



# 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, 3 April 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. 6 to be held on Monday, 3 April 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, 28 March 2023

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## **GUIDELINES FOR PUBLIC QUESTIONS**

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

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

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

#### **Questions on Notice**

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

#### **Questions Without Notice**

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 3 April 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.5 held on 20 March 2023 be confirmed as a true record.

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**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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Date	Topic	Detail
27 March 2023	Southern Waste Solutions	Presentation from CEO and Board Secretary on current and proposed activities of Southern Waste Solutions
	Draft Budget	Discussion held on 5 year capital works program

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**7 DECLARATIONS OF INTEREST**

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

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**8 TRANSFER OF AGENDA ITEMS**

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

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**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**10.1 BIODIVERSITY OVERLAY**

At the Council meeting on 20 March 2023, **Mr Charles Biggins** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*Is the Council in the business of assessing the biodiversity value of private property in house? Does Council have the qualifications and professional indemnity insurance to be providing that kind of information or environmental service?*

**Officer's Response:**

It is an applicant's responsibility to submit documentation addressing the relevant Scheme requirements in relation to their proposal, which may include Natural Values Assessments. Council Officers assessing a Development Application (DA) undertake assessments against the relevant Clauses of the Planning Scheme, including the Biodiversity Code. The assessments draw on the Officers expert knowledge in addition to the supporting documentation submitted with the application.



As Council is required to form its own view of whether a proposal complies with the Scheme requirements, Council's assessment may differ from the assessment undertaken by consultants acting on behalf of the applicant.

All officers within the planning area hold relevant tertiary qualifications for their role.

*Tasha Tyler-Moore, Manager Development Services*

## 10.2 TENDER AB2223 - KINGSTON WETLANDS

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

*On the 6/2/2023 Council awarded a tender AB2223 at the Wetlands.*

*Question:*

*(1) What was the tender for?*

*(2) Who was the tender awarded to and the cost as it was not noted in the Council minutes?*

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

No tender was awarded at the Council meeting on 6 February 2023 in relation to the Kingston Wetlands.

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

## 10.3 TENDER AB2212 - KINGSTON MAIN STREET UPGRADE

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

*On the 19/12/2022 Council awarded a tender AB2212 Channel Highway Kingston to Black Cap up to \$4,086.31m in principle.*

*Question:*

*What does in principle mean:*

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

In principle means that Council agrees to the fundamental terms of the tender, with the finer details of the contract to be subject to further clarification and negotiation.

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

## 10.4 TENDER AB2121 - SNUG TIERS ROAD CONSTRUCTION

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

*Could the Director Engineering please provide the residents with an update of the matter raised on the 20/2/2023 and when did Council follow up the further discussions with the property owners regarding the storm water runoff or will Council be installing curb guttering on both side of the road. Cr. Cordover raised what the extra cost would be. I have not yet seen this come back to Council could you advise?*

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

In addition to the response which was provided to Council at the meeting of 20th February 2023, Councils Project staff have spoken directly with a number of residents regarding the nature and

scope of the work. Specifically in regard the question, this has included explanation on the reasonings and cost considerations for provision or otherwise of Kerb and Gutter only along the top side of the road. In that regard, the Kerb provides separation between the road and footpath and caters for longitudinal drainage flow on the upstream side of the road. Drainage along the upstream side of the road is necessary to prevent overland sheet flow of water across the road surface. This need is not the case on the downstream side, where the kerb would serve primarily a cosmetic purpose.

The cost of providing kerb and gutter on the downstream side of the road and associated subsidiary works necessitated, is estimated in this instance to be \$200K.

*David Reeve, Director Engineering Services*

## 10.5 ENFORCEMENT OF THE BUILDING ACT

**Professor Michael Rowan** submitted the following question on notice:

*I refer to the answer to my question on notice of 16 January 2023 concerning the ethics training of staff involved in decision making covered by the Council's Enforcement Policy, confirmed as accurate on 26 March, and also to the recent media coverage of Tasmania's homelessness crisis, and ask:*

1. *How has the homelessness crisis changed the ethical considerations of Council staff in making decisions about whether to enforce the building act in relation to people found to be living in premises for which they do not have an occupancy permit?*
2. *What process does Council use to discover whether a person found to be living in premises for which they do not have an occupancy permit will become homeless if they vacate their property following an order from the Council to do so or in fear of same?*
3. *If Council does not have such a process, on what evidential basis do Council staff exercise their ethical judgement in applying the Enforcement Policy in relation to the Building Act?*
4. *If Council does have such a process, how many people have been made homeless by Council's enforcement of the Building Act or the threat of such enforcement in the last two years?*

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

**Questions 1-3:** Where enforcement action may require a person to change their current accommodation by seeking alternative housing arrangements, Council works with Tasmania Police and Housing Connect which is a collaboration between Anglicare, Catholic Care, Colony 47, Hobart City Mission, and the Salvation Army. Council also proactively provides information to people at risk of homelessness (or suffering homelessness) regarding urgent access to housing support, seeking housing assistance, and crisis and transitional accommodations services.

**Question 4:** Council has no reports of homelessness resulting from enforcement action.

*Tasha Tyler-Moore, Manager Development Services*

## 10.6 CLIMATE CHANGE

**Professor Michael Rowan** submitted the following question on notice:

*I refer to the answer to my question without notice of 7 November 2022 in relation to whether Council considers the carbon footprint of proposed capital works, and the answer given that this is 'something that can certainly be considered in the future', and also to the recent Synthesis Report which completes the 6th Assessment Report issued by the Intergovernmental Panel on Climate Change, and in particular to the statement by the UN secretary general Antonio Guterres, that 'This report is a clarion call to massively fast-track climate efforts by every country and every sector and on every timeframe. Our world needs climate action on all fronts: everything, everywhere, all at once'. I ask:*

*What is Kingborough Council's response to Report and Secretary General's statement, and in particular, will Council immediately:*

- 1. Use its best endeavours to calculate the carbon emissions resulting from all Council actions and in particular all capital works with a view to seeking low emissions options for all activities?*
- 2. Use its best endeavours to calculate the carbon emissions likely to be caused by proposed developments, with a view to assisting applicants for development to find low emissions options for their proposals?*
- 3. Consider the likely carbon emissions associated with a proposed development which might on other grounds be refused planning permission, such that the low carbon emissions of the proposed development might be judged to outweigh other factors which otherwise would lead to planning permission being refused?*

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

1. The carbon and energy footprint of Council's activities from 2019/20 to 2021/22 has recently been completed through the Southern Councils' Climate Collaboration. This profile will be presented to Council in late April 2023. A collaborative approach means that Councils are using a common and consistent methodology and can work together to find local solutions. A carbon calculator has been developed by the Collaboration to allow Councils to update their emission profiles. The footprint covers operations that Councils are directly responsible for and are significant sources of emissions. This includes use of fuels, electricity at Council sites, public lighting assigned to Council and waste that is managed by Council (including kerbside waste).

Council does not currently include emissions generated in the provision of goods and services (such as the construction of infrastructure). These 'third party' emissions could be included, however, many providers of materials and services do not have relevant data, and the additional Council resources required to obtain required data would be significant. In addition, as local governments purchase a diverse range of goods and services, there would need to be engagement with numerous providers to calculate these emissions. In summary, this is not a simple or inexpensive task.

Reducing Council's greenhouse gas emissions through the use of low emitting materials in our works program is important. However, in a resource limited scenario, Council will currently make a bigger impact by focussing on reducing emissions from the largest emission sources, predominantly waste. This will be done by targeting initiatives and incentives to reduce waste and diversion of material into landfill. In the absence of any waste reduction and in response to a growing population, Council emissions are projected to reach 7300 tonnes CO<sub>2</sub> by 2035.

Climate action at Council occurs across the organisation and comes in many forms. Council is committed to work on mitigating greenhouse gas emissions, but just as importantly, if not



more so for local government, is adaptation. As an organisation, Council needs to work towards building climate-resilient communities and assets, to manage risks and reduce our vulnerability, as well as be ready to harness potential opportunities.

2. Whilst this proposal has merit, Council does not currently have the resources required to calculate the carbon emissions from developments. The expertise required to deliver this service would be external to Council and therefore would be delivered as a fee for service. In addition, the time to consider the likely emissions from a proposed development would be in the design stage, which most often occurs well before a development is submitted to Council as Planning Authority. Council could work with industry to provide educational material to developers on low emission materials and practices. There are some requirements in the current planning and building regulations that do require energy efficiency standards which act to reduce future emissions from the home from heating and cooling.
3. Under the current Interim Planning Scheme, and the incoming Tasmanian Planning Scheme, instruments of the State Government, there are no provisions to consider carbon emissions as part of a planning application assessment. Environmental sustainability through design and materials are considered through the planning process in other jurisdictions in other States of Australia.

*Liz Quinn, Manager Environmental Services*

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

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## **12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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

## **13 PETITIONS STILL BEING ACTIONED**

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There are no petitions still being actioned.

## **14 PETITIONS RECEIVED IN LAST PERIOD**

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

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## 15 OFFICERS REPORTS TO COUNCIL

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### 15.1 DECISION TO CORRESPOND WITH OWNERS AND OCCUPIERS OF LAND WITHIN KINGBOROUGH ABOUT THE PUBLIC EXHIBITION PROCESS FOR THE MOVE FROM THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 TO THE TASMANIAN PLANNING SCHEME

**File Number:** 17.228

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

**Authoriser:** Dr Samantha Fox, Director Environment, Development & Community Services

#### Strategic Plan Reference

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

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

#### 1. PURPOSE

- 1.1 The purpose of the report is to seek a Council decision as to whether to correspond directly with landowners and occupiers within Kingborough notifying them of the statutory exhibition period of the draft Kingborough Local Provisions Schedule (LPS), as part of the introduction of the Tasmanian Planning Scheme.

The provision of individual correspondence would be outside the statutory requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA).

#### 2. BACKGROUND

- 2.1 In 2015, the Tasmanian Parliament enacted amendments to LUPAA that provide for a single planning scheme for Tasmania, known as the *Tasmanian Planning Scheme*. Currently, Kingborough is operating under the *Kingborough Interim Planning Scheme 2015*. As part of the transition, each Council must prepare its own LPS and submit it to the Tasmanian Planning Commission (TPC) for assessment and approval.

The process includes a statutory public exhibition period after the TPC has completed their assessment of the draft LPS.

- 2.2 The Tasmanian Planning Scheme consists of two parts:

2.2.1 State Planning Provisions (SPPs) include the standard provisions (the 'rules') that apply to all Tasmanian municipalities (this part was finalised in 2017); and

2.2.2 For each municipal area, an LPS that sets out the application of zones and codes (including the mapping). The LPS may also include provisions that are unique to the local government area (i.e Local Area objectives, Specific Area Plans, Site-Specific Qualifications etc).

### 3. STATUTORY REQUIREMENTS

3.1 The requirements for LPS public exhibition are set out in section 35C of LUPAA. The Act specifies that exhibition must commence after direction is given by the TPC and it must include the following:

- A 60-day timeframe for public exhibition and receiving representations;
- The exhibition notice must be published twice in a newspaper circulating generally in Tasmania (e.g. The Mercury);
- The TPC will identify which state service agencies, state authorities and adjacent planning authorities are to be notified;
- The exhibition documents must be made available during the exhibition period at the offices of the planning authority and the TPC; and
- The exhibition documents must be made available for downloading by the public, during the exhibition period, at an electronic address specified in the exhibition notice.

### 4. DISCUSSION

4.1 Over recent months, members of the public and Councillors have questioned whether there will be correspondence to landowners and occupiers during the exhibition period.

4.2 Prior to those discussions taking place, it had been committed that there would be additional steps taken in addition to the statutory requirements outlined in 3.1 (above) to ensure that as many people as possible are aware of the public exhibition of Kingborough's LPS. The decision for each measure outlined below considered the effectiveness, reach and value to the community, whilst regarding resources and costs.

- Additional media advertising and press releases in the Kingborough Chronicle, Bruny News, on Council's website and social media.
- Dedicated Council webpage(s), providing:
  - explanatory information in addition to the exhibited documents;
  - an interactive mapping tool, explanatory notes and access to any other LPS supporting material;
  - the ability to make an online formal representation or to print and complete a representation using a proforma.
- Hosting local drop-in sessions or public information sessions at various locations throughout the municipality:
  - These locations are yet to be confirmed and will be determined in consultation with Councillors.
  - Drop-in sessions will be advertised in The Mercury, Kingborough Chronicle, Bruny News, The Kingston Classifieds, Council's website and social media. Councillors will also be made aware of such sessions so they can also promote them as representatives of their community.

- Staff will be available for one-on-one consultations through appointments or as part of routine Duty Planner enquiries prior to and throughout the public exhibition period. Staff will be able to:
  - provide advice about the whole process, including the origin of the LPS, timing and why the change is occurring;
  - assist people to navigate the information provided by Council and/or the State Government;
  - determine what the relevant zoning and code details are for individual properties and what the changes mean for them or the properties that adjoin theirs; and
  - advise how to make a representation and provide an explanation of the process after making a representation.

4.3 Given the cost and work associated with suggested correspondence to all landowners and occupiers as outlined in point 4.1 above, which would be in addition to the already committed communications in 4.2, it is appropriate that Council (not the Planning Authority) make a considered decision about whether to proceed with that or not.

