100,000)
Other Expenses - Land Tax increase	(200,000)
Other Expenses - Election Costs deferred to 22/23	(50,000)
Materials and Services - inflation impacts on building maintenance and fuel charges	(200,000)
Materials and Services - rain damage to unsealed roads	(150,000)
<b>FORECAST UNDERLYING RESULT</b>	<b>(329,230)</b>
<b>Adjustments not affecting the Underlying Surplus:</b>	
<b>Net Surplus.</b>	<b>6,120,770</b>

## KINGBOROUGH COUNCIL - February 2023

## Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	34,213,026	33,946,357	266,669	33,981,000	34,281,000	300,000
Income Levies	1,908,593	1,863,000	45,593	1,863,000	1,863,000	0
Statutory Fees & Fines	1,378,920	1,681,540	(302,620)	2,563,200	2,263,200	(300,000)
User Fees	1,085,858	999,590	86,268	1,480,000	1,580,000	100,000
Grants Recurrent	876,159	1,233,280	(357,121)	2,988,500	2,988,500	0
Contributions - Cash	183,253	148,720	34,533	223,000	223,000	0
Reimbursements	1,245,184	1,219,520	25,664	1,220,000	1,220,000	0
Other Income	415,990	683,960	(267,970)	1,291,400	791,400	(500,000)
Internal Charges Income	146,664	146,640	24	220,000	220,000	0
<b>Total Income</b>	<b>41,453,646</b>	<b>41,922,607</b>	<b>(468,961)</b>	<b>45,830,100</b>	<b>45,430,100</b>	<b>(400,000)</b>
<b>Expenses</b>						
Employee Costs	12,374,925	12,252,994	(121,931)	16,729,680	16,829,680	(100,000)
Expenses Levies	926,494	931,500	5,007	1,863,000	1,863,000	0
Loan Interest	64,685	65,360	675	98,000	98,000	0
Materials and Services	8,302,319	8,016,680	(285,639)	11,706,770	11,806,770	(100,000)
Other Expenses	3,771,812	3,470,870	(300,942)	4,188,480	4,438,480	(250,000)
Internal Charges Expense	146,664	146,640	(24)	220,000	220,000	0
<b>Total Expenses</b>	<b>25,586,899</b>	<b>24,884,044</b>	<b>(702,855)</b>	<b>34,805,930</b>	<b>35,255,930</b>	<b>(450,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>15,866,748</b>	<b>17,038,563</b>	<b>(1,171,816)</b>	<b>11,024,170</b>	<b>10,174,170</b>	<b>(850,000)</b>
Depreciation	8,197,812	8,255,520	57,708	12,383,400	12,383,400	0
Loss/(Profit) on Disposal of Assets	(227,065)	0	227,065	400,000	400,000	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>7,896,000</b>	<b>8,783,043</b>	<b>(887,043)</b>	<b>(1,759,230)</b>	<b>(2,609,230)</b>	<b>(850,000)</b>
Interest	419,199	60,000	359,199	90,000	590,000	500,000
Dividends	616,000	616,000	0	1,440,000	1,440,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>8,931,200</b>	<b>9,459,043</b>	<b>(527,843)</b>	<b>20,770</b>	<b>(329,230)</b>	<b>(350,000)</b>
Grants Capital	5,201,064	3,700,000	1,501,064	5,100,000	5,100,000	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
<b>NET SURPLUS/(DEFICIT)</b>	<b>14,132,264</b>	<b>13,159,043</b>	<b>973,221</b>	<b>6,120,770</b>	<b>5,770,770</b>	<b>(350,000)</b>
<b>Underlying Result</b>						
Profit on Sale of Land	(158,875)	0	(158,875)	0	0	0
<b>UNDERLYING RESULT</b>	<b>8,772,325</b>	<b>9,459,043</b>	<b>(686,718)</b>	<b>20,770</b>	<b>(329,230)</b>	<b>(350,000)</b>
<b>TOTAL CASH GENERATED</b>	<b>733,387</b>	<b>1,203,523</b>	<b>(470,136)</b>	<b>12,404,170</b>	<b>12,054,170</b>	<b>(350,000)</b>

## KINGBOROUGH COUNCIL - February 2023

## Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	27,769,031	27,610,000	159,031	27,630,000	27,830,000	200,000
Income Levies	1,908,593	1,863,000	45,593	1,863,000	1,863,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	61,912	63,360	(1,448)	95,000	95,000	0
Grants Recurrent	595,136	975,000	(379,864)	2,600,000	2,600,000	0
Contributions - Cash	114,250	93,360	20,890	140,000	140,000	0
Reimbursements	1,245,184	1,219,520	25,664	1,220,000	1,220,000	0
Other Income	49,440	32,000	17,440	293,000	293,000	0
Internal Charges Income	0	0	0	0	0	0
<b>Total Income</b>	<b>31,743,546</b>	<b>31,856,240</b>	<b>(112,694)</b>	<b>33,841,000</b>	<b>34,041,000</b>	<b>200,000</b>
<b>Expenses</b>						
Employee Costs	278,764	275,930	(2,834)	398,100	398,100	0
Expenses Levies	926,494	931,500	5,007	1,863,000	1,863,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	171,836	149,700	(22,136)	186,800	186,800	0
Other Expenses	2,324,598	2,078,960	(245,638)	2,391,000	2,591,000	(200,000)
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>3,777,941</b>	<b>3,436,090</b>	<b>(341,851)</b>	<b>4,838,900</b>	<b>5,038,900</b>	<b>200,000</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>27,965,605</b>	<b>28,420,150</b>	<b>(454,545)</b>	<b>29,002,100</b>	<b>29,002,100</b>	<b>0</b>
Depreciation	154,482	156,640	2,158	235,000	235,000	0
Loss/(Profit) on Disposal of Assets	(227,065)	0	227,065	400,000	400,000	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>28,038,188</b>	<b>28,263,510</b>	<b>(225,322)</b>	<b>28,367,100</b>	<b>28,367,100</b>	<b>0</b>
Interest	0	0	0	0	0	0
Dividends	616,000	616,000	0	1,440,000	1,440,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>28,654,188</b>	<b>28,879,510</b>	<b>(225,322)</b>	<b>30,057,100</b>	<b>30,057,100</b>	<b>0</b>
Grants Capital	5,201,064	3,700,000	1,501,064	5,100,000	5,100,000	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>33,855,252</b>	<b>32,579,510</b>	<b>1,275,742</b>	<b>36,157,100</b>	<b>36,157,100</b>	<b>0</b>
<b>TOTAL CASH GENERATED</b>	<b>28,499,707</b>	<b>28,722,870</b>	<b>(223,163)</b>	<b>29,822,100</b>	<b>29,822,100</b>	<b>0</b>

## KINGBOROUGH COUNCIL - February 2023

## Summary Operating Statement Corporate Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	165,963	212,800	(46,837)	319,200	319,200	0
User Fees	0	0	0	0	0	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	79,267	75,560	3,707	130,800	130,800	0
Internal Charges Income	100,000	100,000	0	150,000	150,000	0
<b>Total Income</b>	<b>345,230</b>	<b>388,360</b>	<b>(43,130)</b>	<b>600,000</b>	<b>600,000</b>	<b>0</b>
<b>Expenses</b>						
Employee Costs	2,078,908	2,017,900	(61,008)	2,904,100	2,954,100	(50,000)
Expenses Levies	0	0	0	0	0	0
Loan Interest	64,685	65,360	675	98,000	98,000	0
Materials and Services	669,165	638,250	(30,915)	833,700	833,700	0
Other Expenses	902,720	899,960	(2,760)	1,105,400	1,105,400	0
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>3,715,477</b>	<b>3,621,470</b>	<b>(94,007)</b>	<b>4,941,200</b>	<b>4,991,200</b>	<b>(50,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(3,370,247)</b>	<b>(3,233,110)</b>	<b>(137,137)</b>	<b>(4,341,200)</b>	<b>(4,391,200)</b>	<b>(50,000)</b>
Depreciation	164,782	165,600	818	248,400	248,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(3,535,029)</b>	<b>(3,398,710)</b>	<b>(136,319)</b>	<b>(4,589,600)</b>	<b>(4,639,600)</b>	<b>(50,000)</b>
Interest	419,199	60,000	359,199	90,000	490,000	(400,000)
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(3,115,830)</b>	<b>(3,338,710)</b>	<b>222,880</b>	<b>(4,499,600)</b>	<b>(4,149,600)</b>	<b>350,000</b>
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(3,115,830)</b>	<b>(3,338,710)</b>	<b>222,880</b>	<b>(4,499,600)</b>	<b>(4,149,600)</b>	<b>350,000</b>
<b>TOTAL CASH GENERATED</b>	<b>(2,951,047)</b>	<b>(3,173,110)</b>	<b>222,063</b>	<b>(4,251,200)</b>	<b>(3,901,200)</b>	<b>350,000</b>

## KINGBOROUGH COUNCIL - February 2023

## Summary Operating Statement Governance &amp; Property Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	221,298	300,020	(78,722)	491,000	391,000	(100,000)
User Fees	891,014	817,110	73,904	1,206,300	1,306,300	100,000
Grants Recurrent	156,434	166,640	(10,206)	250,000	250,000	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	80,966	73,200	7,766	109,700	109,700	0
Internal Charges Income	0	0	0	0	0	0
<b>Total Income</b>	<b>1,349,712</b>	<b>1,356,970</b>	<b>(7,258)</b>	<b>2,057,000</b>	<b>2,057,000</b>	<b>0</b>
<b>Expenses</b>						
Employee Costs	2,230,723	2,180,260	(50,463)	3,133,071	3,183,071	(50,000)
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	967,316	881,210	(86,106)	1,272,850	1,272,850	0
Other Expenses	143,657	120,030	(23,627)	175,400	175,400	0
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>3,341,696</b>	<b>3,181,500</b>	<b>(160,196)</b>	<b>4,581,321</b>	<b>4,631,321</b>	<b>(50,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(1,991,984)</b>	<b>(1,824,530)</b>	<b>(167,454)</b>	<b>(2,524,321)</b>	<b>(2,574,321)</b>	<b>(50,000)</b>
Depreciation	644,322	655,280	10,958	983,000	983,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,636,306)</b>	<b>(2,479,810)</b>	<b>(156,496)</b>	<b>(3,507,321)</b>	<b>(3,557,321)</b>	<b>(50,000)</b>
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(2,636,306)</b>	<b>(2,479,810)</b>	<b>(156,496)</b>	<b>(3,507,321)</b>	<b>(3,557,321)</b>	<b>(50,000)</b>
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(2,636,306)</b>	<b>(2,479,810)</b>	<b>(156,496)</b>	<b>(3,507,321)</b>	<b>(3,557,321)</b>	<b>(50,000)</b>
<b>TOTAL CASH GENERATED</b>	<b>(1,991,984)</b>	<b>(1,824,530)</b>	<b>(145,538)</b>	<b>(2,524,321)</b>	<b>(2,574,321)</b>	<b>(50,000)</b>