4.4 Factors to consider include costs and risks, as well as:

4.4.1 Who the correspondence is addressed to: There is no statutory requirement to write to all landowners and/or occupiers regarding the LPS. The statutory requirement for ordinary Development Applications is that correspondence must be sent to all adjoining owners and occupiers. If Council is of a mind to write to landowners about the LPS, it is recommended that it should notify both landowners and occupiers, as changes to the planning scheme may affect both, and the representation process is not limited to landowners only.

4.4.2 Timing of correspondence: To reduce costs, it has been suggested that correspondence about the LPS is included with the Council-issued rates notices. However:

- The timing may not be suitable. Rates notices are issued in late June (with supplementary information required two weeks beforehand). Council will be provided 21 days from the time of direction by the TPC to commence public exhibition. Ideally, correspondence would be issued at the start of the public exhibition period, to minimise the risk of people lodging representations outside of the exhibition period (which would be invalid).
- Occupiers would not be notified.
- Properties that do not receive rates notices, such as some schools, churches, residential aged care facilities and government departments would not be notified.

4.4.3 Content of the correspondence: The correspondence would contain notification of the statutory public exhibition period; provide a brief overview of what the exhibition period is for; the process for making representations and how additional information can be obtained. It would refer to information available on the website or at the Council Offices and notify of public drop-in and information session dates and times. The correspondence would not include site specific information or copies of the LPS, as this would be too onerous to prepare and costly to create and send (the current postage quote is for three pages only). There would also

be a significant risk of errors in the data as it is merged into correspondence, creating further confusion (see section 7.2.2).

- 4.5 Considering constraints on the content of correspondence and given correspondence will likely include information that will be readily available through other mechanisms (described in sections 3.1 and 4.2 of this report), it may only benefit those that don't have access to standard media and communication channels.

## 5. FINANCE

- 5.1 A quote was obtained in March 2023 to mail a three-page letter to 25,000 recipients, at approximately \$37,000. This expense is not included in Council's 2022/2023 budget.

*Note:* There are approximately 19,000 rateable properties; with around a third requiring more than one notice because the owner is not the occupier or there are multiple owners.

## 6. COMMUNICATION AND CONSULTATION

- 6.1 The decision from this report should be communicated to the general public via Council website.

## 7. RISK

- 7.1 There is no risk in terms of meeting statutory requirements arising from this decision. That is, if letters are not sent to all owners and occupiers at the commencement of the public exhibition period, Council will still meet the statutory requirements of the public exhibition process.

- 7.2 There are a number of risks associated with the additional measure of correspondence being sent to all owners and occupiers within the municipality, as outlined below:

7.2.1 Public expectations: Public expectations about consultation vary widely. Some people have an expectation that Council will provide all details relevant to their property about the changes to the Planning Scheme within a letter and will not be satisfied that correspondence will direct them to Council's website or other resources to obtain that detail. This may result in criticism that the correspondence is a poor use of resources.

7.2.2 Data error: If the decision was to undertake the mailout, but rather than providing generic information as proposed (in section 8.2), to instead provide personalised letters for each physical property, outlining the existing zone and proposed new zone, there is significant risk of error. This risk of error arises because zoning information is applied to land, and does not directly 'snap' on to the cadastral map, meaning there will be instances of properties with slivers of the adjoining zone. Preliminary work suggests there are 8,886 instances of properties being affected by this issue. To prevent inaccurate information because of slivers, each of those instances would need to be manually checked to clarify whether the split was unintentional and only caused by cadastral issues. That checking would be a significant body of work (in excess of a week) and would need to be undertaken by Planning staff.

This issue would also arise if information is provided in letters about the overlay codes for individual properties. Changes to overlay codes can often have more implications for individual properties, than zoning changes.

Council's limited Planning resources would be better engaged in active review of LPS content and responding to enquiries than preparing correspondence relating to individual property changes.

Any sliver errors described above will be resolved in the final stages of developing the LPS and prior to approval by the TPC. This work would be best completed after hearings and final changes to the LPS to prevent it needing to be completed twice.

- 7.2.3 Impact on resourcing: Corresponding with all landowners and occupiers at one time is likely to create an enormous number of enquiries, which will place significant burden on Council staff to respond in a timely manner. The other methods of notification outlined in sections 3.1 and 4.2 of this report are likely to reach people at different times (but still within the early stages of the 60-day notification period), making enquiries easier to manage. This may result in public dissatisfaction that responses are not timely or not enough time is spent with each individual. It will also have a significant impact on staff, their ability to provide the service preferred and will delay work on the LPS that will arise during the public exhibition period.

## 8. CONCLUSION

- 8.1 In determining whether correspondence about exhibition of the LPS should be sent to all landowners and occupiers within the municipality, consideration needs to be given to the potential costs and benefits. The correspondence is expected to cost around \$37,000, create a burden on staff and may not provide additional information above that which can be obtained through traditional, social and digital media, and information and drop-in sessions. In addition, it is not a statutory requirement.
- 8.2 Should Council resolve to send individual letters to all owners and occupiers to inform them of the public exhibition period, risks outlined in this report should be minimised by adopting the following:
- 8.2.1 The correspondence will be prepared by Council officers.
- 8.2.2 Names and addresses of owners and identification of properties that are not owner occupied (requiring additional letters to occupiers) will be prepared by Council officers.
- 8.2.3 Generating and posting correspondence will be undertaken by an agency, at a cost.
- 8.2.4 Correspondence will be posted at the start of the public exhibition period.
- 8.3 The proposal to send of correspondence to all land owners and occupiers, in addition to the statutory requirements and the other communication commitments, is high cost and will have limited reach beyond what will be achieved through the methods proposed.

**9. RECOMMENDATION**

That Council resolve to notify the public about commencement of the statutory public exhibition period of the draft LPS by implementing the communication plan outlined in sections 3.1 and 4.2 of this report.

**ATTACHMENTS**

Nil

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## 15.2 MINISTER'S PROPOSAL TO MAKE AMENDMENTS TO THE SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

**File Number:** 17.266

**Author:** Adriaan Stander, Strategic Planner

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

### Strategic Plan Reference

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

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

### 1. PURPOSE

1.1 Council has received a proposal from the Minister for Planning to amend the Southern [Tasmanian Regional Land Use Strategy](#) or commonly referred to as STRLUS. The Ministers' proposal is provided in Attachment 1 and includes a Discussion Paper outlining the reasoning for the proposed changes.

1.2 The proposal seeks to:

- (a) Make changes to the Urban Growth Boundary (Map 10 in the strategy) to fix anomalies; and
- (b) Revise Policy Direction SRD 2.12 (on page A-27).

1.3 The purpose of this report is to seek Council's input on a response to the Minister's proposal.

### 2. DISCUSSION

2.1 The strategic directions, policies and actions contained within the STRLUS aim to deliver sustainable settlements that are integrated across the region. The strategy represents the agreed and approved strategic directions for the 'entire' southern region and provides certainty to the broader community, infrastructure providers and governments for medium and long-term investment decisions.

2.2 Despite the *Land Use Planning and Approvals Act 1993 (LUPAA)* specifying that the Minister must keep all regional land use strategies under regular and periodic review, a thorough review of the STRLUS has not been undertaken since implementation in 2011.

2.3 Councils across the State are experiencing increasing development pressure and since the implementation of the STRLUS there have been significant changing trends in population, housing, transportation and traffic management, infrastructure and other planning issues within the southern region of Tasmania. The lack of available housing (and particularly affordable housing) exacerbates the need for an urgent review of the STRLUS.

2.4 The [Government's Planning Reform website](#) indicates that a review of the regional land use strategies is anticipated to be completed in 2024.



- 2.5 There is currently work underway that will inform the anticipated review of STRLUS. A key component of this work is expected to include a long-term Settlement Strategy for the Southern Tasmania, backed up by analysis to guide planned sequenced growth in potential growth areas, and areas for urban renewal and densification over coming years.
- 2.6 The work already completed as part of the [30-Year Greater Hobart Plan](#) will also inform the review of STRLUS. The 30-year plan indicates that the total available land supply within the current Greater Hobart UGB could potentially cater for over 34,000 additional dwellings, which is more than the anticipated demand of 30,000 dwellings by 2050. However, the plan also states that it will be important to ensure that existing land supply is used efficiently and to encourage infill development and employment and business growth close to the main activity centres and along main transit corridors. Changes to the UGB may be based on evidence of need and the application of technical planning analysis.
- 2.7 It should be noted that the 30-year Greater Hobart Plan only covers the metropolitan areas of the Greater Hobart Area (i.e. it excludes Brighton, Sorell and Margate) however, it does pre-empt potential growth in those locations. For Kingborough, the plan identifies primarily infill in and around the Kingston CBD, greenfield development at Huntingfield, and a mix of infill and greenfield in already identified future growth areas at Margate and Snug.

### **Purpose of Urban Growth Boundaries**

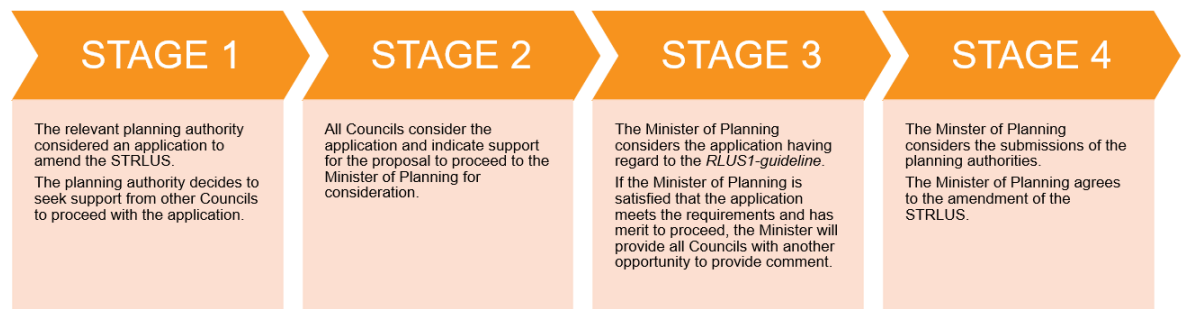
- 2.8 The UGB as contained in STRLUS is an important tool to ensure efficient growth.
- 2.9 The purpose of the UGB is to direct urban growth to areas best able to be supplied with appropriate infrastructure and services and protect other valuable peri-urban and environmentally valuable land from urban development pressures (i.e. controlling sprawl).
- 2.10 Its consequence is to promote rational and efficient urban planning, in terms of infrastructure, controlling traffic congestion, equitable access to community services and facilities, shops, employment and schools.
- 2.11 Even though there is sufficient residentially zoned land inside the UGB of Greater Hobart to meet the future demand, activating this land will be the challenge. The focus, of both STRLUS and the 30-Greater Hobart Plan is to facilitate more infill development within suitable areas within the UGB, close to or within activity hubs and along key public transport corridors. Increasing the amount of infill development within the UGB will result in the delivery of more dwellings closer to where people work and access local services. Such urban consolidation can be the primary way that Greater Hobart can meet the demand for more housing, while also supporting the local economy. This is the most efficient and cost-effective option, provided local character is retained through sensitive design and well sited development. The public benefits of infill development and higher residential densities, together with a compact urban form, outweigh the alternative of continuous outward urban sprawl.

### **Standard process to amend STRLUS**

- 2.12 Amendments to a regional land use strategy may be initiated by the Minister for Planning declaring an amended strategy.
- 2.13 Even though there is no formal statutory process for individuals or planning authorities to apply to amend the STRLUS, the State Planning Office (previously Department of Justice, Planning Policy Unit) has released an information sheet [‘RLUS1 – Reviewing and Amending The Regional Land Use Strategies’](#). While non-statutory, the information

sheet provides information on when and under what circumstances the regional land use strategies may be reviewed and amended. It also sets out the requirements and process for reviewing and considering amendments. In short, any request to modify the UGB contained in the STRLUS, must provide a holistic overview and analysis of current residential land supply and demand for the region in its entirety.

- 2.14 In addition to the standard application requirements for amendments to a regional land use strategy, input from all Councils within the region must be sought. The consultation process currently involves seeking support from all relevant Councils before the proposal is presented to the Minister for Planning. It is also strongly recommended that consultation with relevant State Service agencies, State authorities and other infrastructure providers be undertaken before making a request for an amendment to ensure that any significant issues are avoided when the Minister for Planning consults as part of considering the merits of the amendment request.
- 2.15 Once the Minister for Planning has considered the proposal against the requirements of the *RLUS1-guidelines*, Councils are offered another opportunity to provide comment.
- 2.16 The standard process for Council's or individuals to amend the STRLUS is summarised in the diagram below.



- 2.17 Regardless the above process to amend the UGB, there is often not enough information available for a Council or the Minister to consider the impact of a proposed amendment to the UGB on the broader southern region. The reason for this is simply because the information required by the *RLUS1-guideline* is not available. As mentioned before, there is currently work underway that would assist in dealing with these requests in future.

### Minster for Planning's proposal to amend STRLUS

- 2.18 The proposal involves both a change to the mapped boundary of the UGB to fix anomalies, and a text amendment to STRLUS policy SRD 2.12, which relates to the consideration of urban zoning for land adjacent to, but beyond the boundary of the UGB.

#### ***Part 1 of the Proposal - Fixing anomalies of the UGB***

- 2.19 The first component of the Minister's proposed involves mapped changes to the UGB to address the anomalies and errors identified for Kingborough, Glenorchy and Clarence by the 30-year Greater Hobart Plan preparation process. The proposal also includes parcels of land at Brighton and Sorell that have been identified through a separate process, due to those municipalities being excluded from the 20-year Greater Hobart Plan.
- 2.20 For Kingborough, there is an anomaly identified at Spring Farm Estate. The land at Spring Farm Estate is already developed and the UGB should be fixed (please refer to image below).

Site: Spring Farm Estate, Kingston	
Municipality	Kingborough
Area	8.50 ha
Current Zoning(s)	General Residential
Current Use(s)	Residential
Reason for Inclusion within the UGB	Anomaly/correction. Already zoned for residential use and fully developed.



- 2.21 From a strategic point of view, the proposal to fix genuine anomalies is supported, however some of the sites identified in the proposal go beyond to what one would reasonably describe as anomalies, and they should be considered under the standard process to amend the UGB or as part of SRD 2.12 (refer to discussion below) which provides broader strategic consideration. It is felt that the tidy up of the anomalies should only deal with those situations where the urban UGB do not align with the underlying zoning or established urban use of land.

***Part 2 of the proposal - Amendment to STRLUS policy SRD 2.12***

- 2.22 STRLUS policy SRD 12.2 currently allows parcels of land beyond, but adjacent to the UGB to be considered for urban rezoning, where they are not in excess of an area of 2ha, and where they meet the remaining criteria specified in SRD 2.12. As with all planning scheme amendments, rezoning proposals under SRD 2.12 must also be considered in the broader context of the STRLUS policies, along with other considerations such as the State Policies and the objectives of Schedule 1 of the LUPAA.
- 2.23 The Minister's proposal to expand the criteria under SRD 2.12 is welcomed as it will allow more flexibly to the Tasmanian Planning Commission to consider rezoning applications on the fringes of the UGB. The proposed changes are as follows:

Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:

- a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary; and
- b) does not constitute a significant increase in land zoned for urban development in that locality; and
  - i. is identified in a settlement strategy or structure plan produced or endorsed by the relevant planning authority; or
  - ii. only provides for a minor and logical extension to urban development beyond the Urban Growth Boundary; and
- c) can be supplied with reticulated water, sewerage and stormwater services; and
- d) is aligned with the capacity of transport and road infrastructure and minimises impacts on the efficiency and safety of road networks; and
- e) results in minimal potential for land use conflicts with adjoining uses.

- 2.24 The proposed change to SRD 2.12 is considered a move in the right direction and will provide an interim solution to assist with housing shortage whilst a review of STRLUS is underway.
- 2.25 However, from a strategic point of view, it is felt that SRD 2.12 should also have regard to housing supply and demand (even if just at a local level) to ensure that changes to the UGB are based on evidence of need to guide planned sequenced growth. Preliminary demand and supply data that is currently being collated in anticipation of the STRLUS review and will assist Councils in making more informed decisions about the UGB. Such deliberate and proactive action is necessary to provide housing, but in a manner that will ensure that urban areas are shaped in a way that is expected and desired.
- 2.26 In Kingborough the above amendment to SRD 2.12 could potentially provide a way forward to rezone land that has been previously identified for future growth by the [Kingborough Land Use Strategy 2019](#) (i.e. Margate and Snug) without the need to go through the formal process to amend the UGB. Margate and Snug are identified in the Kingborough Land Use Strategy 2019 as future growth areas, and the intent is growth to occur in a manner that will make those two localities more sustainable.

### 3. FINANCE

- 3.1 There are no financial implications associated with this report and recommendation.



#### **4. ENVIRONMENT**

- 4.1 There are no environmental implications associated with this report and recommendation.

#### **5. COMMUNICATION AND CONSULTATION**

- 5.1 The Minister for Planning approached Councils directly for comment on the proposed amendment. There is no public consultation required for changes to the STRLUS, however if the amendment provides an opportunity for land to be rezoned in future, the process provided by LUPAA will include the standard exhibition process and opportunity for people to comment on those changes.
- 5.2 The decision of this report will be communicated by way of letter directly to the Minister of Planning.

#### **6. RISK**

- 6.1 There are no risks associated with this report and the recommendation.

#### **7. CONCLUSION/SUMMARY**

- 7.1 The UGB continues to ensure that urban growth is directed to areas that are best able to be supplied with appropriate infrastructure and services. It will also continue to protect other valuable peri-urban and environmentally valuable land from urban development pressures. The public benefits of infill development and higher residential densities within the UGB outweighs the alternative of continuous outward urban sprawl.
- 7.2 There is currently work underway that will inform the anticipated review of STRLUS. A key component of this work is expected to include a long-term Settlement Strategy for the Southern Tasmania, backed up by demand and supply analysis to guide planned sequenced growth in potential growth areas, and areas for urban renewal and densification over coming years.
- 7.3 The Minister's proposal to address anomalies and changes to the STRLUS policy is welcomed as it will fix errors with the UGB mapping, but also provide a more flexible approach for the Tasmanian Planning Commission to consider rezoning on the fringes of the UGB.
- 7.4 The part of the proposal that aims to fix anomalies is supported in principle, however it is noted that there are sites identified that go beyond to what one would reasonably describe as anomalies. It is felt that the tidy up of the anomalies should only deal with those situations where the urban UGB do not align with the underlying zoning or established urban use of land.
- 7.5 The proposed changes to policy direction SRD 2.12 are considered appropriate and will provide a much-needed interim arrangement to assist with housing shortages without jeopardising the integrity of the UGB. From a strategic point of view, it is felt that SRD 2.12 should also have regard to supply and demand (even if just at a local level) to ensure any changes to the UGB are based on evidence of need to guide planned sequenced growth.

## 8. RECOMMENDATION

That Council:

- a) Note the Minister for Planning's proposal to change the mapped boundary of the UGB, and a text amendment to policy SRD 2.12 of STRLUS, which relates to the consideration of urban zoning for land adjacent to, but beyond the boundary of the UGB.
- b) Support in principle the part of the proposal that aims to fix genuine anomalies in the UGB (including the area identified at Spring Farm Estate) and:
  - i. recommend that the tidy up of the anomalies should only deal with those situations where the urban UGB do not align with the underlying zoning or established urban use of land.
  - ii. recommend that the parcels of land that go beyond genuine anomalies, be considered under the standard process to amend the UGB or as part SRD 2.12 which provides broader strategic consideration.
- c) Support the proposed changes to SRD 2.12, but that the Minister be requested to consider including an additional criterion under (b) to ensure that any changes to the UGB through SRD 2.12 also have regard to housing land and supply data at a local level. This will ensure that the integrity of the UGB is maintained and that considerations under SRD 2.12 are based on evidence of need to guide planned sequenced growth.

## ATTACHMENTS

1. **Minister's Request to Amend the Southern Tasmania Regional Land Use Strategy**

Deputy Premier  
Treasurer  
Minister for Infrastructure and Transport  
Minister for Planning

Level 10, Executive Building, 15 Murray Street, Hobart  
Public Buildings, 53 St John Street, Launceston  
GPO Box 123, Hobart TAS 7001  
Phone: (03) 61 65 7754; Email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)



Councillor Paula Wriedt  
Mayor  
Kingborough Council  
[kc@kingborough.tas.gov.au](mailto:kc@kingborough.tas.gov.au)

Dear Mayor

**Southern Tasmania Regional Land Use Strategy -  
Draft amendment to the Regional Settlement and Residential Development Strategy  
(Map 10 and SRD 2.12)**

I refer to the attached documents that form a draft amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS), including background to the draft amendment.

Tasmania is currently experiencing unprecedented pressure for housing. Settlement growth in greater Hobart is managed through the application of the Urban Growth Boundary under the STRLUS Settlement and Residential Development Strategy (settlement strategy).

Significant work has been undertaken in relation to the management of residential growth as part of the Greater Hobart Plan. A foundational outcome of the GHP is to provide for a short to medium term update to the STRLUS UGB where necessary to support future growth objectives.

Early work associated with the GHP identified a number of anomalies and errors associated with the mapped UGB, and some small to moderate sized parcels adjoining UGB that are suitable for urban rezoning without further justification in relation to their impact on the intent of the UGB. The draft amendment to the mapped UGB area captures these issues, as well as the removal of the UGB over the entire Tranmere and Rokeby peninsula to provide for a consistent approach to the application of the UGB across the Clarence municipality.

The second component involves a text change to the settlement strategy's policy SRD 2.12 to allow is to allow a more merit-based approach to planning decisions relating to consideration of land outside, but adjacent to the UGB than what is currently provided under that policy.

As you will be aware, the State Government has committed substantial funds to the comprehensive review of the three regional land use strategies over the next few years. The work forms part of the Phase 2 planning reforms currently underway by the State Planning Office. The Phase 2 work program also anticipates minor updates to the regional land use strategies, as and when required, to address immediate growth pressures prior to the comprehensive review of the RLUSs which will commence after the Tasmanian Planning Policies are made, anticipated for later this year.

In accordance with section 5A(4) of the *Land Use Planning and Approvals Act 1993*, I am required to consult with all councils in the Southern region, State Agencies and the Tasmanian Planning Commission on the proposed amendment to the STRLUS. If you wish to provide any comment, please make a submission by email to [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au) by close of business on **Friday 14 April 2023**.

If you have any queries on the proposed amendment to the STRLUS, or the broader reforms relating to regional land use strategies, please contact the State Planning Office on 1300 703 977 or by email at [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au).

Yours sincerely



Michael Ferguson MP  
**Deputy Premier**  
**Minister for Planning**

Attachments:

1. Draft amendment to the STRLUS UGB – identified sites
2. Draft amendment to the STRLUS settlement strategy SRD 2.12
3. Discussion Paper

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## Attachment 1

**STRLUS UGB Updates - Stage 1: Identified Sites (March 2023)**

<b>Site: East Derwent Highway, Risdon</b>	
Municipality	Clarence
Area	74.0 ha (approx.)
Current Zoning(s)	Local Business, Rural Living Zone B, Community Purpose
Current Use(s)	Prison Complex, Tavern, Holiday Cabins, Retirement Living, Vacant Land
Reason for Inclusion within the UGB	Logical extension. The land forms part of the existing urban footprint.



<b>Site: Rokeby Hills – Tranmere - Droughty Point</b>	
Municipality	Clarence
Area	300 ha (approx.)
Current Zoning(s)	Low Density Residential, Open Space, Landscape Conservation, Utilities
Current Use(s)	Residential, vacant, water infrastructure
Reason for Inclusion within the UGB	Anomaly. Removal of the UGB is consistent with similar locations within the municipality which are fully surrounded by urban development, namely; Natone Hill, Gordons Hill and Rosny Hill.





<b>Site:</b> Spring Farm Estate, Kingston	
Municipality	Kingborough
Area	8.50 ha
Current Zoning(s)	General Residential
Current Use(s)	Residential
Reason for Inclusion within the UGB	Anomaly/correction. Already zoned for residential use and fully developed.



<b>Site: 240 Abbotsfield Road, Claremont (part)</b>	
Municipality	Glenorchy
Area	0.16 ha
Current Zoning(s)	General Residential
Current Use(s)	House and adjoining land, portion of larger parcel zoned landscape Conservation
Reason for Inclusion within the UGB	Anomaly/correction. Already zoned and used for residential purposes.





<b>Site: 28 Jackson Street, Glenorchy (part)</b>	
Municipality	Glenorchy
Area	0.39 ha
Current Zoning(s)	General Residential
Current Use(s)	Vacant land, residential portion or larger title zoned Landscape Conservation
Reason for Inclusion within the UGB	Anomaly/correction. Already zoned for residential use and connected to existing road network.



<b>Site: 73A, 73B and 73C Russell Road, Claremont</b>	
Municipality	Glenorchy
Area	0.94 ha
Current Zoning(s)	Low Density Residential
Current Use	Residential comprising balance of existing residential properties (73B and 73C) and vacant land (73A)
Reason for Inclusion within the UGB	Anomaly/correction. Already zoned for residential use comprising balance land for existing residential properties.



Site: Main Road and Henry Streets, Sorell	
Municipality	Sorell
Area	1.9 ha
Current Zoning(s)	Light Industrial and Open Space
Current Use	Landscape and rural supplies, construction and open space
Reason for Inclusion within the UGB	Anomaly/correction. Already used for urban purposes and directly adjacent to UGB.





<b>Site:</b> Henry Street, Sorell	
Municipality	Sorell
Area	6.5 ha
Current Zoning(s)	Utilities, Rural and Community Purpose
Current Use	Landscape and rural supplies, construction and open space
Reason for Inclusion within the UGB	Anomaly/correction. Already used for urban purposes and adjacent to UGB.





<b>Site: Tasman Highway, Sorell</b>	
Municipality	Sorell
Area	1.0 ha
Current Zoning(s)	Utilities
Current Use	Former road quarry site.
Reason for Inclusion within the UGB	Anomaly. Privately owned former quarry site. Part of urban footprint.



<b>Site: Tasman Highway, Sorell</b>	
Municipality	Sorell
Area	6.6 ha
Current Zoning(s)	Utilities
Current Use	Road Reserve
Reason for Inclusion within the UGB	Correction. Amendment to reflect recently constructed road infrastructure.