## KINGBOROUGH COUNCIL - February 2023

## Summary Operating Statement Environment, Development &amp; Community Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	991,659	1,168,720	(177,061)	1,753,000	1,553,000	(200,000)
User Fees	74,109	54,480	19,629	81,700	81,700	0
Grants Recurrent	115,598	91,640	23,958	138,500	138,500	0
Contributions - Cash	69,003	53,360	15,643	80,000	80,000	0
Reimbursements	0	0	0	0	0	0
Other Income	42,730	26,960	15,770	40,500	40,500	0
Internal Charges Income	0	0	0	0	0	0
<b>Total Income</b>	<b>1,293,099</b>	<b>1,395,160</b>	<b>(102,061)</b>	<b>2,093,700</b>	<b>1,893,700</b>	<b>(200,000)</b>
<b>Expenses</b>						
Employee Costs	3,728,817	3,716,614	(12,203)	5,341,895	5,341,895	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	424,445	643,590	219,145	942,000	942,000	0
Other Expenses	267,762	255,200	(12,562)	355,500	355,500	0
Internal Charges Expense	0	0	0	0	0	0
<b>Total Expenses</b>	<b>4,490,026</b>	<b>4,615,404</b>	<b>125,378</b>	<b>6,639,395</b>	<b>6,639,395</b>	<b>0</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(3,196,928)</b>	<b>(3,220,244)</b>	<b>23,316</b>	<b>(4,545,695)</b>	<b>(4,745,695)</b>	<b>(200,000)</b>
Depreciation	111,615	116,640	5,025	175,000	175,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(3,308,542)</b>	<b>(3,336,884)</b>	<b>28,342</b>	<b>(4,720,695)</b>	<b>(4,920,695)</b>	<b>(200,000)</b>
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(3,308,542)</b>	<b>(3,336,884)</b>	<b>28,342</b>	<b>(4,720,695)</b>	<b>(4,920,695)</b>	<b>(200,000)</b>
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(3,308,542)</b>	<b>(3,336,884)</b>	<b>28,342</b>	<b>(4,720,695)</b>	<b>(4,920,695)</b>	<b>(200,000)</b>
<b>TOTAL CASH GENERATED</b>	<b>(3,196,928)</b>	<b>(3,220,244)</b>	<b>23,316</b>	<b>(4,545,695)</b>	<b>(4,745,695)</b>	<b>(200,000)</b>



## KINGBOROUGH COUNCIL - February 2023

## Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
<b>Income</b>						
Rates	6,443,995	6,336,357	107,638	6,351,000	6,451,000	100,000
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	58,823	64,640	(5,817)	97,000	97,000	0
Grants Recurrent	8,990	0	8,990	0	0	0
Contributions - Cash	0	2,000	(2,000)	3,000	3,000	0
Reimbursements	0	0	0	0	0	0
Other Income	163,587	476,240	(312,653)	717,400	217,400	(500,000)
Internal Charges Income	46,664	46,640	24	70,000	70,000	0
<b>Total Income</b>	<b>6,722,059</b>	<b>6,925,877</b>	<b>(203,818)</b>	<b>7,238,400</b>	<b>6,838,400</b>	<b>(400,000)</b>
<b>Expenses</b>						
Employee Costs	4,057,714	4,062,290	4,576	4,952,514	4,952,514	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	6,069,557	5,703,930	(365,627)	8,482,600	8,582,600	(100,000)
Other Expenses	133,076	116,720	(16,356)	150,000	150,000	0
Internal Charges Expense	146,664	146,640	(24)	220,000	220,000	0
<b>Total Expenses</b>	<b>10,407,011</b>	<b>10,029,580</b>	<b>(377,431)</b>	<b>13,805,114</b>	<b>13,905,114</b>	<b>(100,000)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(3,684,952)</b>	<b>(3,103,703)</b>	<b>(581,249)</b>	<b>(6,566,714)</b>	<b>(7,066,714)</b>	<b>(500,000)</b>
Depreciation	7,122,612	7,161,360	38,748	10,742,000	10,742,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(10,807,563)</b>	<b>(10,265,063)</b>	<b>(542,500)</b>	<b>(17,308,714)</b>	<b>(17,808,714)</b>	<b>(500,000)</b>
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
<b>NET OPERATING SURPLUS/(DEFICIT)</b>	<b>(10,807,563)</b>	<b>(10,265,063)</b>	<b>(542,500)</b>	<b>(17,308,714)</b>	<b>(17,808,714)</b>	<b>(500,000)</b>
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
<b>NET SUPRPLUS/(DEFICIT)</b>	<b>(10,807,563)</b>	<b>(10,265,063)</b>	<b>(542,500)</b>	<b>(17,308,714)</b>	<b>(17,808,714)</b>	<b>(500,000)</b>
<b>TOTAL CASH GENERATED</b>	<b>(17,930,175)</b>	<b>(17,426,423)</b>	<b>(503,752)</b>	<b>(6,566,714)</b>	<b>(7,066,714)</b>	<b>(500,000)</b>

**KINGBOROUGH COUNCIL  
CAPITAL EXPENDITURE TO 28/02/2023**

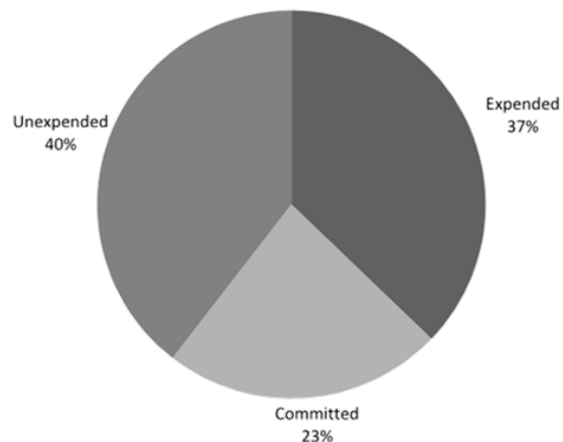
**EXPENDITURE BY ASSET TYPE**

	Budget					Actual			Remaining
	Carry Forward	Annual Budget	Grants Received	IMG Adjustments	Total	Actual	Commitments	Total	
Roads	4,465,592	6,913,000	275,000	(340,103)	11,313,489	4,306,829	3,441,332	7,748,162	3,565,327
Stormwater	1,031,426	2,842,000	197,086	220,000	4,290,512	1,826,420	428,645	2,255,064	2,035,448
Property	3,751,078	2,334,000	213,000	281,715	6,579,793	2,021,449	1,311,243	3,332,692	3,247,101
Other	421,088	-	-	(251,612)	169,476	155,160	30,149	185,309	(15,833)
Sub total	9,669,184	12,089,000	685,086	(90,000)	22,353,270	8,309,858	5,211,369	13,521,227	8,832,043
Kingston Park	734,528	3,800,000	-	-	4,534,528	4,156,727	894,013	5,050,739	(516,211)
Bruny Island Tourism	384,626	-	-	90,000	474,626	163,080	349,801	512,881	(38,255)
City Deal Funding	1,004,280	-	-	-	1,004,280	143,586	98,942	242,528	761,753
Local Roads and Community Infrastructure to Operational Expenditure	-	-	-	-	-	-	-	-	-
Grand Total	11,792,619	15,889,000	685,086	-	28,366,705	12,773,251	6,554,124	19,327,375	9,039,330

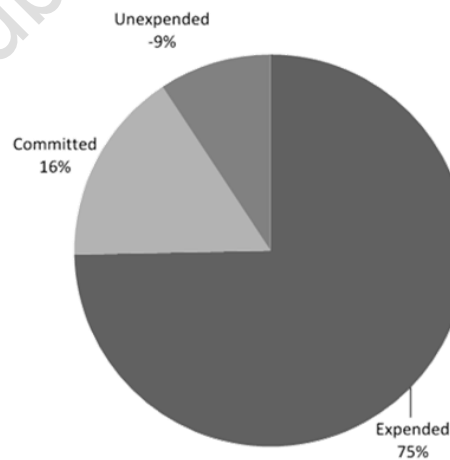
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**Infrastructure Assets**



**Kingston Park**



**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 28/02/2023**

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
KINGSTON PARK														
					KP C'tee									
1	KP	Overall Project budget	Kingston Park	New	270,000				(270,000)	-	-	-	-	
2	TRUE C00688	KP Goshawk Way Construction	Kingston Park	New	-			-		-	-	-	-	-
3	FALSE C00689	KP Pardalote Parade Design & Construction	Kingston Park	New	46,122			-	(46,122)	-	-	-	-	-
4	TRUE C00690	KP Community Hub Design	Kingston Park	New	-			-		-	-	-	-	-
5	FALSE C00691	KP Open Space Design (Playstreet)	Kingston Park	New	35,391			-	(35,391)	-	-	-	-	-
6	TRUE C01606	KP Parking Strategy	Kingston Park	New	-			-		-	-	-	-	-
7	TRUE C03179	KP Temporary Car Park	Kingston Park	New	-			-		-	-	-	-	-
8	TRUE C01618	KP Goshawk Way Construction Stage 1A	Kingston Park	New	-			-		-	-	98,650	98,650	(98,650)
9	FALSE C01627	KP Site - Land Release Strategy	Kingston Park	New	(91,574)	30,000		-	91,574	30,001	16,092	-	16,092	13,907
10	FALSE C01628	KP Site - General Expenditure	Kingston Park	New	(94,687)	100,000		-	94,687	100,000	89,327	1,869	91,196	8,804
11	TRUE C03068	Kingston Park Operational Expenditure	Kingston Park	New	-			-		-	-	-	-	-
12	TRUE C03069	KP Community Hub Construction	Kingston Park	New	-			-		-	-	-	-	-
13	TRUE C03175	KP Community Hub Plant & Equipment	Kingston Park	New	-			-		-	-	-	-	-
14	FALSE C03173	KP Public Open Space - Playground	Kingston Park	New	(44,173)			-	44,173	0	5,692	332,008	337,700	(337,700)
15	FALSE C03277	KP Public Open Space - Stage 2	Kingston Park	New	(267,442)	200,000		-	267,442	200,000	484,224	60,425	544,649	(344,649)
16	KP3	KP Playground Stage 2 Security Cameras	Kingston Park	New	-	70,000				70,000	-	-	-	70,000
17	KP1	KP Public Open Space - Stage 2 LRC12	Kingston Park	New	-			-		-	-	-	-	-
18	KP2	KP Public Open Space - Stage 3 LRC13	Kingston Park	New	-			-		-	-	-	-	-
19	TRUE C03504	KP Playground Security Cameras	Kingston Park	New	-			-		-	-	-	-	-
20	FALSE C03293	Pardalote Parade Northern Section (TIP)	Kingston Park	New	(64,196)			-	98,725	34,529	25,000	-	25,000	9,529
21	FALSE C03278	KP Perimeter shared footpath	Kingston Park	New	-			-		-	-	-	-	-
22	TRUE C03174	KP Public Open Space - Hub link to Playground	Kingston Park	New	-			-		-	-	-	-	-
23	FALSE C03279	KP Goshawk Way Stage 1B	Kingston Park	New	324,292	3,000,000			375,708	3,700,000	3,261,186	361,447	3,622,633	77,367
24	FALSE C03532	John St Roundabout Upgrade	Kingston Park	New	700,000				(700,000)	-	-	-	-	-
25	TRUE C03306	KP Sparrowhawk St Design and Construct	Kingston Park	New	-			-		-	-	30,003	30,003	(30,003)
26	FALSE C03280	KP Stormwater wetlands	Kingston Park	New	(79,204)	400,000		-	79,204	400,000	275,206	9,610	284,816	115,184
27											-	-	-	-
28					734,528	3,800,000	-	-	-	4,534,528	4,156,727	894,013	5,050,739	(516,212)
29														
30	BRUNY ISLAND TOURISM GRANT													
31														
32	BI	Bruny Island Tourism Grant	Bruny Tourism	New	-			-		-	-	-	-	-
33	TRUE C03282	Alannah footpath - BI Tourism Grant	Bruny Tourism	New	-			-		-	-	-	-	-
34	TRUE C03283	Dennes Point public toilets - BI Tourism Grant	Bruny Tourism	Upgrade	-			-		-	-	-	-	-
35	FALSE C03284	Adventure Bay Road road safety measures - BI Touri	Bruny Tourism	New	384,626			-	90,000	474,626	163,080	349,801	512,881	(38,255)
36	TRUE C03285	Waste disposal sites - BI Tourism Grant	Bruny Tourism	New	-			-		-	-	-	-	-
37	TRUE C03286	Visitor information - BI Tourism Grant	Bruny Tourism	New	-			-		-	-	-	-	-
38	TRUE C03287	Mavista Falls Track and picnic area - BI Tourism Gran	Bruny Tourism	New	-			-		-	-	-	-	-
39	TRUE C03288	Nebraska Road road safety measures - BI Tourism Gi	Bruny Tourism	New	-			-		-	-	-	-	-
40														
41					384,626	-	-	-	90,000	474,626	163,080	349,801	512,881	(38,255)
42														

**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 28/02/2023**

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
43		CITY DEAL FUNDING												
44														
45	G10034	City Deal Funding - \$5.9m to come (Funding \$7,900,000 to come \$5.9m - paid 2020/21 \$2.0m, 2021/22 \$2m, 2022/23 \$3.9)			(204,381)	(626,339)		-		(830,720)	-	-	-	(830,720)
46	Place	Place Strategy development	Expenditure in C03107 Channel Hwy 2019/20		-			-		-	-	-	-	-
47	FALSE C03530	Kingston Bus Interchange			800,000			-		800,000	11,050	-	11,050	788,950
48	CD2	Other initiatives to be determined			-			-		-	-	-	-	-
49	CD3	Whitewater Creek Track - construct			-			-		-	-	-	-	-
50	FALSE C03524	Channel Highway Vic 15-45 - Design		Upgrade	36,575	(1,575)		-		35,000	115,551	86,909	202,460	(167,460)
51	FALSE C03525	Channel Highway Vic 15-45 - Construct			600,000	350,000		-		950,000	15,484	12,033	27,517	922,487
52	FALSE C03526	Fantail Parade Walkway - design			50,000			-		50,000	-	-	-	50,000
53	CD7	Bus interchange - design			-			-		-	-	-	-	-
54	FALSE C03523	Property purchase - 40 Channel Hwy			(7,914)	7,914		-		-	1,500	-	1,500	(1,500)
55	G80001	Transform Kingston Program	in Operational expenditure		-	270,000		-	(270,000)	-	in Operational expenditure			
56	CD8	John St Roundabout Upgrade			-			-		-	in Kingston Park above C03532			
57	G80002	Kingborough Bicycle Plan	in Operational expenditure		-			-		-	in Operational expenditure			
58					-			-		-	-	-	-	-
59					1,274,280	-	-	-	(270,000)	1,004,280	143,586	98,942	242,528	761,752
60														
61		LOCAL ROADS & COMMUNITY INFRASTRUCTURE Phase 3												
62														
63					-			-	-	-	-	-	-	-
64					-			-	-	-	-	-	-	-
65					-			-	-	-	-	-	-	-
66					-	-	-	-	-	-	-	-	-	-
67														
68	FALSE C03265	Cat holding facility Bruny Island fit out	Property	Renewal	4,051	-		-	-	4,051	-	-	-	4,051
69	TRUE C03324	Civic Centre - Office Accommodation Design	Property	Upgrade	72,663	-		-	-	72,663	131	-	131	72,532
70	FALSE C03325	Kettering Community Hall Public Toilets Upgrade	Property	Upgrade	111,358	-		-	-	111,358	119,046	37,955	157,001	(45,643)
71	FALSE C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	455,716	-		-	-	455,716	5,400	16,250	21,650	434,066
72	FALSE C03340	Christopher Johnson Park Toilet Upgrade	Property	Upgrade	134,408	-		-	-	134,408	111,978	37,956	149,934	(15,520)
73	FALSE C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	171,487	-		-	-	171,487	-	170,000	170,000	1,487
74	TRUE C03454	Adventure Bay Hall Electrical Upgrade	Property	Upgrade	(995)	-		-	-	(995)	-	-	-	(995)
75	FALSE C03455	Alamo Close Play Space and Parkland Works	Property	New	220,000	-		-	-	220,000	3,992	8,698	12,690	207,310
76	FALSE C03456	Boronia Beach Track Refurbishment	Property	Renewal	63,196	-		-	-	63,196	63,871	-	63,871	(67)
77	FALSE C03459	Donohoe Gardens Playground Upgrade	Property	Upgrade	275,000	-		-	-	275,000	-	23,100	23,100	251,900
78	FALSE C03460	Dru Point Playground Upgrade	Property	Upgrade	495,000	-		-	-	495,000	71,400	107,100	178,500	316,500
79	FALSE C03461	Kelvedon Oval Fencing	Property	New	27,500	-		-	(7,000)	20,500	19,800	-	19,800	700
80	TRUE C03463	KSC Solar PhotoVoltaic and Battery System	Property	New	6,145	-		-	-	6,145	-	-	-	6,145
81	FALSE C03465	Longley Hall Upgrade	Property	Upgrade	20,000	-		-	-	20,000	5,108	-	5,108	14,892
82	FALSE C03466	Louise Hinsby Park Playground Upgrade	Property	Upgrade	64,188	-		-	-	64,188	84,858	8,713	93,571	(29,383)
83	FALSE C03468	Margate Hall Disability Toilet	Property	Upgrade	110,000	-		-	90,000	200,000	1,772	179,293	181,065	18,935
84	FALSE C03469	Margate Hall Access Ramp	Property	New	16,000	-		-	-	16,000	-	-	-	16,000
85	FALSE C03470	North West Bay River Multi-Use Trail - Stage 1	Property	New	173,469	-		-	-	173,469	40,548	-	40,548	132,921
86	TRUE C03472	Taroona Hall Upgrade	Property	Upgrade	71,268	-		-	-	71,268	167,407	-	167,407	(96,139)
87	FALSE C03475	Willowbend Park Playground Upgrade	Property	Upgrade	137,500	-		-	-	137,500	-	-	-	137,500
88	FALSE C03425	Whitewater Creek Track Rehabilitation - Stage 1	Property	Renewal	771,297	-		-	-	771,297	732,445	71,759	804,204	(32,907)
89	TRUE C03477	Margate Oval Fence Extension	Property	New	10,000	-		-	(10,000)	-	-	-	-	-