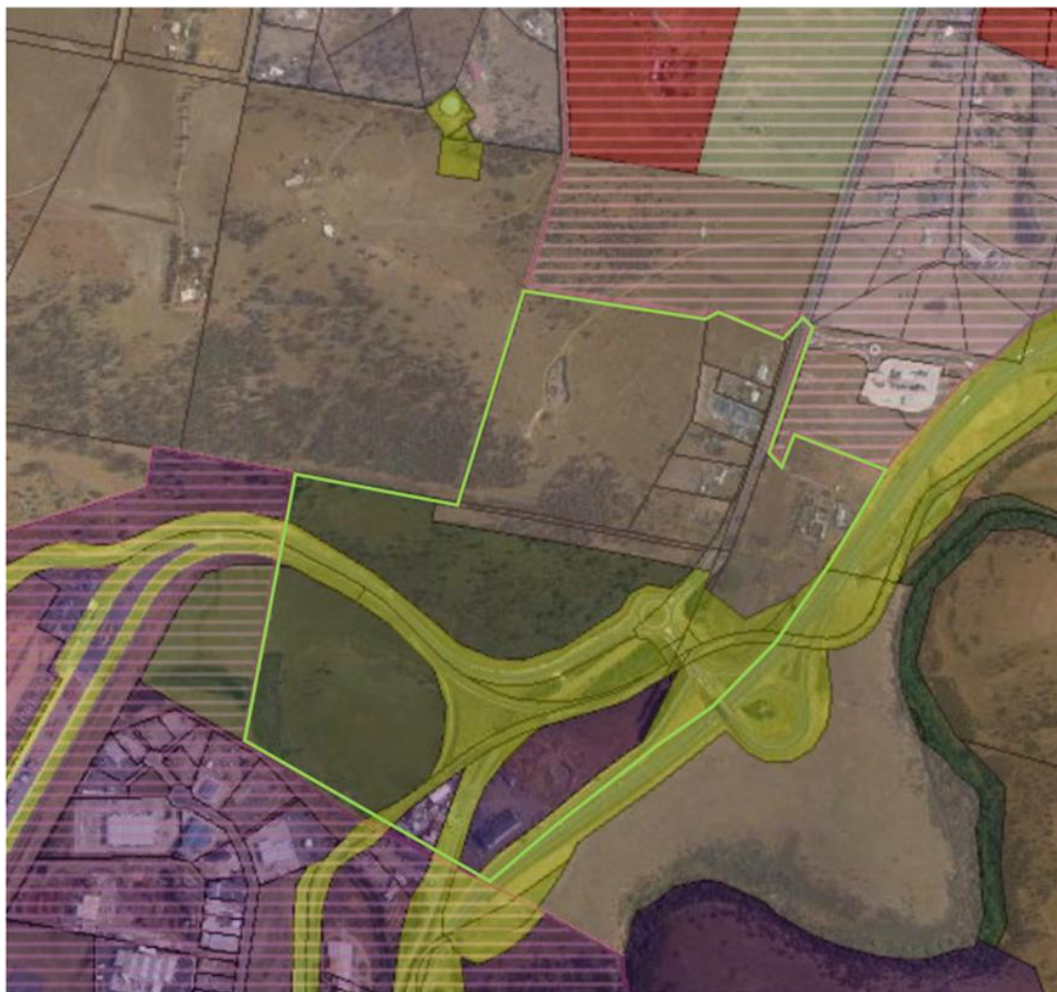


<b>Site: Main Road, Sorell</b>	
Municipality	Sorell
Area	33.5 ha
Current Zoning(s)	Rural
Current Use	Poultry Farm
Reason for Inclusion within the UGB	Logical extension. A change in management practices at the Poultry Farm may allow for areas of the site to be used for industrial or light industrial purposes.





<b>Site:</b> Brighton Road, Brighton	
Municipality	Brighton
Area	62.0 ha
Current Zoning(s)	Industrial, Environmental Management, Rural, Utilities
Current Use	Industrial, Residential, Vacant, Roads
Reason for Inclusion within the UGB	Logical extension. Connects industrial estate with southern edge of existing urban area.



<b>Site: Ashgrove Crescent, Old Beach</b>	
Municipality	Brighton
Area	7.0 ha
Current Zoning(s)	General Residential, Rural Living
Current Use	Residential, vacant land
Reason for Inclusion within the UGB	Logical extension. Already zoned and developed for residential use. Located immediately adjacent to land identified for potential future expansion of the UGB (refer Brighton Structure Plan August 2018 - Site 9: Old Beach Quarry).



## Attachment 2

**STRLUS UGB Updates – Stage 1: Amendment to SRD 2.12**

Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:

- a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary; and
- b) does not constitute a significant increase in land zoned for urban development in that locality; and
  - i. is identified in a settlement strategy or structure plan produced or endorsed by the relevant planning authority; or
  - ii. only provides for a minor and logical extension to urban development beyond the Urban Growth Boundary; and
- c) can be supplied with reticulated water, sewerage and stormwater services; and
- d) is aligned with the capacity of transport and road infrastructure and minimises impacts on the efficiency and safety of road networks; and
- e) results in minimal potential for land use conflicts with adjoining uses.



Attachment 3

## Discussion Paper

### Amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Urban Growth Boundary for Greater Hobart

Final 10 March 2023



State Planning Office  
Department of Premier and Cabinet



Author:  
State Planning Office

Publisher:  
Department of Premier and Cabinet

Date:  
10 March 2023

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## I Introduction

This paper provides an overview of a proposed amendment to the Urban Growth Boundary (UGB) in the Southern Tasmania Regional Land Use Strategy's (STRLUS) Settlement and Residential Development Strategy (settlement strategy). The amendment is proposed as a short-term change to address current growth pressures in greater Hobart.

The amendment involves both a change to the mapped boundary of the UGB, and a text amendment to policy SRD 2.12, which relates to the consideration of urban zoning for land adjacent to, but beyond the boundary of the UGB. The capacity to rezone land will be subject to all other requirements being met for a planning scheme amendment, including all other applicable STRLUS policies, State Policies and other requirements of the *Land Use Planning and Approvals Act* (LUPA Act).

Significant work is underway to address the management of residential growth in greater Hobart through the preparation of the Greater Hobart Plan (GHP) and its anticipated Settlement Strategy, and through sub-regional residential demand and supply studies. This work will inform the review of the UGB for greater Hobart, which will be considered in more detail as part of the Phase 2 planning reforms.

The Phase 2 planning reforms include the making of the Tasmanian Planning Policies (TPPs), the Regional Planning Framework Project and the comprehensive review of each of the three regional land use strategies (RLUS). The reforms also anticipate short-term updates to the current RLUS, as and when required, to address immediate growth pressures prior to the review work being complete, which is anticipated for 2024.

### 1.1 Background

Settlement growth in greater Hobart is managed through the application of the UGB provided on Map 10 of the STRLUS and the associated regional policies under SRD 2 of the STRLUS's settlement strategy. The settlement management policies under SRD 2 address issues such as greenfield and infill development, dwelling density, land release staging and the requirements for growth management across the municipalities that contain the UGB.

Regional Policy SRD 2.12 formed an amendment to the STRLUS in 2021. It comprised part of the Stage 2 planning reform agenda and sought to enable a more efficient approach for managing anomalies on the UGB boundary without having to adjust the mapped boundary of the UGB. At the time, the introduction of SRD 2.12 considered the impending work to be undertaken as part of the GHP (formerly MetroPlan).

SRD 2.12 effectively allows parcels beyond, but adjacent to, the UGB to be considered for urban rezoning, where they are not in excess of an area of 2ha, and where they meet the remaining criteria specified in SRD 2.12. As with all planning scheme amendments, rezoning proposals under SRD 2.12 must also be considered in the broader context of the STRLUS policies, along with other considerations such as the State Policies and the objectives of Schedule 1 of the LUPA Act.



### 1.1.1 Greater Hobart Plan Objectives and Implementation

The GHP sets out broad strategic directions for the growth and development of greater Hobart over the next 30 years. It has recently been endorsed by the Greater Hobart Committee and a draft Implementation Plan is currently being prepared.

A foundational outcome of the GHP is to provide for a short to medium term update to the STRLUS, including any amendments to the UGB which may be necessary to support future growth objectives.

To achieve the above, a Settlement Plan for greater Hobart consistent with the objectives of the Greater Hobart Plan, is being prepared as part of the GHP implementation.

The Settlement Plan will provide the spatial description of where growth should occur (in accordance with the objectives of the GHP and agreed infrastructure and service capacity), and when that growth is likely to occur across each of the municipalities. This in turn will provide the strategic justification and detailed spatial information necessary to support a range of expected medium term updates to the UGB.

### 1.1.2 Approach to Urban Growth Boundary Amendments

A number of anomalies and errors associated with the mapped UGB were identified during the GHP preparation process, including locations where the boundary is inconsistent with the underlying cadastre, and where the UGB is inconsistent with the urban extent of greater Hobart.

The GHP work also identified a number of small to moderate sized parcels adjoining the current UGB that do not necessarily require further justification in relation impact on the intent of the UGB or the broader STRLUS settlement strategy.

In order to address immediate growth pressures and any constraints to housing supply, a staged approach to managing short to medium term amendments to the UGB in response to the outcomes of the GHP is considered appropriate.

In responding to the current situation, it is important to achieve the appropriate balance between enabling the timely release of residential land for growth without undermining the strategic work to be finalised through the GHP, nor the strategic intent of the STRLUS' settlement strategy.

The current amendment is intended to address the anomalies and errors, and the small to medium sized parcels, as described above, and identified through the GHP preparation process.

At a later stage, it is envisaged that the outcomes of the GHP settlement strategy will inform medium-term updates to the UGB, potentially involving larger and more strategically significant sites required to support future urban growth.

The comprehensive review of the STRLUS to be undertaken after the making of the Tasmanian Planning Policies will provide for the longer-term strategic updates to the UGB and will be informed by GHP settlement strategy regional demand and supply work, and the outcomes of the STRLUS review process.



## 2 STRLUS amendment to Urban Growth Boundary for Greater Hobart

The proposed draft amendment to the STRLUS consists of two components.

The first component involves mapped changes to the UGB to address the anomalies and errors identified by the GHP preparation process, as outlined in the previous section 1.1.2. It also includes parcels considered errors and anomalies as identified within Brighton and Sorell through a separate process, due to those municipalities being excluded from the GHP area.

The mapped changes also include removal of the UGB over the entire Tranmere/Rokeby peninsula to prove for a consistent approach to the application of the UGB across the Clarence municipality.

The peninsula is currently the only location within STRLUS where the UGB encircles an area, leaving a “hole” within the urban settlement pattern. Removing the UGB from the peninsula is consistent with the UGB in similar locations, including Natone Hill, Gordons Hill, Rosny Hill and the Hobart Domain, as well as the Nyrstar industrial area and the Hobart International Airport.

The second component consists of a text change to policy SRD 2.12 as follows:

Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:

- a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary; and
- b) does not constitute a significant increase in land zoned for urban development in that locality; and
  - i. is identified in a settlement strategy or structure plan produced or endorsed by the relevant planning authority; or
  - ii. only provides for a minor and logical extension to urban development beyond the Urban Growth Boundary; and
- c) can be supplied with reticulated water, sewerage and stormwater services; and
- d) is aligned with the capacity of transport and road infrastructure and minimises impacts on the efficiency and safety of road networks; and
- e) results in minimal potential for land use conflicts with adjoining uses.

The draft amendment to SRD 2.12 removes the 2.0 ha limit on parcels to be considered for urban rezoning, however, introduces a requirement for the land to be considered as part of a settlement strategy or structure plan endorsed by the relevant planning authority.





In this regard, the redrafting of SRD 2.12 allows for the Tasmanian Planning Commission to adopt a more merit-based approach decision-making when considering the rezoning of land beyond the UGB for urban purposes, rather than being constrained by the 2ha requirement.

The approach allows for greater flexibility in the design, layout and response to constraints associated with the development of larger redevelopment or greenfield sites, which provides opportunities to more efficiently release respond to growth demands.

Definitions are not provided for 'minor', 'logical' or 'significant increase'. This is to allow for the appropriate professional judgement to be made against the relevant criteria when determining the suitability of any rezoning proposal and removes quantitative limits which are difficult to apply uniformly without arbitrary outcomes.

Whilst the amendment allows for more flexibility under the settlement strategy to consider urban development beyond the UGB, rezoning proposals must also be considered in accordance with the broader context of the STRLUS policies and other requirements of the Act for a planning scheme amendment. These will include considerations such as the protection of natural and cultural values, management of natural hazards and the provision of physical and social infrastructure, as well as the State Policies and the objectives of Schedule I of the LUPA Act.

### **3 Compliance with the Land Use Planning and Approvals Act 1993**

Section 5A(3A) of the LUPA Act requires the Minister to only declare a regional land use strategy (including an amended strategy) if satisfied that it:

- furthers the Schedule I Objectives of the LUPA Act;
- is consistent with each State Policy; and
- is consistent with the Tasmanian Planning Policies (once made).

The current STRLUS has been declared as furthering the Schedule I Objectives of the Act and being consistent with the State Policies. The proposed amendment seeks to accommodate growth pressures whilst retaining the original intent of the STRLUS settlement strategy and its regional policies. The amendment is considered to be in accordance with the Schedule I Objectives of the LUPA Act and the State Policies.