**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 28/02/2023**

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
90	FALSE	C03515	Kettering Hall - Floor Renewal	Property	Renewal	22,374	-	-	18,095	40,469	40,469	-	40,469	(1,000)
91	FALSE	C03531	Kingston Mountain Bike Park Shelter	Property	New	20,922	-	-	-	20,922	10,330	-	10,330	10,592
92	FALSE	C03473	Taroona Beach Foreshore Toilet	Property	Renewal	21,100	250,000	-	-	271,100	679	20,000	20,679	250,421
93	FALSE	C03545	Works Depot CCTV Replacement	Property	Renewal	-	25,000	-	-	25,000	-	23,875	23,875	1,125
94	FALSE	C03533	Mountain Bike Park Pump Track Upgrade	Property	Upgrade	261,302	325,000	-	-	586,302	310,821	27,409	338,230	248,072
95	FALSE	C03546	Civic Centre HVAC System Upgrade - Design Only	Property	Upgrade	-	30,000	-	-	30,000	-	-	-	30,000
96	FALSE	C03547	Gormley Park Changerooms Upgrade	Property	Upgrade	-	100,000	-	-	100,000	-	-	-	100,000
97	FALSE	C03548	KWS Re-Use Shop Asphalt sealing of gravel area.	Property	New	-	23,000	-	15,620	38,620	19,954	-	19,954	18,666
98	FALSE	C03529	Longley Reserve Public Toilet	Property	Renewal	5	125,000	-	-	125,005	48,017	69,113	117,130	7,875
99	FALSE	C03549	Cathederal Road to Nierinna Road Connector Track	Property	New	-	15,000	-	-	15,000	15,000	-	15,000	-
100	FALSE	C03550	Gormley Park Oval Upgrade	Property	Upgrade	-	330,000	-	125,000	455,000	12,108	446,480	458,588	(3,588)
101	FALSE	C03521	Leslie Vale Oval Upgrade	Property	Upgrade	35,007	25,000	18,000	-	78,007	10,363	-	10,363	67,644
102	FALSE	C03551	McKenzies Road - Leslie Vale Track Upgrade POS	Property	Upgrade	-	150,000	-	-	150,000	55,000	-	55,000	95,000
103	FALSE	C03552	Kingston Mountain Bike Park Carpark	Property	Renewal	-	65,000	-	-	65,000	11,160	-	11,160	53,840
104	FALSE	C03553	Dog Bag Dispenser Upgrade	Property	Upgrade	-	56,000	-	-	56,000	6,136	-	6,136	49,864
105	FALSE	C03314	Silverwater Park Upgrade	Property	Upgrade	(18,884)	300,000	-	-	281,117	1,567	-	1,567	279,551
106	FALSE	C03554	Twin Ovals to Spring Farm Connector Track	Property	New	-	143,000	-	-	143,000	10,387	-	10,387	132,613
107	FALSE	C03555	Spring Farm Track to Whitewater Creek	Property	New	-	269,000	-	-	269,000	23,484	-	23,484	245,516
108	FALSE	C03556	Dru Point Dog Exercise Soakage Trenches	Property	Renewal	-	15,000	-	-	15,000	-	-	-	15,000
109	FALSE	C03557	Greenhill Reserve Playground Fence	Property	New	-	38,000	-	-	38,000	12,512	-	12,512	25,488
110	FALSE	C03595	Playground at Spring Farm or Whitewater Park	Property	New	-	-	195,000	-	195,000	5,708	11,268	16,975	178,025
111	FALSE	C03596	Electric Vehicle Charging Station Civic Centre	Property	New	-	-	-	30,000	30,000	-	-	-	30,000
112	FALSE	C03597	Kingborough Hub additional fit out costs	Property	New	-	-	-	-	-	-	12,000	12,000	(12,000)
113		C03606	Gormley Oval Fence Upgrade	Property	Upgrade	-	-	-	20,000	20,000	-	17,420	17,420	2,580
114						-	-	-	-	-	-	-	-	-
115						-	-	-	-	-	-	-	-	-
116	TRUE	C90016	Community Halls Security Systems Upgrade	Property	Upgrade	-	50,000	-	(22,854)	27,146	-	-	-	27,146
117	FALSE	C03599	Kingston Beach Hall Security Upgrade	Property	Upgrade	-	-	-	9,640	9,640	-	9,640	9,640	-
118	FALSE	C03600	Blackmans Bay Hall Security Upgrade	Property	Upgrade	-	-	-	5,090	5,090	-	5,090	5,090	-
119	FALSE	C03601	Margate Hall Security Upgrade	Property	Upgrade	-	-	-	3,706	3,706	-	3,706	3,706	-
120	FALSE	C03602	Sandfly Hall Security Upgrade	Property	Upgrade	-	-	-	4,418	4,418	-	4,419	4,419	(1)
121						-	-	-	-	-	-	-	-	-
122						3,751,078	2,334,000	213,000	-	281,715	6,579,793	2,021,449	1,311,243	3,332,692
123														
124	FALSE	C03130	Multi-function devices - CC, Depot, KSC etc	IT	New	66,720	-	-	-	66,720	-	-	-	66,720
125	FALSE	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	4,453	-	4,453	(4,453)
126	FALSE	C00672	Digital Local Government Program	IT	New	60,406	-	-	-	60,406	-	-	-	60,406
127	FALSE	C01602	Financial Systems Replacement	IT	Renewal	163,962	-	-	-	163,962	540	20,716	21,256	142,706
128	FALSE	C03403	Replace two way system in vehicles	IT	Renewal	130,000	-	-	-	130,000	150,167	9,433	159,600	(29,600)
129	FALSE	C03405	Wireless networking	IT	Renewal	-	-	-	-	-	-	-	-	-
130						-	-	-	-	-	-	-	-	-
131						421,088	-	-	-	421,088	155,160	30,149	185,309	235,779
132														
133	TRUE	C90003	Design/survey for future works	Design		-	100,000	-	-	100,000	-	-	-	100,000
134	FALSE	C03535	Channel Hwy (vic3345-3451) Woodbridge Foot	Design	New	5,000	-	100,000	-	105,000	120,867	-	120,867	(15,867)
135	FALSE	C03537	Recreation Street Carpark Rehabilitation	Design	Renewal	4,862	-	-	-	4,862	-	-	-	4,862
136	FALSE	C03538	Kingston Beach Kindergarten Carpark Rehabil	Design	Renewal	4,862	-	-	-	4,862	-	-	-	4,862
137	FALSE	C03539	Channel Hwy (vic3004-3018) Kettering Footpat	Design	New	2,201	-	-	-	2,201	8,790	-	8,790	(6,589)
138	FALSE	C03542	Allens Rivulet Road (vic305) Bridge Replacemer	Design	Renewal	1,000	-	-	65,000	66,000	64,040	-	64,040	1,960

**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 28/02/2023**

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
139	FALSE	C03342	Pelverata Road (vic 609) Reconstruction - Desig	Design	Upgrade	302	-	-	-	302	7,194	-	7,194	(6,892)
140			Design								-	-	-	-
141					18,226	100,000	100,000	-	65,000	283,226	200,891	-	200,891	82,335
142														
143					-	-	-	-	-	-	-	-	-	-
144											-	-	-	-
145					-	-	-	-	-	-	-	-	-	-
146														
147	FALSE	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	304,477	-	-	-	304,477	79,244	6,500	85,744	218,733
148	TRUE	C03096	Adventure Bay Road (vic 334) Realignment	Roads	Upgrade	4,000	-	-	-	4,000	-	-	-	4,000
149	TRUE	C01183	Beach Road (vic 2-14)Footpath	Roads	Renewal	10,000	-	-	-	10,000	-	-	-	10,000
150	FALSE	C03311	Browns Road (vic 1 -51) Rehabilitation - Stage 1 Des	Roads	New	645,000	-	-	-	645,000	591,186	6,660	597,847	47,153
151	TRUE	C03312	Groombridges Road (vic Oxleys Rd--99) Sealing	Roads	Renewal	25,000	-	-	-	25,000	18,267	-	18,267	6,733
152	FALSE	C03441	Kingston Beach Breakwater Rehabilitation	Roads	Renewal	114,200	-	175,000	-	289,200	2,105	305,322	307,427	(18,227)
153	FALSE	C03489	Adventure Bay Road Upgrade vicinity No. 290	Roads	Upgrade	655,959	-	-	-	655,959	593,014	43,396	636,410	19,549
154	TRUE	C03490	Allens Rivulet Road Sealing of Approaches to Platypu	Roads	Upgrade	15,887	-	-	-	15,887	263	-	263	15,624
155	FALSE	C03491	Burwood Drive Gravel Footpath	Roads	Upgrade	15,000	-	-	-	15,000	21,284	-	21,284	(6,284)
156	FALSE	C03492	Cades Drive Rehabilitation	Roads	Upgrade	156,264	-	-	-	156,264	87,783	-	87,783	68,481
157	TRUE	C03493	Endeavour Place Junction Sealing	Roads	Upgrade	50,000	-	-	-	50,000	15,024	-	15,024	34,976
158	TRUE	C03495	Lockleys Road Junction Resealing	Roads	Renewal	36,000	-	-	-	36,000	166	-	166	35,834
159	FALSE	C03199	Snug Tiers Road Reconstruction vic 42-120	Roads	Renewal	1,048,192	-	-	-	1,048,192	229,529	942,067	1,171,596	(123,404)
160	FALSE	C03498	Wells Parade Reconstruction between Carinya Stree	Roads	Renewal	490,314	-	-	33,000	523,314	523,787	-	523,787	(473)
161	FALSE	C03499	Wyburton Place and Clare Street Reconstruction	Roads	Renewal	30,549	-	-	-	30,549	247	-	247	30,302
162	FALSE	C03431	Gemalla Road Reconstruction	Roads	Renewal	503,713	-	-	-	503,713	492,270	455	492,725	10,988
163	FALSE	C03508	Pelverata Road Slope Failure Repair	Roads	New	30,000	-	-	-	30,000	8,837	-	8,837	21,163
164	FALSE	C03494	Harvey Street Sealing	Roads	New	252,970	325,000	-	104,000	681,970	7,807	701,632	709,439	(27,469)
165	FALSE	C03566	Jamieson Road (vic23) Passing Lane	Roads	New	-	40,000	-	-	40,000	-	-	-	40,000
166	FALSE	C03567	Olivia Court to Whitewater Track Link	Roads	New	-	130,000	-	-	130,000	3,446	106,817	110,263	19,737
167	FALSE	C03528	Wells Parade (vic37-59) Footpath	Roads	New	9,897	250,000	-	-	259,897	23,031	78	23,109	236,789
168	FALSE	C03568	Roslyn Avenue to Carinya Street Footpath	Roads	New	-	44,000	-	-	44,000	35,263	-	35,263	8,737
169	FALSE	C03517	Nierinna Rd Walking Track Bridge 28604 Replacemer	Roads	Renewal	-	60,000	-	-	60,000	-	-	-	60,000
170	FALSE	C03518	Nierinna Rd Walking Track Bridge 28605 Replacemer	Roads	Renewal	-	60,000	-	-	60,000	-	-	-	60,000
171	FALSE	C03519	Summerleas Rd Bridge 28599 Safety Barrier Upgrade	Roads	Upgrade	-	40,000	-	-	40,000	-	-	-	40,000
172	FALSE	C03569	Whitewater Ck pedestrian Underpass Summerleas R	Roads	Upgrade	-	837,000	-	-	837,000	11,783	59,220	71,003	765,997
173	FALSE	C03570	Nierinna Rd Tracks Bridges 28592 28593 Upgrade	Roads	Upgrade	-	16,000	-	-	16,000	-	-	-	16,000
174	FALSE	C03571	Auburn Road Reconstruction - Design	Roads	Renewal	-	40,000	-	-	40,000	15,943	-	15,943	24,057
175	FALSE	C03527	Blowhole Road (vic5-59) Reconstruction	Roads	Renewal	817	1,190,000	-	(1,080,000)	110,817	32,974	-	32,974	77,843
176	FALSE	C03541	Browns River Pedestrian Bridge Replacement - Desig	Roads	Renewal	4,488	30,000	-	-	34,488	-	-	-	34,488
177	FALSE	C03572	Browns Road Stg2 (vic1-19) Reconstruction	Roads	Renewal	-	660,000	-	-	660,000	51,439	-	51,439	608,561
178	FALSE	C03573	Roslyn Avenue Bike Lane and Footpath - Design	Property	Renewal	-	30,000	-	-	30,000	1,812	-	1,812	28,188
179	FALSE	C03574	Taroona Bike Lanes Upgrade - Design	Roads	Renewal	-	30,000	-	-	30,000	633	5,300	5,933	24,067
180	FALSE	C03575	Gemalla Road (vic37-Wharf) Reconstruction	Roads	Renewal	-	1,027,000	-	203,000	1,230,000	48,991	1,263,885	1,312,876	(82,876)
181	FALSE	C03576	Kingston Beach Precinct LATM Study	Roads	New	-	30,000	-	-	30,000	158	-	158	29,842
182	FALSE	C03577	Kingston Beach Precinct LATM - Stage 1	Roads	New	-	150,000	-	-	150,000	-	-	-	150,000
183	FALSE	C03578	Gormley Drive Sealing	Roads	Renewal	-	130,000	-	(130,000)	-	-	-	-	-
184	FALSE	C03579	Lawless Road Extension & Carpark Facilities	Roads	New	-	320,000	-	-	320,000	332	-	332	319,668
185		C03607	Culbara Road Culvert Installation (vic 21)	Roads	Renewal	-	-	-	15,000	15,000	294	-	294	14,706
186	TRUE	C03017	Landslip Remediation Parent Account	Roads	Renewal	-	-	-	100,000	100,000	-	-	-	100,000
187	FALSE	C03605	Barretta Waste Transfer Access Road	Roads	Renewal	-	-	-	31,155	31,155	3,819	-	3,819	27,336



**KINGBOROUGH COUNCIL**  
**CAPITAL EXPENDITURE TO 28/02/2023**

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
188			Roads		-	-		-	-	-	-	-	-	-
189	TRUE C90006	Access ramps	Roads	New	-	20,000			(12,000)	8,000	-	-	-	8,000
190	FALSE C03598	Access Ramp Kingston Heights	Roads	New	-	-		-	12,000	12,000	15,215	-	15,215	(3,215)
191											-	-	-	
192	TRUE C90002	2022/23 Resheeting Program	Roads	Renewal	-	-			-	-	-	-	-	-
193	C03564	Lighthouse Road (vic1-1000) Resheet	Roads	Renewal	-	624,000		-	48,000	672,000	653,062	-	653,062	18,938
194	C03565	Van Morey Road (vic233-311) Resheet	Roads	Renewal	-	76,000		-	-	76,000	-	-	-	76,000
195	FALSE C03604	Van Morey Road (Petterd Rd to end) Resheet	Roads	Renewal	-	-		-	250,000	250,000	-	-	-	250,000
196			Roads	Renewal	-	-		-	-	-	-	-	-	-
197											-	-	-	-
198	RS	2022/23 Resealing Program	Roads	Renewal	-	-			-	-	-	-	-	-
199	TRUE C03479	Willowbend Rd - Summerleas Rd to Olivia Crt - reseal	Roads	Renewal	4,638	-		-	-	4,638	-	-	-	4,638
200	TRUE C03540	Huntingfield Ave (vic1179 Channel Hwy) Reseal	Roads	Renewal	40,000	-		-	-	40,000	45,104	-	45,104	(5,104)
201	C03558	Kingston Heights (Nicholas Drive to end of road) Reseal	Roads	Renewal	-	66,000		-	66,742	132,742	160,714	-	160,714	(27,972)
202	C03559	Hawthorn Drive (Redwood Rd-Willow Ave) Reseal	Roads	Renewal	-	57,000		-	38,200	95,200	96,810	-	96,810	(1,610)
203	C03560	Nicholas Dr (Kingston Heights-Jerrim Pl) Reseal	Roads	Renewal	-	90,000		-	32,642	122,642	130,750	-	130,750	(8,108)
204	C03561	Roslyn Ave (Tarana Road-Tinderbox Road) Reseal	Roads	Renewal	-	58,000		-	-	58,000	24,477	-	24,477	33,523
205	C03562	Yallaroo Dr (Crystal Downs Dr to Ch 274) Reseal	Roads	Renewal	-	61,000		-	-	61,000	56,460	-	56,460	4,540
206	C03563	Summerleas Rd (Ch 804 to Summerleas Road) Reseal	Roads	Renewal	-	72,000		-	-	72,000	22,615	-	22,615	49,385
207	TRUE C90001	Prep works 2023/24	Roads	Renewal	-	250,000		-	(116,842)	133,158	-	-	-	133,158
208	TRUE C90015	Various heavy patching and junction sealing - n	Roads	Renewal	-	-		-	-	-	-	-	-	-
209											-	-	-	-
210					4,447,366	6,813,000	175,000	-	(405,103)	11,030,263	4,105,939	3,441,332	7,547,271	3,482,992
211														
212		Other		Renewal	-	-		-	-	-	-	-	-	-
213					-	-		-	-	-	-	-	-	-
214					-	-	-	-	-	-	-	-	-	-
215														
216	TRUE C03241	Burwood Drive stormwater upgrade	Stormwater	50% N / 50% R	38,182	-		-	-	38,182	36,330	-	36,330	1,852
217	FALSE C03242	Leslie Road Stormwater Upgrade	Stormwater	New	77,048	-		-	-	77,048	84	-	84	76,964
218	FALSE C03251	Hillside Drive Stormwater Upgrade	Stormwater	50% N / 50% R	31,298	-		-	-	31,298	12,999	-	12,999	18,299
219	TRUE C03362	Flowerpot Outlet Improvements	Stormwater	Upgrade	4,000	-		-	-	4,000	2,849	-	2,849	1,151
220	TRUE C03443	Bundalla Catchment Investigation	Stormwater	New	21,315	-		-	-	21,315	504	-	504	20,811
221	TRUE C03450	Denison Street Wetlands Upgrade	Stormwater	Upgrade	28,097	-	197,086	-	-	225,183	215,016	-	215,016	10,167
222	FALSE C03449	Kingston Depot Wash Down Bay	Stormwater	New	24,760	-		-	-	24,760	3,184	-	3,184	21,576
223	FALSE C03447	Woodlands-View-Hazell Catchment Invest incl Surve	Stormwater	New	62,760	-		-	-	62,760	4,948	-	4,948	57,812
224	FALSE C03500	Allens Rivulet Road Footway Improvements	Stormwater	Upgrade	(703)	-		-	-	(703)	-	-	-	(703)
225					-	-		-	-	-	-	-	-	-
226	FALSE C03580	Pit replacement & upgrades 22/23	Stormwater	50% R / 50% U	-	50,000		-	-	50,000	37,415	-	37,415	12,585
227	FALSE C03543	Oakleigh Avenue, Tarooma SW Upgrade	Stormwater	Upgrade	1,174	355,000		-	-	356,174	24,091	-	24,091	332,083
228	FALSE C03581	Snug River Rain Gauge	Stormwater	New	-	22,000		-	-	22,000	-	-	-	22,000
229	FALSE C03445	Van Morey Rd / Frosts Rd Intersection SW Upgrade	Stormwater	Upgrade	-	15,000		-	-	15,000	-	-	-	15,000
230	FALSE C03582	Victoria Avenue Dennes Point Erosion Investigation	Stormwater	New	-	35,000		-	-	35,000	-	-	-	35,000
231	FALSE C03121	Wetlands Beach Road Kingston Litter Trap	Stormwater	New	-	98,000		-	-	98,000	882	-	882	97,118
232	FALSE C03583	Roslyn Ave / James Ave Stormwater Investigation	Stormwater	New	-	60,000		-	-	60,000	-	-	-	60,000
233	FALSE C03252	Willowbend Catchment Investigation	Stormwater	New	1,500	31,000		-	-	32,500	250	-	250	32,250
234	FALSE C03444	Roslyn, Pearsall & Wells Catchment Investigation	Stormwater	New	40	37,000		-	-	37,040	1,422	-	1,422	35,618
235	FALSE C03584	CBD/Wetlands High Flow Bypass	Stormwater	New	-	170,000		-	-	170,000	587	-	587	169,413
236	FALSE C03544	Illawong to Hinsby Stormwater Upgrade	Stormwater	Upgrade	1,500	518,000		-	-	519,500	15,666	-	15,666	503,834

**KINGBOROUGH COUNCIL  
CAPITAL EXPENDITURE TO 28/02/2023**

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
237	FALSE	C03585	Atunga Street Stormwater Upgrade - relining	Stormwater	Upgrade	-	120,000	-	-	120,000	-	-	-	120,000
238	FALSE	C03586	Argyle Drive (vic343-356) SW Rehabilitation	Stormwater	Renewal	-	21,000	-	-	21,000	-	-	-	21,000
239	FALSE	C03587	Bruny Island Works Depot SW Upgrade	Stormwater	Upgrade	-	49,000	-	-	49,000	-	-	-	49,000
240	FALSE	C03588	Garnett Street (vic1-41) SW Upgrade	Stormwater	Upgrade	-	538,000	-	-	538,000	131,219	427,821	559,040	(21,041)
241	FALSE	C03589	Snug Tiers (vic195) Stormwater Upgrade	Stormwater	Upgrade	-	43,000	-	-	43,000	694	538	1,233	41,767
242	FALSE	C03590	Roslyn ave (vic42) Stormwater Upgrade	Stormwater	Upgrade	-	173,000	-	-	173,000	8,553	-	8,553	164,447
243	FALSE	C03591	Davies Road (vic8-20) SW Investigation	Stormwater	New	-	28,000	-	-	28,000	5,990	-	5,990	22,010
244	FALSE	C03592	Old Bernies Road (vic 102) SW Upgrade	Stormwater	Upgrade	-	27,000	-	-	27,000	-	-	-	27,000
245	FALSE	C03593	Stanfields Road (vic25) Sw Upgrade	Stormwater	Upgrade	-	118,000	-	-	118,000	175	-	175	117,825
246	FALSE	C03594	Talbots Road (vic19) SW Upgrade	Stormwater	Upgrade	-	74,000	-	-	74,000	66,096	285	66,380	7,620
247	FALSE	C03424	Meath Avenue (vic1-27) Stormwater Upgrade	Stormwater	Upgrade	740,457	260,000	-	220,000	1,220,457	1,254,578	-	1,254,578	(34,121)
247	FALSE	C03603	Lightwood Park Stormwater upsizing	Stormwater	Upgrade	-	-	-	-	-	2,890	-	2,890	(2,890)
248			Stormwater		-	-	-	-	-	-	-	-	-	-
249														
250					1,031,426	2,842,000	197,086	-	220,000	4,290,512	1,826,420	428,645	2,255,064	2,035,448
251	B00000	Capital Balancing Account	Other						(251,612)	(251,612)	-	-	-	(251,612)
252	OC	On costs on capital project						-		-				-
<b>TOTAL CAPITAL EXPENDITURE</b>					<b>12,062,619</b>	<b>15,889,000</b>	<b>685,086</b>	<b>-</b>	<b>-</b>	<b>28,366,705</b>	<b>12,773,251</b>	<b>6,554,124</b>	<b>19,327,375</b>	<b>9,039,330</b>

Transferred to Operational expenditure (992,086)

	Budget	Actual incl Commitments
Renewal	8,575,807	6,686,583
Upgrade	9,380,091	4,999,674
New	4,397,374	1,834,970
	22,353,272	13,521,227
Kingston Park New	4,534,530	5,050,739
Bruny Island Tourism grant New	474,626	512,881
City Deal funding	1,004,280	242,528
Local Roads and Community Infrastructure	-	-
	<b>28,366,709</b>	<b>19,327,375</b>

NOTE: Classification is an estimate at the start of a project and may change on completion of job.