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Tasmanian  
Government

Department of Premier and Cabinet  
State Planning Office

**Phone:**  
1300 703 977

**Email:**  
[Stateplanning@dpac.tas.gov.au](mailto:Stateplanning@dpac.tas.gov.au)

**[www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)**

## 15.3 ADDRESSING COUNCILLOR MISCONDUCT AND MERIT BASED RECRUITMENT IN COUNCILS

**File Number:** 12.238

**Author:** Gary Arnold, General Manager

### Strategic Plan Reference

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

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

## 1. PURPOSE

- 1.1 The purpose of this report is to enable Council to consider two discussion papers released by The Office of Local Government, Addressing councillor misconduct and Merit-based recruitment in councils.

## 2. BACKGROUND

- 2.1 The Office of Local Government has released two discussion papers regarding councillor misconduct and merit-based recruitment in councils and is seeking feedback from the local community, stakeholders, councils, council staff and elected representatives.
- 2.2 The *Addressing councillor misconduct discussion paper* proposes two pathways that would allow for stronger sanctions, including dismissal, to be imposed where the nature of a sitting councillor's misconduct warrants such actions.
- 2.3 The *Merit –based recruitment in councils discussion paper* proposes legislative and regulatory amendments to clarify and improve standards for the recruitment of general managers and council staff.

## 3. STATUTORY REQUIREMENTS

- 3.1 The *Local Government Act 1993* (the Act) is the principal legislation governing the roles and responsibilities of councillors.

## 4. DISCUSSION

### Addressing councillor misconduct

- 4.1 The democratically elected councillors of each council make important decisions at the local level and give voice to the aspirations and needs of the communities they represent.
- 4.2 Individuals who hold public office at all levels of government should be held to high standards in terms of behaviour and accountability. Councillors are responsible for performing an important leadership role within their local communities and, therefore, have a responsibility to act in a way that reflects community expectations.
- 4.3 Our elected representatives generally conduct themselves with professionalism, integrity, and dedication to their community. However, in the last term of local government in Tasmania, we saw a small number of instances in which behaviour and conduct fell well short of these aspirations.



- 4.4 Conduct matters in Tasmania are primarily dealt with through the local government Code of Conduct Framework, which is established under the Local Government Act 1993. However, the existing framework has very few direct mechanisms or escalation options for addressing instances where the misconduct of a councillor is of such a serious nature that it calls into question their suitability for public office.
- 4.5 Two models for discussion are presented in the *Addressing councillor misconduct discussion paper*. These are not mutually exclusive, and the preferred outcome may be to legislate both pathways, which would be applicable to separate contexts.
- 4.6 The options considered in this paper are:
1. *Amendment to the Board of Inquiry provisions of the Local Government Act 1993, to enable a Board to be established to investigate misconduct of individual councillors;*
  2. *Empowering the Director of Local Government to seek dismissal or extended suspension of a councillor under the Model Code of Conduct by application to the Code of Conduct Panel or, possibly in future, the Tasmanian Civil and Administrative Tribunal (TASCAT).*
- 4.7 The first option would enable the Minister for Local Government to establish a Board of Inquiry into one or multiple councillors, noting at present a Board of Inquiry may only be established in respect of a council collectively.
- 4.8 The second option is to enable the Code of Conduct Panel, or the Tasmanian Civil and Administrative Tribunal, to impose more serious sanctions including suspensions of up to six months or dismissal, but only where the Director of Local Government is the complainant.

#### **Merit-based recruitment**

- 4.9 This paper responds directly to reform recommendations contained in Report of the Auditor-General No. 2 of 2021-22: Council general manager recruitment, appointment and performance assessment and the Integrity Commission's 2023 CEO Report of the Investigation: Investigation Smithies: Systemic Issues.
- 4.10 This discussion paper proposes that a merit principle be reinstated in the Local Government Act. This will require the elected council and general managers, in their respective capacities, to ensure councils undertake recruitment in accordance with the merit principle.
- 4.11 The 2023 Integrity Commission CEO report titled 'Investigation Smithies: Systemic Issues' recommends that the Minister for Local Government implement a requirement in the Act for employees to be recruited on merit. The Report describes systemic issues at one Tasmanian council stemming from a lack of proper recruitment policy and procedure.
- 4.12 The paper proposes to reinstate a requirement that council employees be appointed and promoted according to merit in the Local Government Act, which had been a requirement until 2005.
- 4.13 The Report of the Auditor-General into Council General Manager Recruitment, Appointment and Performance Assessment (the Report), released October 2021, recommended that the Minister for Local Government "develop and issue mandatory requirements and supplementary guidance on recruitment, appointment and performance assessment processes that are consistent with contemporary HR practice." The Report considered six council general manager recruitment processes (and six council performance assessment processes) and provided a separate assurance report

considering the contemporaneous Huon Valley Council general manager recruitment process.

4.14 Government intends to put in place a ministerial order under section 61A of the Act providing standards for general manager recruitment and performance assessment.

4.15 The discussion paper further proposes that the Act be amended to require that vacancies in the position of general manager be advertised and applications be sought from the community, and more widely.

4.16 General managers will be required to be appointed according to merit.

4.17 This responds to the recommendation contained in the Report of the Auditor-General that mandatory requirements be put in place.

4.18 The proposals contained in each discussion paper, as outlined above, are considered appropriate for the reasons elaborated on in each paper.

## **5. FINANCE**

5.1 There are no financial implications arising from this report.

## **6. ENVIRONMENT**

6.1 There are no environmental considerations arising from this report.

## **7. COMMUNICATION AND CONSULTATION**

7.1 The Government is seeking feedback from the local community, stakeholders, councils, council staff and elected representatives.

## **8. RISK**

8.1 The Office of Local Government has addressed perceived or actual risk in each discussion paper.

## **9. CONCLUSION**

9.1 The proposals to provide enabling mechanisms to consider the serious misconduct of a single councillor as outlined in the *Addressing councillor misconduct* discussion paper is arguably the most contentious issue.

9.2 As the discussion paper clearly articulates “different thresholds and mechanisms are adopted in other Australian jurisdictions to deal with serious councillor misconduct. Despite this inconsistency, it is nonetheless clear that Tasmania has fewer mechanisms for the suspension or removal of a councillor from office compared to all other jurisdictions.”

9.3 The proposals presented in the discussion paper appear to appropriately balance the role of local government as an independent, and democratically constituted, tier of government, with the need for intervention in limited circumstances to preserve the public interest.

9.4 It is suggested that the proposals outlined in each discussion paper will further support public confidence and trust in local government.

## **10. RECOMMENDATION**

That Council resolve to provide a submission to the Office of Local Government indicating support for the proposals outlined in each discussion paper.

#### **ATTACHMENTS**

- 1. Discussion Paper: Addressing Councillor Misconduct**
- 2. Discussion Paper: Merit-based Recruitment in Councils**

Public Copy

DISCUSSION PAPER

# Addressing councillor misconduct

March 2023

Public Copy

Office of Local Government  
Department of Premier and Cabinet



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## How to make a submission

Submissions on the options for reform presented in this paper are welcome from members of the community, stakeholders, councils, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following prompts:

- Who should be able to initiate, and who should be able to determine, applications seeking the extended suspension or dismissal of councillors?
- On what basis should these decisions be made?
- Do the options presented reflect the principles outlined in this discussion paper?
- Do these options support public confidence and trust in local government?
- Do these options appropriately balance the role of local government as an independent, and democratically constituted, tier of government, with the need for intervention in limited circumstances to preserve the public interest?

Submissions by email to [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au) are preferred. Alternatively, submissions may be provided by mail, addressed to:

Attention: Addressing councillor misconduct discussion paper  
Office of Local Government  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

**Submissions must be received by midnight on 19 April 2023.**

In the absence of clear information that a submission is to be treated as confidential, submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Please consult the Tasmanian Government's [Public Submission Policy](#) for further information.

Submissions will be published after consideration by Government.

## Context

### Background

The Tasmanian Government is committed to the supporting and strengthening Tasmania's local government sector and ensuring that our local councils are equipped to serve their communities.

The democratically elected councillors of each council make important decisions at the local level and give voice to the aspirations and needs of the communities they represent.

Individuals who hold public office at all levels of government should be held to high standards in terms of behaviour and accountability. Councillors are responsible for performing an important leadership role within their local communities and, therefore, have a responsibility to act in a way that reflects community expectations.

Our elected representatives generally conduct themselves with professionalism, integrity, and dedication to their community. However, in the last term of local government in Tasmania, we saw a small number of instances in which behaviour and conduct fell well short of these aspirations.

Conduct matters in Tasmania are primarily dealt with through the local government Code of Conduct Framework, which is established under the *Local Government Act 1993*. However, the existing framework has very few direct mechanisms or escalation options for addressing instances where the misconduct of a councillor is of such a serious nature that it calls into question their suitability for public office.

While the community chooses its representatives every four years, the length of these terms means that a mechanism to consider removal from office outside those democratic processes may be beneficial to the public interest, but only in extraordinary circumstances. Significant caution must be exercised in empowering any decision-maker in that way, be that a Minister, statutory officer, court, or administrative tribunal.

### This Discussion Paper

In drafting this discussion paper, Government is striking a balance between important and independent democratic function of our councillors, while acknowledging the imperative for intervention in limited circumstances.

This paper is intended to inform the community and seek feedback on two options under consideration by Government that would allow for stronger sanctions, including dismissal, to be imposed where the nature of a sitting councillor's misconduct warrants such action. It includes analysis of approaches to councillor misconduct in other jurisdictions; outlines the existing framework and remedies in Tasmania; and sets out the principles that have been applied in developing the two options presented, along with a range of possibilities considered but not developed further.

## Terminology, acronyms, and abbreviations

### Misconduct

The *Integrity Commission Act 2009* defines misconduct as—

(a) *conduct, or an attempt to engage in conduct, of or by a public officer that is or involves –*

(i) *a breach of a code of conduct applicable to the public officer; or*

(ii) *the performance of the public officer's functions or the exercise of the public officer's powers, in a way that is dishonest or improper; or*

(iii) *a misuse of information or material acquired in or in connection with the performance of the public officer's functions or exercise of the public officer's powers; or*

(iv) *a misuse of public resources in connection with the performance of the public officer's functions or the exercise of the public officer's powers; or*

(b) *conduct, or an attempt to engage in conduct, of or by any public officer that adversely affects, or could adversely affect, directly or indirectly, the honest and proper performance of functions or exercise of powers of another public officer –*

...

Serious misconduct is defined as—

... *misconduct by any public officer that could, if proved, be –*

(a) *a crime or an offence of a serious nature; or*

(b) *misconduct providing reasonable grounds for terminating the public officer's appointment*

These definitions should be taken as a useful guide to matters relevant to the mechanisms outlined in this paper, and may have some legislative application. In using this definition, care will be required to minimise the regulatory overlap between the Office of Local Government and the Integrity Commission.

TASCAT – Tasmanian Civil and Administrative Tribunal

The Act – The *Local Government Act 1993*

### Previous consultation on sanctions for misconduct

The Tasmanian Government consulted in relation to appropriate sanctions for councillor misconduct through the Local Government Legislation Review. Government released a series of approved reforms in April 2020, one of which was to empower the Minister for Local Government to dismiss individual councillors upon investigation and recommendation by the Director of Local Government. This proposed legislative change has not been introduced at this stage and is considered further as part of the options in this paper.



## Options for reform

Two models for discussion are presented in this paper. These are not mutually exclusive, and the preferred outcome may be to legislate both pathways, which would be applicable to separate contexts. The options considered in this paper are:

1. Amendment to the Board of Inquiry provisions of the *Local Government Act 1993*, to enable a Board to be established to investigate misconduct of individual councillors;
2. Empowering the Director of Local Government to seek dismissal or extended suspension of a councillor under the Model Code of Conduct by application to the Code of Conduct Panel or, possibly in future, the Tasmanian Civil and Administrative Tribunal (TASCAT).

## Existing mechanisms in Tasmanian legislation for addressing councillor misconduct

### Code of Conduct

The *Local Government Act 1993* (the Act) is the principal legislation governing the roles and responsibilities of councillors.

Councillor conduct matters are regulated generally through the Model Code of Conduct made under the Act, as adopted by each council. Conduct complaints are heard and determined by the independent Code of Conduct Panel.

A range of sanctions may be imposed by the Panel, with the most severe of these being a suspension from the performance and exercise of a councillor's duties for a period not exceeding three months.

If a councillor is suspended from office three times within two consecutive terms of office, the Code of Conduct Panel is to notify the Minister for Local Government, and the Minister may remove a councillor from office.

It is acknowledged that the threshold of three periods of suspension from office is high, and that the Code of Conduct Panel has only ever suspended a councillor from office on three occasions, involving three separate councillors.

The Code of Conduct Framework was recently reviewed, and amendments have been introduced into State Parliament under the Local Government (Code of Conduct) Bill 2022. The Bill enhances requirements for local dispute resolution before matters can be considered by the Panel; and introduces a public interest test at the initial assessment stage. However, that review was not undertaken with a view towards the introduction of sanctions for misconduct of the kind presented in this paper.

### Investigations by the Director of Local Government

The Director of Local Government has authority to investigate (with or without a complaint) any concern that a Council, Councillor or General Manager has not complied with a requirement of the *Local Government Act 1993* or any other Act. This may include behaviour that could fit the definition of misconduct or serious misconduct.