**KINGSTON PARK  
CAPITAL EXPENDITURE TO 28/02/2023**

	Budget & Carried Forward Expenditure		Actual	Commit- ments	Total	Variance
Overall Project budget (yet to be allocated)	0					0
C00688 KP Goshawk Way Construction	0		0	0	0	0
C00689 KP Pardalote Parade Design & Construction	0		0	0	0	0
C00690 KP Community Hub Design	0		0	0	0	0
C00691 KP Open Space Design (Playstreet)	0		0	0	0	0
C01606 KP Parking Strategy	0		0	0	0	0
C03179 KP Temporary Car Park	0		0	0	0	0
C01618 KP Goshawk Way Construction Stage 1A	0		0	98,650	98,650	(98,650)
C01627 KP Site - Land Release Strategy	30,001		16,092	0	16,092	13,909
C01628 KP Site - General Expenditure	100,000		89,327	1,869	91,196	8,804
C03069 KP Community Hub Construction	0		0	0	0	0
C03175 KP Community Hub Plant & Equipment	0		0	0	0	0
C03173 KP Public Open Space - Playground	0		5,692	332,008	337,700	(337,700)
C03277 KP Public Open Space - Stage 2	200,000		484,224	60,425	544,649	(344,649)
KP Playground Stage 2 Security Cameras	70,000		0	0	0	70,000
C03504 KP Playground Security Cameras	0		0	0	0	0
C03293 Pardalote Parade Northern Section (TIP)	34,529		25,000	0	25,000	9,529
C03278 KP Perimeter shared footpath	0		0	0	0	0
C03174 KP Public Open Space - Hub link to Playground	0		0	0	0	0
C03279 KP Goshawk Way Construction Stage 1B	3,700,000		3,261,186	361,447	3,622,633	77,366
C03532 John St Roundabout Upgrade	0		0	0	0	0
C03306 KP Sparrowhawk St Design and Construct	0		0	30,003	30,003	(30,003)
C03280 KP Stormwater wetlands	400,000		275,206	9,610	284,816	115,184
<b>Total</b>	<b>4,534,528</b>		<b>4,156,727</b>	<b>894,013</b>	<b>5,050,739</b>	<b>(516,211)</b>

**KINGBOROUGH COUNCIL  
REPORT ON CITY DEAL EXPENDITURE  
CAPITAL EXPENDITURE TO 28/02/2023**

		Budget & Carried Forward Expenditure	Actual	Commit- ments	Total	Variance
<b>GRANTS RECEIVED</b>						
G10034	City Deal Funding - \$3.9m to come in 2022/23	(830,720)				(830,720)
<b>EXPENDITURE</b>						
Place	Contribution to Place Score Report on Place Strategy development	0				
C03530	Kingston Bus Interchange	800,000	11,050	0	11,050	788,950
CD2	Other initiatives to be determined	0	0	0	0	0
CD3	Whitewater Creek Track - construct	0	0	0	0	0
C03524	Channel Highway Vic 15-45 - Design	35,000	115,551	86,909	202,460	(167,460)
C03525	Channel Highway Vic 15-45 - Construct	950,000	15,484	12,033	27,517	922,483
C03526	Fantail Parade Walkway - design	50,000	0	0	0	50,000
CD7	Bus interchange - design	0	0	0	0	0
C03523	Property purchase - 40 Channel Hwy	0	1,500	0	1,500	(1,500)
G80001	Transform Kingston Program	0	137,254	0	137,254	(137,254)
C03432	John St Roundabout Upgrade	0	0	0	0	0
G80002	Kingborough Bicycle Plan	0	0	0	0	0
		1,004,280	280,840	98,942	379,782	624,499

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## 17 NOTICES OF MOTION

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### 17.1 ROADKILL MITIGATION STRATEGY

The following Notice of Motion was submitted by **Cr Cordover**:

#### **RECOMMENDATION**

That Kingborough Council will prepare a Roadkill Mitigation Strategy.

#### **Background**

According to insurer AAMI's analysis of 21,000 accident insurance claims between 1 February 2019 and 31 January 2020, Kingston has the highest rate of wildlife-vehicle collisions in the state of Tasmania.

Hundreds of thousands of animals are killed each year on Tasmanian roads. According to the Tasmanian Conservation Trust's (TCT) June 2017 survey, Roadkill: A Survey Of State Road Authorities and Local Governments, this equates to an average roadkill density of 1 animal every 3km, and one average roadkill accident per driver per year.

The cost of roadkill in property damage and human injuries is exorbitant, variously estimated at between \$17.6 to \$21 million annually. Insurer NRMA released their Wildlife Road Safety report in November 2022 in which they pointed out;

*"NRMA data analysis suggests the aggregate societal costs of road trauma are approximately \$7 billion per year. The emotional costs arising from road trauma to individuals, families and communities remain unquantifiable. While the instances of collision with wildlife may be low, the consequences of these events for both human and animal welfare is not insignificant."*

As the municipality with some of the state's highest rates of wildlife-vehicle collision, Kingborough Council should be a leader in roadkill mitigation planning.

Whilst this is a complex problem with no single easy-fix solution, investment in and commitment to a more collaborative and systematic strategic approach across departments, road management agencies and tiers of government may be helpful in driving down rates of roadkill.

Recommendations from advocates intent on dealing with the pervasive problem of roadkill in Tasmania have variously included more widespread defensive driver treatment of injured animals.

Recommendations from the 2017 TCT survey included signage that provides phone numbers for roadkill removal or wildlife care and better monitoring and publication of roadkill statistics. Longer-term funding of wildlife carer networks and improving access to care facilities have also been suggested to improve animal welfare outcomes.

Technological interventions such as virtual fencing or the Tasmanian Roadkill Reporter app have been tested and road infrastructure solutions have also been deployed across Australia such as road underpasses and rope overpasses with various results.

A Roadkill Mitigation Strategy for Kingborough is an opportunity to think deeply about the ongoing risk to wildlife and human health caused by animal-vehicle collisions. It may identify or recommend opportunities to work more closely with road managers and different authorities to pool knowledge and resources. It can provide a mechanism for reporting back to Council periodically to monitor improvements in outcomes or advocate for additional funding and resources or culminate in greater support for wildlife carer networks. It could also act as a useful communication tool to facilitate community education and action.

Without a Roadkill Mitigation Strategy, there is a risk that Kingborough remains towards the top of the list for wildlife-vehicle collisions with its concomitant impact on animal welfare, property damage and human injury.

### **Officer's Response**

Council has been working on strategies to reduce the death of wildlife on the Council road network for well over a decade. There is no doubt that hitting wildlife while driving is dangerous, expensive and takes a toll on wildlife that are killed, orphaned or injured.

There has been a significant amount of research in Tasmania and on the mainland looking at ways to reduce roadkill. The application of this research has resulted in many of the strategies that we are familiar with today. These include changing driver behaviour by slowing down at certain times and in known hotspots, road design to deter animals from wanting to cross, various devices to warn animals from entering the road etc.

Preventing roadkill is unfortunately unrealistic, reducing it is possible, but it requires drivers to be motivated to change their driving behaviour, particularly in roadkill hotspots. The high incidence of wildlife collisions within Kingborough, while unfortunate, is likely to be related to an abundance of wildlife, the increased traffic volume on rural roads as the popularity of the municipality for housing has skyrocketed, and the ideal roadside conditions (vegetation, moisture, dead animals).

Whilst it has proven difficult (not impossible) to change human driving behaviour to reduce roadkill, changing animal behaviour to deter them from entering roads when cars are present is more likely to be effective. One of these strategies Council employs is the removal of carcasses from roadsides to reduce scavengers such as devils being hit.

Roadkill is an issue that is not unique to Kingborough and could be efficiently tackled at a regional or state level rather than by each individual Council. The development of a Roadkill Mitigation Strategy at a local level will divert resources from other important biodiversity programs. Officers currently work with the State Government to understand hotspots in Kingborough and understand the most effective strategies to reduce roadkill. Staff undertake roadkill reduction activities when implementing threatened species recovery for species such as devils and quolls which are already undergoing rapid population decline. This response is prioritised and targeted where we understand it will most likely be effective.

Roadkill as a threatening process for wildlife will be addressed as part of the Natural Areas and Biodiversity Strategy being developed for Council. It is more efficient to deal with the issue as one of the many threats facing wildlife to allow for a prioritised and coordinated approach. The NAB program is prioritised to ensure we are working strategically on the threatening processes that are impacting species and ecological systems. The development of a Roadkill Mitigation Strategy would divert resources from this program. This is not to say that roadkill reduction is not important, or that work is not ongoing in this space. Continuing to facilitate a regional approach with partner Councils, researchers and the State will be more efficient and effective in reducing the number of wildlife killed on roads in Kingborough. Feedback to Councillors and the community about the implementation of strategies to reduce roadkill will be reported in Departmental Activity Reports and social media posts.

*Liz Quinn, Manager Environmental Services*



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**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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**RECOMMENDATION**

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

**Confirmation of Minutes**

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

**Applications for Leave of Absence**

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

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

Open Session of Council adjourned at

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**OPEN SESSION ADJOURNS**

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## OPEN SESSION RESUMES

### RECOMMENDATION

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

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

### CLOSURE

Public Copy

# APPENDIX

- A General Manager's Activities 6 February 2023 to 3 March 2023
- B Current and Ongoing Minute Resolutions (Open Session)
- C Kingborough Bicycle Advisory Committee Minutes - 17 February 2023
- D Kingborough Community Safety Committee Minutes - 20 February 2023

Public Copy

**A GENERAL MANAGER'S ACTIVITIES 6 FEBRUARY 2023 TO 3 MARCH 2023**

<b>Date</b>	<b>Description</b>
6 February	Attended Local Government Board meeting re: Reform Options Paper
	Attended Council meeting
9 February	Attended Copping Joint Authority Meeting
10 February	Attended Audit Panel Meeting
14 February	Attended Councillor workshop
16 February	Attended TasWater Quarterly Briefing
	Attended the Hobart City Deal Transport & Housing Project Steering Committee meeting
20 February	Attended Councillor workshop
22 February	Attended the Derwent Estuary Program Board meeting
	Attended the Kingston Revitalisation Steering Committee meeting
23 February	Attended the Hobart City Deal Implementation Board meeting
	Attended the Huon Valley Jobs Hub Authority Board meeting
27 February	Attended Councillor workshop
28 February	Attended the Greater Hobart Advisory Group meeting
1 March	In company with the Mayor and Deputy Mayor, met with Senator Claire Chandler
	In company with the Mayor, attended the Greater Hobart Mayors Forum
	Attended meeting with representatives of Traders In Purple
2 March	Attended the Kingston Park PCG Meeting
3 March	Attended Budget workshop

**B CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)**

<b>CURRENT</b>	
<b>Resolution Title</b>	<b>Kingborough Sport and Recreation Strategy</b>
<b>Meeting Date</b>	6 February 2023
<b>Minute No.</b>	C26/2-2023
<b>Status</b>	Complete
<b>Responsible Officer</b>	Director Governance, Recreation & Property Services
<b>Officers Comments</b>	EOL's advertised
<b>Anticipated Date of Completion</b>	Complete
<b>Resolution Title</b>	<b>Land Donation – Hobart Women's Shelter</b>
<b>Meeting Date</b>	6 February 2023
<b>Minute No.</b>	C28/2-2023
<b>Status</b>	In progress
<b>Responsible Officer</b>	Director Governance, Recreation & Property Services
<b>Officers Comments</b>	Awaiting land valuation
<b>Anticipated Date of Completion</b>	April 2023
<b>Resolution Title</b>	<b>Housing Statement</b>
<b>Meeting Date</b>	6 February 2023
<b>Minute No.</b>	C33/2-2023
<b>Status</b>	In progress
<b>Responsible Officer</b>	Director Environment, Development & Community Services
<b>Officers Comments</b>	The housing Statement is currently being drafted.
<b>Anticipated Date of Completion</b>	June 2023
<b>STILL BEING ACTIONED</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>	Chief Financial Officer
<b>Officers Comments</b>	Policy to be prepared
<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 to commence development of the Strategy.
<b>Anticipated Date of Completion</b>	July 2024
<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>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>	Commenced
<b>Responsible Officer</b>	Senior Project Manager
<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>	Main street work underway
<b>Anticipated Date of Completion</b>	November 2023
<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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**C KINGBOROUGH BICYCLE ADVISORY COMMITTEE MINUTES - 17 FEBRUARY 2023**

**File Number:** 28.114

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

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

# **Minutes**

## **Kingborough Bicycle Advisory Committee**

**Meeting No. 2023-1**

**Friday 17 February 2023**



MINUTES of a Meeting of the Kingborough Bicycle Advisory Committee held at the Kingborough Civic Centre, Kingston, on Friday 17 February 2023 at 9:00am.

#### **PRESENT**

		<b>PRESENT</b>	<b>APOLOGY</b>
Chairperson	Cr Amanda Midgley	✓	
Deputy Chairperson	Cr Clare Glade-Wright	✓	
<b>Members:</b>	Mark Donnellon	✓	
	Joyce du Mortier	✓	
	Emlyn Jones		✓
	Kelvin Lewis	✓	
	David McQuillen	✓	
	Rob Sheers	✓	
	Peter Tuft	✓	
	Angela Wilson	✓	
Cycling South	Mary McParland	✓	
Bicycle Network	Alison Hetherington	✓	
<b>Council Officers In Attendance:</b>			
Executive Officer	Anthony Verdouw	✓	
Recreation Officer	Su Sprott		✓
<b>Other Attendees:</b>			
Urban Mobility Planner – State Growth	Dustin Moore	✓	

#### **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: David McQuillen

SECONDED: Peter Tuft

That the Minutes of the Committee meeting held on Friday 16 December 2022, as circulated be confirmed.

## GENERAL BUSINESS

### 1. Welcome and Introductions

Welcome and introductions for Committee members for the 2023-24 term.

### 2. State Growth – Urban Mobility Planner

Dustin Moore from State Growth introduced himself and explained his role as an Urban Mobility Planner.

Among other things his role will focus on strategic transport planning, championing more funding for active transport, working with local Councils to provide network connections, and updating the Tasmanian Walking and Cycling Strategy.

The Tasmanian Government has made a commitment of \$2 million to assist the delivery of the Greater Hobart Cycling Plan, in recognition of the importance of active transport infrastructure.

[https://www.stategrowth.tas.gov.au/Transport\\_and\\_Infrastructure/infrastructure\\_tasmania/active\\_transport](https://www.stategrowth.tas.gov.au/Transport_and_Infrastructure/infrastructure_tasmania/active_transport)

Committee noted the priority for provision of adequate and consistent sealed shoulders on the Channel Hwy between Kingston and Margate – Action 15.

### 3. Infrastructure Priorities – Capital Bids 2023-24

The below project bids have been submitted for consideration in the 2023-24 Council capital budget.

- Taroona bike lane improvements – Construction/implementation
- Spring Farm to Twin Ovals Shared Path – Stage 2
- Summerleas to Firthside Connector Paths
- Channel Hwy – Bunnings missing link footpath.

*Council staff to follow up with Dusty Moore regarding potential future concept plan for Channel Hwy between Huntingfield and Kingston.*

### 4. Cycling Strategy – Strategic and Advocacy Actions Review

Review and discussion of Strategic and Advocacy Actions – Appendix 1

#### **Action 3 – Track counters:**

- Permanent counter installed on Whitewater Track. The others will be moved around to various tracks regularly.
- *Staff to share ongoing Whitewater Counts with the Committee and DSG.*

**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 along Whitewater Creek Track and Kingston Park following recent upgrades.

**Action 11 – Positive Provisioning Policy**

- Will await Positive Provisioning Policy updates from State Growth.

5. 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)**

- Noted by the Committee as a high priority safety issue for commuter and recreational cyclists.
- *Dusty Moore to follow up re. State Growth sealed shoulder provisions.*

**Action 16 – Mountain bike park improvements**

- New pump track close to completion. Capital bid for toilet facilities at the park raised for 2023-24.

**Action 17 – Channel Trail – Kingston to Margate.**

- Engagement on the Margate to Huntingfield Feasibility Study complete. Awaiting final report from State Growth.

**Action 21 – Channel Hwy Taroona design**

- Letters have been sent to residents regarding moves to formalise the bike lane and prohibit parking.
- Site surveys and design work scheduled.
- Design will be brought to Committee for review once completed.
- Capital bid for implementation works raised for 23-24 FY.

**Action 22 – Spring Farm to Sports Precinct**

- Designs for this project are being finalised to lodge a Development Application before going to tender.
- Capital bid raised for stage 2 of the path for 2023-24.

**Action 24 – Roslyn Ave design**

- Concept plans for uphill bike lanes and cost estimate presented to the Committee. Project has site constraints and a high-cost estimate.

- Committee have requested that the project remains on the 5-year plan as it is a high-priority high-use cycling link.
- *Anthony to arrange a future meeting to discuss project with Dusty, Rob, David M. and Council designer.*

**Action 26 – Channel Trail – Snug to Lower Snug**

- *Su to make enquiries with Property Officer regarding land ownership between Electrona and Snug and pathway access to the new Snug bridge.*
- Negotiations underway re. land ownership issues for the proposed trail between Snug and Lower Snug.

**Action 27 – Tarroona Safe Route to School**

- Mary noted that some simple fixes in the area could improve access for students.

6. Cycling South Report

Mary to provide an update on Cycling South activities:

- Recently involved with the development of the Greater Hobart Cycling Plan to deliver a Greater Hobart cycling network.
- Annual cycle counts taking place on Tuesday 7 March from 7am–9am with 2 Kingborough sites.  
<https://bicyclenetwork.com.au/our-services/transport-surveys-and-data/super-counts/>

**CORRESPONDENCE**

**OTHER BUSINESS**

7. Bike Week 2023

Alison provided an update on Bike Week 2023 which will be held from 5-12 March 2023.  
<https://bicyclenetwork.com.au/rides-and-events/tasmanianbikeweek/>

8. Additional Items:

- Rob Sheers raised issue of a number of dangerous roadside grates located in Kingston Beach area. The grates have now been upgraded/replaced to bike-safe by Works Depot crews.  
It was noted that the community can flag safety hazards by lodging a Council Service Request or using SnapSendSolve app.
- An update was requested on the progress and cycling considerations for the State Growth Huntingfield / Algona roundabout upgrade. *No progress update at this stage, and Dusty to follow up.*
- Cr Midgley noted that Council is in the process of establishing a Sport & Recreation working group.



**NEXT MEETING**

The next meeting of the Committee will be 9am Friday 28 April 2023 at the Civic Centre.

**CLOSURE:**

There being no further business, the Chairperson declared the meeting closed at 11.01am.

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## **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  
28 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	Mediu	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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**D KINGBOROUGH COMMUNITY SAFETY COMMITTEE MINUTES - 20 FEBRUARY 2023**

**File Number:** 5.476

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

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

# MINUTES

**Kingborough Community Safety Committee**

**Meeting No. 2023-1**

**Monday 20 February 2023**

The logo for Kingborough, featuring the word "Kingborough" in a serif font, with a green swoosh underline.

MINUTES of a Meeting of the Kingborough Community Safety Committee held at the Kingborough Civic Centre, Kingston, on Monday 20 February 2023 at 2:00pm.

#### **PRESENT**

		PRESENT	APOLOGY
Chairperson	Cr Clare Glade-Wright	✓	
Deputy Chairperson	Cr David Bain	✓	
<b>Members:</b>	Mr Michael Brough		✓
	Mr Jarrod Coad		✓
	Ms Tania Flakemore	✓	
	Ms Kate Lucas	✓	
	Mr David McLoughlin	✓	
	Mr Keith Pardoe	✓	
	Ms Colleen Ridge	✓	
	Mr Rodney Street	✓	
Tasmania Police	Insp Mark Burke	✓	
Tasmania Police	A/Sgt Sharon Pavier	✓	
Kingborough Access Advisory Committee Representative	Dr Don Hempton	✓	
Kingborough Bicycle Advisory Committee			
<b>Council Officers In Attendance:</b>			
Executive Officer	Mr Anthony Verdouw	✓	
<b>Other Attendees:</b>			

#### **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

#### **LEAVE OF ABSENCE**

#### **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **CONFIRMATION OF MINUTES**

MOVED: David McLoughlin

SECONDED: Don Hempton

That the Minutes of the Committee meeting held on 12 December 2022 as circulated, be confirmed.

CARRIED

**GENERAL BUSINESS**

1. Review Action Items from previous meeting (Cr Glade-Wright)

Discussed completed action items and actions still unresolved.

*Action 1: Staff to write to State Growth to clarify responsibilities for operation and maintenance of lights in the underpass at the Summerleas/Channel Hwy (KFC) Roundabout, noting TasPolice also have concerns with lack of lighting at underpass.*

*Action 2: Staff to add Christopher Johnson Carpark (Tyndall Rd side) of Kingston Beach, Auburn Road and Hutchins Road intersection and Maranoa and Denison Street intersection to new public lighting request register.*

*Action 3: Cr Glade-Wright to follow up with staff regarding wording for a motion to present to the Committee at the next meeting around funding for linemarking and improving the renewal of faded linemarking in the municipality.*

2. Safety Related Service Requests

No safety related service requests were raised.

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

Inspector Burke provided a report on the Kingston Division's crime and traffic statistics. The division have successfully undertaken targeted traffic patrols in Kingborough recently.