There are a number of offences that could arise from an investigation by the Direction of Local Government, including participating with a pecuniary interest (s48), disclosure of information

(s338A), improper use of information (s339) and misuse of office (s339A). If a prosecution is successful, a Magistrate may impose a penalty dismissing a councillor and/or barring a councillor from nominating as a candidate for a period of up to 7 years. Any sitting Councillor that is barred from nominating as a candidate is automatically dismissed.

The Director of Local Government may also apply to a Magistrate for an order that a councillor is unable to perform or exercise adequately or competently the functions or powers of a councillor due to the physical or mental incapacity of the councillor (s28J). A person may also not nominate if removed from office due to incapacity

### Interventions by the Minister for Local Government

The Minister for Local Government may establish a Board of Inquiry to investigate a Council(s215)<sup>1</sup>.

After considering the report of Board Inquiry, the Minister may recommend that the Governor by order dismiss any councillor or all councillors in a Council (s226). In making the recommendation, the Minister must be of the opinion that:

- (a) the failure of the councillor or council to perform any function has seriously affected the operation of the council; or
- (b) the irregularity of the conduct of the councillor or council has seriously affected the operation of the council

### Automatic Vacancy

A Councillor is automatically vacated from office upon their imprisonment or where they have been sentenced for a crime.

### Insights from other jurisdictions

Different thresholds and mechanisms are adopted in other Australian jurisdictions to deal with serious councillor misconduct. Despite this inconsistency, it is nonetheless clear that Tasmania has fewer mechanisms for the suspension or removal of a councillor from office compared to all other jurisdictions.

The table below demonstrates high level similarities and differences in the local government legislation of Australian jurisdictions relevant to misconduct and dismissals. More detailed information is provided as an Appendix.

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<sup>1</sup> While an individual councillor or councillors may be dismissed through a process arising from a Board of Inquiry, the Minister for Local Government may only establish a Board to investigate "...a council... or any matter relating to the administration of this Act" if the Minister is satisfied the matter justifies its establishment.

	Tasmania	Queensland	Victoria	New South Wales	South Australia	Western Australia	Northern Territory
<b>Minister's powers to dismiss/recommend dismissal of a councillor</b>	Only on receipt of a Board of Inquiry report following review of whole council, and through a recommendation to the Governor	By recommendation to the Governor-in-Council	No, but may suspend a councillor on specified grounds while matters are heard and determined by conduct or administrative tribunals	No, but may suspend a councillor and recommend dismissal to the Governor upon receipt of a report of the Independent Commission Against Corruption	No	By recommendation to the Governor, on receipt of recommendation from Department CEO. Minister may suspend a councillor on various grounds	No
<b>May a court dismiss or remove a councillor upon conviction for specific offences?</b>	Yes, if convicted and penalised for offences relating to pecuniary interest, disclosure or improper use of information, misuse of office, or due to physical or mental incapacity	Yes	Yes	Yes	Yes	Yes	Yes
<b>Administrative or conduct tribunal power to dismiss a councillor</b>	Limited. The Minister for Local Government may remove a councillor from office, if that councillor was suspended by a Code of Conduct Panel on three occasions, within two consecutive terms of office.	Yes. Councillor Conduct Tribunal may recommend dismissal to the Minister	Yes, the Victorian Civil and Administrative Tribunal may disqualify a councillor from holding office upon a finding of gross misconduct for up to eight years; and a councillor is disqualified for four years upon two findings of serious misconduct by a Councillor Conduct Tribunal	Yes, the NSW Civil and Administrative Tribunal may disqualify a councillor from holding office for up to six years. Matters must be referred by the Chief Municipal Inspector	Yes. When referred to the South Australian Civil and Administrative Tribunal by specified persons following an investigation by the Ombudsman or ICAC.	Yes. The State Administrative Tribunal may disqualify a councillor from office, for up to five years, due to a finding of a serious or recurrent breach. The allegation must be made by the Department CEO	Yes. Any person may make an application to the Northern Territory Civil and Administrative Tribunal to determine whether a councillor, who has been convicted of an offence under the Local Government Act 2019 or another Act is fit to remain in office
<b>Are persons ineligible if disqualified from managing a corporation under the Corporations Act 2001 (Cth)?</b>	No	No	Yes	Yes	No	No	Yes

## Directions for reform

As noted, there is limited consistency in the pathways and mechanisms for the applications on severe sanctions between jurisdictions. However, commonalities are evident, including empowering civil and administrative tribunals or ministerial inquiries to make recommendations for suspension and especially dismissal; and providing for the suspension of councillors prior to and during such processes.

While ministers are provided mechanisms for intervention, the extent or limits of these vary significantly.

Based on the jurisdictional models in place in Australia, a number of principles are suggested to guide reform options:

- The status of local government as a separate, democratically represented, sphere of government requires that thresholds for intervention leading to disqualification or dismissal of a councillor be high;
- Maintaining public confidence and appropriate levels of transparency in the application of decision-making processes and sanctions for councillor misconduct is crucial;
- Any process undertaken to consider and determine councillor misconduct matters must facilitate appropriate levels of discretion to consider individual situations and circumstances.

Within that framework, there are numerous approaches and mechanisms which could be implemented in Tasmania. Key questions for consideration include:

- Who should be empowered to refer a matter into a process to consider the suspension or removal of a councillor?
- Who should undertake that process, and on what grounds should any recommendation be made?
- On whose authority should a councillor ultimately be dismissed?

### *How did we develop these options?*

In developing the two reform pathways presented in this paper, consideration was given to a broad range of possibilities. These included direct dismissal by the recommendation of the Minister of Local Government to the Governor; or for the Director of Local Government to provide a recommendation to the Minister enabling such an intervention. As noted, the latter proposition was supported by the Local Government Legislation Review.

Consideration was also given to the extension of section 28J of the Local Government Act, which presently provides for the Director of Local Government (as the prescribed person) to apply to a magistrate for an order that a councillor is unable to perform or exercise their functions or powers due to physical or mental incapacity. A councillor is removed from office (in effect, dismissed) upon the granting of an order by the magistrate.

While a magistrate would be able to provide impartiality and fairmindedness, and confidence in an apolitical process, it was considered that a more deliberative or bespoke framework, able to take the unique context of local government and the office of councillor into account, would be preferred. It was considered that, at the margin, a magistrate may themselves be placed in a

difficult position if compelled to consider the removal of a councillor in circumstances which were highly politicised or about which the community was divided.

#### What about Registration to Work with Vulnerable People cards?

It is acknowledged that several councils and community members have advocated for Registration to Work with Vulnerable People (RWVP) to be a requirement to hold the office of councillor.

Government is of the view that uniformly requiring RWVP would apply that tool for a purpose it was not designed to address, and would represent a different standard than is maintained in legislation for the office of councillor. It would further place the regulating entity for RWVP, Consumer, Building, and Occupational Services (known as CBOS), in the position of deciding on the suitability of elected officials to hold office. This is not supported.

While RWVP is not supported as a general requirement, Government is committed to developing guidance to clarify for councils where RWVP may already be required for specific activities undertaken by councillors under the *Registration to Work with Vulnerable People Act 2013*.

The reform pathways presented are a translation of approaches used in other jurisdictions into the existing Tasmanian local government legislative frameworks. They are considered to provide a superior framework to either of those possibilities with respect to the principles outlined above; particularly in ensuring administrative or political decision-makers are furnished with clear and apolitical recommendations, reached through a deliberative process.

### Legislative options

In consideration of the above principles and questions, two reform pathways are presented for consultation. These correspond to mechanisms in other jurisdictions' frameworks as outlined, with closer reference to provisions of New South Wales and Victoria.

As noted, Tasmania has limited existing mechanisms to consider the extended suspension or dismissal of councillors, and these options are formulated to address that gap. These mechanisms, if legislated, are not expected to be exercised frequently, and enhanced sanction options may further have a deterrent effect.



Option: Enable a Board of Inquiry to be established by the Minister for Local Government to consider the conduct of a single councillor or specified councillors

The Minister for Local Government may appoint a Board of Inquiry to investigate a council, single authority or joint authority or any matter relating to the administration of this Act under section 215 of the Local Government Act. A Board is one or more persons appointed by the Minister.

Under the Act, the Minister for Local Government can issue a direction upon receipt of the Board's report or recommendations requiring a council or a councillor to undertake actions within a specified period; or may recommend to the Governor an order dismissing any or all councillors.

The Minister may suspend a councillor from office for the period of the Board's activity, up until the Minister makes a direction as a result of the Board's recommendations, or dismisses the councillor from office.

A Board established under the Act enjoys information gathering powers and may compel persons to attend proceedings, and give evidence on oath or affirmation. A Board may conduct hearings, and must provide opportunities for a council, councillors, and persons directly impacted by an inquiry to make submissions.

A Board must observe the rules of natural justice; is not bound by the rules of evidence; and must conduct its inquiry with as little formality as the matter permits. It may permit the legal representation of a person summoned before it.

This framework may be appropriate for the consideration of matters relating to serious misconduct of a single councillor or councillors. The Act presently requires, in effect, a Board to be established to investigate the actions of a council. These provisions could be extended to enable the appointment of a Board to investigate a single councillor or councillors.

The Minister may impose a Performance Improvement Direction on a council or councillor. Consideration of dismissal on the basis of an individual councillor's failure to comply with a Performance Improvement Direction may be an appropriate function of a Board, noting its establishment by the Minister.

The Act presently constrains a Minister's recommendation for dismissal to circumstances where:

- The failure of the councillor to perform any function has seriously affected the conduct of the council;
- The irregularity of the conduct of the councillor has seriously affected the operation of the council; or
- The councillor has failed to comply with a direction issued by the Minister as a result of a Board of Inquiry.

These standards are considered appropriate to the Minister's consideration of the dismissal of a single councillor, or councillors, as a result of an investigation into the conduct of that councillor's or the councillors' conduct. However, this could be extended to include a ground that the Board had identified serious misconduct (with potential reference to the *Integrity*

*Commission Act 2009*) of a nature to demonstrate the councillor is not a fit and proper person to hold that office.

The Act presently constrains the suspension of a councillor or councillors until the time the Minister issues a direction after receiving the Board's report. It is considered appropriate that this be modified to provide for the extension of a suspension by the Minister, at the time a direction is made, until the actions contained in the direction have been undertaken.

Advantages of this option include:

- Power for the Minister for Local Government to initiate an investigation in the interests of the community;
- Its operation as an extension to prospective and existing regulatory frameworks, including robust evidence gathering powers, and a requirement, in effect, that the process be conducted with less formality than court proceedings;
- That the Board's costs are recoverable from a council.

Disadvantages include:

- The perceived or actual risk of politicised decision-making by a Minister for Local Government;
- Perceived or actual risk associated with the significant discretion in the appointment of persons to a Board.

**Option: Empowering the Director of Local Government to seek the dismissal or longer suspension of a councillor under the Model Code of Conduct by application to the Tasmanian Civil and Administrative Tribunal or Code of Conduct Panel**

This Option would empower the Director of Local Government, if satisfied matters are of sufficient severity, to refer alleged serious councillor misconduct to the Tasmanian Civil and Administrative Tribunal (TASCAT) or Code of Conduct Panel, if retained, for determination.

The Tasmanian Government is considering the transfer of the Code of Conduct Panel's functions, or elements of these, to TASCAT. This process is to canvass related issues, legal representation in Code of Conduct matters and appeal rights and pathways. Consultation opportunities on the potential transfer of the Framework will be made available at a later stage. It is considered that a formalised tribunal framework decreases the risk associated with the introduction of very severe sanctions into the regulatory framework, as contemplated in this paper.

The precise legislative proposal to deliver this option would only be formulated once the feasibility of the transfer of Code of Conduct matters to TASCAT is resolved. Were instead a separate Panel retained, significant change to its operation would be required to accommodate matters of this scope. For instance, legal representation is not permitted within the existing Code of Conduct Panel system to preserve the informal nature of proceedings. That restriction may be inappropriate to proceedings where a sanction up to dismissal may be applied.

It is not considered desirable to contemplate very severe sanctions for Code of Conduct complaints brought by councillors or members of the community, due to the acknowledged risk of the 'weaponisation' of the framework and process. Restricting the potential application of enhanced sanctions to matters brought by the Director, as a statutory officer, mitigates the risk

of vexatious or unsubstantiated applications from councillors or members of the community seeking dismissal. It is noted that the Director of Local Government is provided extensive information gathering powers under the Local Government Act, but cannot themselves suspend or dismiss a councillor.

In considering an application from the Director, TASCAT or the Code of Conduct Panel would have available to it all sanctions available to it under the Code of Conduct framework, but would additionally, be able to consider the imposition of suspension from the office of councillor of up to six months, or dismiss the councillor from office. Presently, a Code of Conduct Panel may only impose a sanction of a suspension of up to three months.

The Director could make an application on the basis of:

- The outcome of a Director's investigation into a councillor or council, including indications of misconduct within the meaning of the *Integrity Commission Act 2009*;
- A report received by referral of the Integrity Commission or an Integrity Tribunal;
- The findings of a Code of Conduct complaint;
- The conviction of a councillor for an offence against the Local Government Act or any other act;
- Other circumstances where the Director is satisfied the impact of the councillor or councillors' actions on the operations of the council warrants consideration as serious misconduct.

The Tribunal or Code of Conduct Panel, in making its determination, would be required to have regard to the councillor or councillors' conduct with reference to the Model Code of Conduct. It is not proposed to establish a separate set of conduct standards for this process.

It is proposed that the Minister for Local Government would be empowered to immediately suspend a councillor or councillors from undertaking the functions of councillor until the application had been resolved (including allowances).