Inspector Burke noted increased shoplifting offenses.

Hooning, motorised pushbikes, vandalism in schools, and toilet block vandalism were raised by Committee members as ongoing issues.

4. Leslie Road / Huon Highway Intersection

The motion from the previous Committee meeting raised at Council meeting on 16 January 2023:

**C1/1-2023**

**15.4 KINGBOROUGH COMMUNITY SAFETY COMMITTEE MINUTES - 12 DECEMBER 2022**

Moved: Cr Clare Glade-Wright

Seconded: Cr Amanda Midgley

That Council

(a) Notes the minutes of the Kingborough Community Safety Committee; and

(b) Writes a letter to the Minister for Infrastructure and Transport seeking agreement to consider upgrading the Huon Highway/Leslie Road intersection to contemporary safety and other standards, noting the Huon Highway Corridor Study and increased traffic volumes and heavy vehicle traffic through the intersection.

**CARRIED**

#### 5. Infrastructure Priorities – Capital Bids 23-24

Staff considered all potential capital projects raised in previous meetings and a bid was submitted for:

- Footpath along Channel Highway, Snug between Sunsail Street and Snug Tiers Road.

The below are included in current 5-year plan for future bids:

- Walkway at Leslie Vale - it was noted that a feasibility study would be the likely first step.
- Margate to Snug Shared Path extended to Lower Snug and Coningham - Pending land access matters.

Current 5-year plan was attached for reference, noting it will be updated following the 2023-24 capital review process.

- Gormley Drive reconstruction – questions raised as to why this isn't a higher priority in the 5-year plan. Staff noted that stormwater works were required in the area as a first priority.

*Action 4: Staff to clarify why Gormley Drive gate is now open permanently.*

- McKenzies Road, Leslie Vale was noted as a road that could be considered for sealing in the future.

#### 6. Correspondence

- a. Leslie Rd and Huon Hwy Intersection - Letter to Transport Minister from the Mayor - 1 Feb 2023
- b. Response to Speed Limit Review Guidelines – Michael Brough – 7 February 2023

#### 7. Other Business

- Don Hempton spoke to the Recognising the Neuro Diverse Individual document. *Don to report back to Committee at next meeting on progress.*
- Channel Highway Motorcycle Safety Audit – Council staff are participating in an audit workshop organised by DSG on 6 March 2023.

*Action 5: Staff will provide an update on the Channel Hwy Motorcycle Safety Audit at the next Committee meeting and/or request someone attend from the audit panel.*

- Cr Glade-Wright advised that Dusty Moore – Urban Mobility Planner from State Growth has been invited to the next Committee meeting to discuss his role and active transport connections.
- Kate advised that CALSCA are holding a Community Meeting discussing walkability in 'greater' Snug on Saturday 25 February 2023 at the Snug Primary School Hall.

#### NEXT MEETING

The next meeting of the Committee is Monday 17 April 2023 at 2:00pm



**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 3.15pm.

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## **Kingborough Community Safety Committee**

### **Meeting Dates for 2023**

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

20 February

17 April

19 June

21 August

16 October

11 December

Meeting Action Items						
Meeting #	Action Number	Description	Responsibility of	Due Date	Action Undertaken	Complete
2023-1	1	Staff to write to State Growth to clarify responsibilities for operation and maintenance of lights in the underpass at the Summerleas/Channel Hwy (KFC) Roundabout, noting TasPolice also have concerns with lack of lighting at underpass.	Anthony Verdouw	17/4/23	State Growth have replied indicating they maintain and manage all lighting in pedestrian underpasses on State roads or highways. Their maintenance contractor repairs outages and has been notified to address any issues at the KFC roundabout.	✓
2023-1	2	Staff to add Christopher Johnson Carpark (Tyndall Rd side) of Kingston Beach, Auburn Road and Hutchins Road intersection and Maranoa and Denison Street intersection to new public lighting request register.	Anthony Verdouw	17/4/23		□
2023-1	3	Cr Glade-Wright to follow up with staff regarding wording for a motion to present to the Committee at the next meeting around funding for linemarking and improving the renewal of faded linemarking in the municipality.	Cr Glade-Wright	17/4/23		□
2023-1	4	Staff to clarify why Gormley Drive gate is now open permanently.	Anthony Verdouw	17/4/23	<p>Staff advised that the gate is now kept open for safety reasons. With the move of the Kingston High School to the KSC Precinct and increase in the number of major events at the Sports Centre, it is preferable to have users of the Twin Ovals and Lightwood Park accessing/exiting their grounds via Gormley Drive rather than adding to the traffic/pedestrian conflicts on Kingston View Drive. Given the high number of pedestrians crossing Kingston View Drive from the carpark opposite the Sports Centre, it is desirable to have less traffic travelling through the conflict zone.</p> <p>In addition, we have been advised that emergency services attending an incident at the Twin Ovals require the boom gate to be open as it is the most direct route available.</p>	✓

2023-1	5	Staff will provide an update on the Channel Hwy Motorcycle Safety Audit at the next Committee meeting and/or request someone attend from the audit panel.	Anthony Verdouw	17/4/23		<input type="checkbox"/>
2022-3	4	Staff to follow up why yellow no parking lines have not been reinstated at Village Drive intersection.	Mark Lee	15/8/22	The linemarking contractor commenced installing the linemarking on Village Drive on 19 January 2023. Unfortunately, the contractor made an error with some of the lines. The Project Manager is chasing them up to return to site to finalise the work.	<input type="checkbox"/>
2021-6	2	Investigate northern end of Auburn Rd and assess whether extending yellow no parking lines are warranted. Staff to investigate and assess if extending yellow no parking lines are warranted at the Church Street end of Auburn Road.	Renai Clark	20/02/23	The yellow NO STOPPING lines at the Church Street end of Auburn Road are sufficient. Renai to follow up on faded linemarking.	<input type="checkbox"/>

Meeting Items Reviewed/Actioned						
Meeting #	Action Number	Description	Responsibility of	Due Date	Action Undertaken	Complete
2022-6	1	To eliminate ambiguity with the Action Items table and the Complete column being ticked when there were still outstanding actions it is requested that an additional column titled Action Undertaken be added.	Anthony Verdouw	20/2/23	Column added.	✓
2022-6	2	Staff to investigate locations of existing speed signage on Huon Road between Sandfly Road, Longley and Huon Highway, Lower Longley.	Renai Clark	20/2/23	The roads have been inspected and missing speed signage noted. Google Street View imagery from 2007 has been reviewed. The only signage existing then was END 60 at the bridge on Huon Road near to the Sandfly Road junction. This indicates that the speed limit would have been the Kingborough default of 90. Staff will need to liaise with Department of State Growth to determine what the correct speed limits are and the locations of new signs.	✓

2022-4	2	Staff to follow up if it's possible to place two speed trailers on the Kingston Bypass/Southern Outlet during an upcoming school holiday period.	Renai Clark	12/12/22	The speed trailers were not able to be utilised over the Summer holiday period as they have been in the workshop waiting for repairs. But it is a timely opportunity to remind the committee that the speed trailers were purchased under a grant application titled "Safe Speeds for Schools". The primary purpose of the speed trailers is to encourage motorists to drive slowly within school zones to improve safety for pedestrians. They were not intended to be used as traffic calming devices on higher speed state roads. Further, the operational budget for deploying the trailers only covers the cost for the school sites. DSG is now regularly deploying Speed Camera trailers throughout their road network. Given the above factors it is considered by staff that the school speed trailers should not be deployed on the Kingston Bypass/Southern Outlet or other locations during school holiday periods.	✓
2022-4	3	Staff to review the speed limit review checklist and forward to local community groups for information. A draft Speed Limit Review Guidelines was presented to the Committee. The Committee is to provide feedback.	Anthony Verdouw/Renai Clark	10/10/22	Finalise feedback and distribute to Community Forum	✓
2022-1	2	Committee members to identify priority locations where new public lighting could be installed for staff to review. The following public lighting locations were identified: Hawthorn Drive underpass, Summerleas roundabout underpass; Summerleas Road to and from Kingborough Sports Centre. Staff to add locations to public lighting register list for review.	Committee Members / Anthony Verdouw	Ongoing	List collated. Staff to now investigate and prioritise.	✓
2022-3	2	Subcommittee to prepare a speed limit review checklist/proforma which can be used as a guide for community groups to prepare requests for speed limit reviews.	Renai Clark	20/2/23	Guidelines drafted for review.	✓

2022-5	1	Staff to contact DSG regarding concerns about lack of lighting at the Firthside park and ride.	Anthony Verdouw	12/12/22	DSG advised of issue.	✓
2022-5	2	Committee members to email any project recommendations for 2023-24 capital bids to Anthony.	Committee Members	12/12/22	Staff now preparing bids and reviewing 5-year plan.	✓
2022-5	3	David Reeve to follow up with the Works Depot to confirm numbers of requests to clear debris from the local beaches.	David Reeve	12/12/22	6 requests in last 12 months. 3 dead marine animal removals and 3 washed up log removals.	✓
2022-4	1	Staff to contact Metro and enquire if they have any safety concerns with routes along Roslyn Avenue.	Anthony Verdouw	10/10/22	Contacted Metro who provided a response.	✓
2022-3	1	Roslyn Avenue and Garnett Street intersection.	Renai Clark	15/8/22	No immediate action required. Sight distance exceeds the minimum recommended. Motorists exiting Garnett Street only need to make a <b>2 second observation</b> at most to decide if it's safe to enter Roslyn Avenue. Parking restrictions are not necessary.	✓
2022-3	3	Staff to investigate if a traffic counter can be installed on Leslie Road up from the quarry to gather data on current vehicle movements.	Renai Clark	10/10/22	Due to the volume of heavy vehicles, particularly B-doubles and Truck and Trailers I am reluctant to install Council's pneumatic tube counters as the tubes will likely get damaged. HBMI may keep daily supply records that could give indicative truck volumes, Renai will follow up.	✓
2022-3	5	Bus stop locations would be a matter for Metro, but Council staff to review issues and raise concerns with Metro if appropriate.	Renai Clark	15/8/22	It is a bus stop for a short duration and is located in a similar location to many bus stops around Tasmania. The bus stop is far enough away from the junction that motorists can pull out of Pearsall Street with caution or wait until the bus departs. It is considered a minor inconvenience only.	✓
2022-2	2	Lorikeet Street and Redwood Road intersection. Suggestion that a Give Way sign or line marking would be appropriate at this intersection. Staff to assess.	Renai Clark	20/6/22	The intersection of Redwood Road and Lorikeet Street is a standard T-junction where it is obvious to motorists that Redwood Road is the major road and Lorikeet Street is the minor road. The default T-junction rule applies and GIVE WAY signs and HOLD LINES are not required.	✓