This option adopts elements of the regulatory frameworks of both Victoria and New South Wales.

It is proposed that TASCAT or the Code of Conduct Panel, in dismissing a councillor, may also make an order preventing that councillor from contesting any local government election for a period of up to seven years.

Advantages of this option may include:

- Its generally non-political nature;
- Its operation as an extension to prospective and existing regulatory frameworks; and
- Inaccessibility to vexatious complainants.

Disadvantages may include:

- Reliance upon the judgement of a government statutory officer and tribunal;
- Risk of the adverse public perception or politicisation of a government statutory officer and tribunal;
- Limited role of the Minister for Local Government; and
- Prospects of judicial or administrative review leading to delayed outcomes.

## Appendix: Jurisdictional approaches to councillor misconduct and dismissals

This summary is intended to assist readers to understand the varied requirements imposed in benchmark Australian jurisdictions. It does not provide an analysis of the merits of these approaches nor the extent of their use, which is considered beyond scope for this discussion.

### Queensland

Queensland's *Local Government Act 2009* provides that its Minister for Local Government may recommend the suspension or dismissal of a councillor to the Governor-in-Council, on receipt of a recommendation of the Councillor Conduct Tribunal that a councillor be suspended or dismissed.

The Minister may separately recommend to the Governor-in-Council that a councillor be suspended or dismissed where the Minister believes:

- a councillor has seriously or continuously breached the local government principles; or
- the councillor is incapable of performing their responsibilities; or
- that it is otherwise in the public interest for the councillor to be suspended or dismissed.

These provisions were introduced in 2018.

A person is ineligible to serve as a councillor if imprisoned on under a suspended sentence.

The Queensland Act also establishes periods of ineligibility following conviction for:

- A treason offence—permanent, unless pardoned;
- A disqualifying electoral offence (meaning a conviction under the *Electoral Act 1992* where the penalty included a period of imprisonment, other than for a failure to pay a fine) —10 years;
- A serious integrity offence—7 years; or
- An integrity offence—4 years.

### Victoria

Victoria's *Local Government Act 2020* empowers the Chief Municipal Inspector, a government statutory officer, to make an application to the Victorian Civil and Administrative Tribunal for a finding of gross misconduct. Only the Inspector may make such an application.

Gross misconduct is behaviour that demonstrates that a councillor is not of good character, or is not a fit and proper person to hold the office of councillor (including sexual harassment of an egregious nature).

Upon a finding of gross misconduct, the Tribunal may disqualify a councillor from continuing to be a councillor for a period of up to eight years.

Separately, a councillor subject to two findings of serious misconduct by separate Councillors Conduct Panels within a period of eight years is disqualified from holding the office of councillor for a period of four years.



The Minister for Local Government, through recommendation to the Governor-in-Council and upon receipt of a report of the Chief Municipal Inspector, may suspend a councillor while an application for serious or gross misconduct is heard. The Minister must be satisfied the councillor is creating a risk to the health and safety of the council staff or councillors; other persons, in their capacity as a councillor or is preventing the council from performing its functions.

Councillors convicted of offences against the Local Government Act with a maximum penalty of 120 penalty units or a period of imprisonment of at least 12 months are disqualified from holding office for a period of eight years; or who have been convicted of the offence of failing to lodge a campaign donation disclosure, for the current term of the council.

Persons convicted of any offence in the preceding eight years, when over 18 years of age, punishable on first conviction of a period of imprisonment of two years or more are ineligible to hold the office of councillor.

Persons disqualified from managing corporations under the *Corporations Act 2001* (Cth) cannot hold the office of councillor.

#### New South Wales

The New South Wales *Local Government Act 1993* provides for the Department Chief Executive to refer councillor misconduct matters to the NSW Civil and Administrative Tribunal (NCAT) before, during or after an investigation by the Chief Executive.

Separately, the Minister for Local Government may request the Chief Executive refer a matter to the Tribunal due to a failure of a councillor to undertake actions required by a performance improvement order issued by the Minister for the council. This may be instead of, during, or after the issue of a compliance order by the Minister for the councillor in respect of that failure, which includes the suspension from the functions of a councillor (which are not required to meet the terms of the compliance order), and from receiving allowances and payment for expenses.

The Tribunal, on receipt of a referral from the Chief Executive, may determine whether to conduct proceedings.

If it proceeds and find the behaviour of the councillor warrants action, the Tribunal may impose sanctions up to a suspension of the councillor from civic office for a period of up to six months, or the disqualification of the councillor from holding civic office for a period of up to five years.

Separately, the Minister may suspend a councillor and recommend to the Governor the dismissal of the councillor upon a report of the Independent Commission Against Corruption (ICAC) recommending that consideration be given to the suspension of a councillor from office, with a view to their dismissal for serious corrupt conduct. The Minister must be satisfied that the dismissal of the councillor is necessary in order to protect the public standing of the council and the proper exercise of its functions.

Councillors are ineligible to hold office if:

- Serving a sentence, including a sentence of an intensive correction order, other than a sentence for failing to pay a fine;



- In the preceding two years, they were convicted of electoral offences created under regulation, which correspond to those in the state's *Electoral Act 2017*;
- In the preceding two years, they were convicted of an offence under the *Election Funding, Expenditure and Disclosures Act 1981* or the *Electoral Funding Act 2018*; or
- In the preceding seven years, they were convicted of any offence punishable by imprisonment for five years or more.

Persons disqualified from managing corporations under the *Corporations Act 2001* (Cth) cannot hold the office of councillor.

Persons are disqualified from holding the office of councillor for five years if they have been suspended for misconduct by the Departmental Chief Executive or NCAT on three occasions.

#### South Australia

South Australia's *Local Government Act 1999* provides for a councillor to be disqualified from office as a result of a complaint to the South Australian Civil and Administrative Tribunal (SACAT). SACAT may also disqualify a person may also be disqualified from becoming a councillor for a period not exceeding five years.

The complaint to SACAT may only be lodged by a council's chief executive officer, or another person authorised by the relevant minister or the council. It may only be lodged after the matter in question has been investigated by either the Ombudsman or the Independent Commission Against Corruption (ICAC).

A court may further impose the same penalties upon conviction for offences related to confidential information and misuse of office broadly corresponding to the Tasmanian Local Government Act.

A councillor is automatically vacated from office if convicted of an indictable offence punishable by imprisonment.

#### Western Australia

Western Australia's *Local Government Act 1995* (the WA Act) provides for the relevant minister to recommend to the Governor that a councillor be dismissed. The minister must make this decision on the basis of advice from the Department CEO that a councillor is impeding the ability of the council to perform its functions and duties under the WA Act; or that it is in the best interests of the council that the councillor be dismissed, and that the minister is satisfied that the seriousness of the situation for the council requires the intervention. A councillor is provided an opportunity to show cause before any order by the minister is made.

Separately, the WA Act provides for the relevant minister to suspend a councillor or to require remedial action in a range of circumstances, including upon the councillor's charge for a disqualification offence; after the Department CEO has made an allegation of a serious breach to the State Administrative Tribunal; or once the Department CEO has made a recommendation to the minister for suspension or remedial action on specified grounds.

A councillor may also be dismissed upon recommendation by the Minister to the Governor if an Inquiry Panel, of one or three persons appointed by the minister, has made that recommendation.

The State Administrative Tribunal, in determining an allegation of a serious or recurrent breach (which can be made only by the Department CEO), may disqualify a councillor from holding office for a period of not more than five years.

A person is disqualified from the office of councillor if convicted of a crime and is imprisoned under sentence for that crime; has been convicted in the preceding five years of a serious local government offence; or has been convicted of an offence for which the indictable penalty included imprisonment for more than five years (or imprisonment for life). A serious local government offence is an offence against the WA Act which is punishable by a sentence over a prescribed duration, or of a fine above a prescribed amount.

A court may also make an order disqualifying a councillor for misapplication of funds or property.

### Northern Territory

A councillor may be determined to be unfit to hold that office by the Northern Territory Civil and Administrative Tribunal. This application may be made by any person residing and registered to vote in that local government area, and may only be made after that councillor is convicted of an offence under the *Local Government Act 2019* or another Act, demonstrating the councillor is unfit to remain in office. The Tribunal must consider whether the nature and details of the offence makes the member unfit to remain in office; the councillor's role as a community representative; the councillor's position of influence and trust; and the councillor's responsibility for managing public funds, in determining whether to dismiss a councillor from office.

A councillor is disqualified from holding the office of councillor if serving, or sentenced to during a term of office, a term of imprisonment of 12 months or more.

A person convicted of the offences of undue influence or bribery, in the *Criminal Code Act 1983*, committed in respect of a local government election is vacated from office and barred from holding office for two years.

A person is disqualified from the office of councillor if disqualified from managing a corporation under the Corporations Act 2001 (Cth) or Corporations (Aboriginal or Torres Strait Islander) Act 2006 (Cth).

DISCUSSION PAPER

# Merit-based recruitment in councils

March 2023

Public Copy

Office of Local Government  
Department of Premier and Cabinet



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Public Copy

## How to make a submission

Submissions on the options for reform presented in this paper are welcome from members of the community, stakeholders, councils, council staff, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following prompts:

- Do you expect that a requirement that councils make decisions to appoint or promote employees based on merit will improve council services?
- Would this principle support or hinder access to employment opportunities in councils by the Tasmanian community?
- How can councils, and councillors, be supported to identify the best possible candidate for a vacancy in the important role of general manager?

Submissions by email to [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au) are preferred. Alternatively, submissions may be provided by mail, addressed to:

Attention: Merit-based recruitment in councils discussion paper  
Office of Local Government  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

**Submissions must be received by midnight on 19 April 2023.**

In the absence of clear information that a submission is to be treated as confidential, submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Please consult the Tasmanian Government's [Public Submission Policy](#) for further information.

Submissions will be published after consideration by Government.



## Context

### Background

The Tasmanian Government is pursuing an ambitious reform program to enhance the capability of our system of local government in Tasmania. Alongside the Future of Local Government Review and reforms to the Local Government Code of Conduct Framework, it is opportune to pursue more targeted changes to resolve issues arising within the sector.

Importantly, this paper responds directly to reform recommendations contained in *Report of the Auditor-General No. 2 of 2021-22: Council general manager recruitment, appointment and performance assessment* and the Integrity Commission's 2023 *CEO Report of the Investigation: Investigation Smithies: Systemic Issues*.

The discussion paper is seeking feedback on two related legislative and regulatory amendments to clarify and improve standards for the recruitment of council staff and of council general managers. These related matters are considerably separately within the statutory framework established by the *Local Government Act 1993* (the Act).

Tasmania is one of two Australian jurisdictions—the other being Queensland—which does not include some variation on a requirement that local government employees be appointed based on merit within their local government legislation. Tasmania's Act did contain a merit principle for the appointment of employees historically, which was removed through the *Local Government Amendment Act 2005*.

This discussion paper proposes that a merit principle be reinstated in the Local Government Act. This will require the elected council and general managers, in their respective capacities, to ensure councils undertake recruitment in accordance with the merit principle.

Government separately undertook in 2021 to put in place a Ministerial Order regarding the appointment and performance management of council general managers. Scope to make an order for this purpose is provided under section 61A of the Local Government Act, which was inserted through the *Local Government Amendment (Targeted Review) Act 2017*.

This discussion paper canvasses a change to section 61(3) of the Act to enable this order to be made. Government's intention in pursuing the Ministerial Order is that councils will need to invite applications from their community, and more widely, for a vacancy in the position of general manager. The process councils are required to undertake to appoint and general managers will be tied to the definition of merit introduced into the Act in respect of employees.

Finally, the paper presents the principles to be embedded in the future order made under section 61A. The Minister for Local Government is required, at section 61A(3), to consult with councils as to the matters the Minister is considering including in the order. The Minister for Local Government has endorsed this discussion paper as the mechanism to fulfil that statutory requirement to consult with councils.

## This Discussion Paper

This paper has been drafted to inform the community of proposed legislative amendments, and the related and subsequent ministerial order in relation to general manager appointment and performance management. It includes a brief overview of provisions relating to merit-based appointments of staff and the appointment of general managers in other Australian jurisdictions, and outlines the existing provisions of the Act.

## Section 1: Reinstating a merit principle in the Local Government Act

It is proposed that the Act be amended to reinstate a clear expectation that the appointment and promotion of council employees be according to merit. It is acknowledged that many Tasmanian councils maintain employment practices, and policy and procedure documentation, which is consistent with that principle. However, a legislated expectation is considered beneficial for consistency and its broad application.

Appointment according to merit means, in general terms, that:

- eligible applicants are provided a fair chance to seek work in local government workplaces;
- selection is based only upon the relative ability of applicants for roles to perform in that role; and
- the candidates selected are those most capable, ensuring the workforce is of high quality.<sup>1</sup>

The Tasmanian State Service is bound by the *State Service Act 2000* and associated Employment Directions to recruit and promote according to the merit principle. State public service legislation in all jurisdictions contains variations on the merit principle, as does the *Public Service Act 1999* (Cth). It is sometimes formulated as a joint 'merit and equity' principle.

Until 2005, Tasmania's Act required that "A council is to ensure that ... all employees are appointed and promoted according to merit and without discrimination; and ... all employees receive fair and equitable treatment without discrimination." This reference to employment according to merit was omitted in the amendments made in the Local Government Amendment Act in 2005.

It is difficult to be definitive about the reasons for this change. Project and legislative documentation from the time suggests that revisions to the Act (at section 63) were primarily intended to clarify the respective roles of general managers and councillors in regards to employees. It may also be the case that a view was taken that matters were addressed sufficiently by the *Anti-Discrimination Act 1998*, which does apply to employment decisions taken by councils.

The local government legislation of all other Australian jurisdictions, excepting Queensland, provides for appointment according to merit. These provisions are outlined in the table overleaf.

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<sup>1</sup> Adapted from New South Wales' Independent Commission Against Corruption, [Recruitment and selection - Independent Commission Against Corruption \(nsw.gov.au\)](https://www.icac.nsw.gov.au/Recruitment-and-selection)

3 April 2023

	Tasmania	Queensland	Victoria	New South Wales	South Australia	Western Australia	Northern Territory
Are councils required in legislation to appoint employees according to merit?	No.	No.	Yes.  Victoria's <i>Local Government Act 2020</i> requires at s48(2)(a) that a council's Chief Executive Officer must adopt and maintain a recruitment policy ensure that selection processes are based on merit; supports transparency in recruitment processes and the public advertising of positions; and have regard to gender equity, diversity, and inclusiveness measures.	Yes.  New South Wales' <i>Local Government Act 1993</i> provides at s348 that, for appointments of 12 months or more, a council must advertise the vacancy in a manner sufficient to enable suitably qualified applicants to apply.  The appointed person must (at s349) be from among the applicants; and must be the applicant with the greatest merit. That determination is made with respect to the nature of the duties of the position; the abilities, qualifications, experience and work performance of the applicants, relevant to those duties; and equal opportunity objectives, including the elimination of discrimination on specified grounds and the promotion of equal employment opportunities.	Yes.  South Australia <i>Local Government Act 1999</i> provides at s107(2)(a) that selection processes are based on an assessment of merit and are fair and equitable.	Yes.  Western Australia's <i>Local Government Act 1995</i> provides at s5.40 that employees are to be selected and promoted in accordance with principles of merit and equity; and that powers with respect to employees may not be exercised based on nepotism or patronage.	Yes.  S172(a) provides that a council must adopt policies on human resource management and ensure that those policies give effect to selection processes for appointment, or promotion, based on merit; and which are fair and equitable. Section 173 requires that a general manager must maintain employment policies consistent with those principles.
Must a vacancy in the position of general manager/Chief Executive Officer (CEO) be advertised?	No	No.	No.  Under sections 44 and 45 the council must adopt a Chief Executive Officer Employment and Remuneration Policy, requiring independent professional advice, and appoint a CEO in accordance with that policy.  Victoria's Local Government Inspectorate notes that the "current arrangements give full discretion to councils on how they employ their CEOs and under what conditions." <sup>2</sup>	Yes.  Sections 348 and 349 apply to a vacancy in the office of general manager.	Yes.  S98(3) requires that the council must invite applications for a vacancy by advertising on a website determined by the council.	Yes.  S5.36(4) provides that a position of a local government CEO must be advertised if it becomes vacant, in accordance with the prescribed manner, unless the position is to be filled by a person of a prescribed class (which exempts at section 18A of the Local Government (Administration) Regulations 1996 the appointment of persons employed, and who will continue to be employed, at another council). Standards for recruitment and performance management may be prescribed.  CEO contract renewals are subject to advertising and a contested process after 10 years, under the Local Government (Administration) Amendment Regulations 2020, at c13.	Yes.  S169 provides the vacancy must be advertised within six weeks' of its occurrence and as prescribed (with the Local Government (General) Regulations 2021 providing at c109(1)(a) that the its advertising include a newspaper circulating in the area).

<sup>2</sup> <https://www.lgi.vic.gov.au/summary-ceo-employment-cycle-report>

The 2023 Integrity Commission CEO report titled 'Investigation Smithies: Systemic Issues' recommends that the Minister for Local Government implement a requirement in the Act for employees to be recruited on merit. The Report describes systemic issues at one Tasmanian council stemming from a lack of proper recruitment policy and procedure. A further recommendation regarding model employment policies will be considered separately and at a later time.

This discussion paper proposes, as recommended, that a requirement to recruit employees according to merit be reinserted into the Act. It is intended this draw on the formulations of merit found at sections 7(1) and (2) of the State Service Act (within the State Service Principles), to promote alignment between the employment practices of local government and the Tasmanian State Service.

Specifically it is proposed that:

- A council will be required to adopt policies, and a general manager to adopt practices and procedures, such that:
  - council employees are appointed and promoted based on merit;
  - there is reasonable opportunity for members of the community to apply for employment in local government;
  - recruitment decisions, including the merit assessment process, are documented; and
  - the council promotes fairness and equity in employment, including access to employment opportunities.
- A decision to appoint or promote an employee is based on merit where:
  - an assessment is made based on the relative suitability of the candidates for the duties;
  - the assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties;
  - the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
  - the assessment is the primary consideration in making the decision.

It is not proposed that:

- a uniform requirement be imposed that councils, for example, be required to solicit applications for all positions; or
- statutory scope be created for the review of individual local government employment decisions in respect of these principles.

Rather, a legislated requirement will place a clear onus on councils to maintain a high standard of human resources management. State entities with a remit including local government, namely the Director of Local Government, Integrity Commission, and Tasmanian Ombudsman, are empowered to monitor councils' systemic compliance with legislated requirements, and these reinstated and expanded requirements would be within their remit.



Feedback on this proposition is encouraged. Specifically, feedback might have regard to:

- whether the proposition balances appropriately the merit principle with the principle of equitable access to employment and promotion;
- whether the degree of operational separation, namely that the requirements be embedded and operationalised through council policy, practices, and procedures, is appropriate; and
- whether the proposition adequately focuses the legislative intent on systemic standards, rather than individual employment decisions.

## Section 2: Requiring that vacancies in the position of general manager be advertised and that appointments be according to merit

The Report of the Auditor-General into Council General Manager Recruitment, Appointment and Performance Assessment (the Report), released October 2021, recommended that the Minister for Local Government “develop and issue mandatory requirements and supplementary guidance on recruitment, appointment and performance assessment processes that are consistent with contemporary HR practice.” The Report considered six council general manager recruitment processes (and six council performance assessment processes), and provided a separate assurance report considering the contemporaneous Huon Valley Council general manager recruitment process.

The Minister for Local Government at that time, as noted in the Report, affirmed Government’s intentions to make a ministerial order, under section 61A of the Act, providing standards for general manager appointment and performance assessment.

In considering matters to be prescribed in a section 61A order, it was identified that a threshold requirement was that councils be required to advertise a vacancy and receive applications from the community, considered broadly. This is not presently required in the Act, and its introduction is considered timely. As outlined in the table in section 1 of this paper, four of seven Australian jurisdictions require that councils solicit applications for a general manager (or CEO) vacancy.

It is noted that the role of general manager is a highly important one, being responsible for the day-to-day operations of the council, and implementing the decisions, policies, plans, and programs of the council. These unique functions of a general manager sharpen the imperative that a council obtains the best candidate among eligible and interested persons for that role.

One of the six general manager recruitment processes described in the Report was a direct appointment, without advertising, and it is noted that other councils have appointed general managers similarly. Without any suggestion that individual processes did not appoint meritorious candidates, it is considered that the interests of the community are better served if applications are sought and a competitive selection process, consistent with the merit principle, undertaken to appoint a general manager. Councils undertaking a competitive process can be more confident that the most suitable candidate will be appointed to the vacancy.

It is acknowledged that at least one council has advocated for direct appointment following internal succession planning. As outlined in the Report, succession planning—while desirable—is



a separate process to recruitment in contemporary human resources practice. Succession planning identifies and develops future leaders so that employers are prepared for the departure of employees in key positions—but those persons are tested through a competitive recruitment process, to confirm suitability for a role. As such, succession planning within councils is not considered a sufficient argument against reform.

Section 61(3) of the Act provides that “If there is a vacancy in the position of general manager and the council chooses to invite applications for that vacancy, the council is to place, in a daily newspaper circulating in the municipal area, a public notice inviting such applications.” This provision, in its optionality, does not permit the making of a section 61A order imposing the requirement that a vacancy be advertised.

This discussion paper seeks feedback on the proposition that this section of the Act be replaced with an express requirement that a vacancy in the position of general manager be advertised and applications sought from the community.

It is noted that the statutory requirement in Western Australia makes provision for appointment *without* advertising where an appointee is a current, and continuing, employee of another council. This exception is considered desirable, as it facilitates arrangements including the joint or shared appointment of a general manager, a model which is adopted presently by some Tasmanian councils. A similar provision is being considered.

Noting the separate proposition that a merit principle for recruitment and promotion be introduced into the Act, it is further proposed that the appointment of general managers must be in accordance with that principle, as outlined in Section 1 of this paper.

### Section 3: General manager recruitment and performance assessment principles

As outlined, Government intends to put in place a ministerial order under section 61A of the Act providing standards for general manager recruitment and performance assessment. This responds to the recommendation contained in the Report of the Auditor-General that mandatory requirements be put in place. It is noted that the element of the recommendation pertaining to supplementary guidance will be considered at a later time.

Section 61A(3) requires that “Before making ... an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order...” This discussion paper outlines the matters the Minister for Local Government intends to make in the future section 61A order, in fulfilment of this requirement.

The Director of Local Government wrote to the Local Government Association of Tasmania in October 2021 outlining an initial set of policy directions proposed for the order, and soliciting feedback from the Association on behalf of councils. Feedback received was broadly supportive, and was taken into consideration in the principles as proposed (noting the discussion of succession planning within section 2 of this paper).

Subsequent to, and conditional on, the final drafting and legislation of the Local Government Amendment Bill 2023, it is proposed that the Minister for Local Government make an order under section 61A providing that:

#### *Recruitment*

- The process for the appointment of the general manager must be:
  - open and competitive
  - based on an assessment against a detailed role description, including selection criteria,
  - informed by the recommendations of a selection panel, comprising a majority of councillors and supported by persons appropriately qualified in contemporary human resources practices and the recruitment of senior management personnel, and
  - documented comprehensively, including the evaluation of candidates against the criteria in the role description.
- Conflicts of interest of any participant must be documented and appropriate mitigation strategies must be agreed by the panel and documented. Where a councillor, member of a selection panel, or consultant cannot reasonably mitigate a conflict of interest with a candidate due to the nature of that conflict, their participation in the general manager recruitment process must be discontinued.
- All reports from the selection panel and decisions of council are to be included in the open or closed minutes of a council meeting.

#### *Performance assessment*

- General managers must be treated fairly in the assessment of their performance, including with consideration to merit, equity, and transparency of the performance assessment process.
- The performance management of a general manager is to be:
  - conducted on at least an annual basis,
  - based on clear and measurable goals agreed with the general manager and the council, and the evaluation of those goals,
  - based on advice from persons appropriately qualified in contemporary human resources practices in the conduct of the performance assessment cycle, including in the measurement and evaluation of performance against the agreed goals, and
  - documented and recorded in the open or closed minutes of a council meeting
- Decisions of council regarding the remuneration and reappointment of general managers are to have regard to its most recent performance assessment.

#### *Variation from the Ministerial Order*

A council may seek in writing approval from the Director of Local Government to vary the application of a provision of this order to a specific, prospective general manager recruitment or performance assessment process.

## 15.4 MT ROYAL RESERVE

**File Number:** 23.593

**Author:** Roy Langman, Urban Designer

**Authoriser:** Scott Basham, Manager Legal & Property

### Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.  
Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

#### 1. PURPOSE

- 1.1 The purpose of this report is to consider an allocation of funds towards the upgrade of Mt Royal Park.

#### 2. BACKGROUND

- 2.1 At its meeting of 6 February 2023, Council resolved to defer a recommendation to reallocate funding from Donohoe Gardens Park to Mt Royal Park pending the provision of further details in regard to the cost of the upgrade.

#### 3. STATUTORY REQUIREMENTS

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

#### 4. DISCUSSION

- 4.1 As previously reported to Council, community engagement undertaken in regard to the proposed upgrade of the park space at Donohoe Gardens indicated little support for the project and a preference for the allocation of funding to a park space with a higher community demand.
- 4.2 Mt Royal Park has been identified as a park that meets this criterion, with high visitation rates and a demonstrated community desire to see the space upgraded.
- 4.3 Council's Urban Design Officer has prepared costings for the design elements proposed for Mt Royal Park and it is recommended that funding for an amount of \$179,000 be provided for this project.
- 4.4 Proposed improvements to the park include plantings for shade and amenity, along with the construction of pathways to improve accessibility and connectivity to other local pedestrian linkages in the area.
- 4.5 The balance of funds from the sale of 41 Hiern Road can be placed in the Open Space account, whereupon expenditure can be considered in the light of the municipal context of priorities.

#### 5. FINANCE

- 5.1 The net proceeds of the sale of 41 Hiern Road total \$350,000 of which \$179,000 is recommended for expenditure at Mt Royal Park.

#### 6. ENVIRONMENT

- 6.1 The proposal to upgrade Mt Royal Park is intended to improve the urban environment, with plantings to enhance natural values.

#### 7. COMMUNICATION AND CONSULTATION

- 7.1 Community engagement was undertaken in 2021 in regard to the upgrade of Mt Royal Park (see Attachment 1).
- 7.2 This has subsequently been followed by correspondence from the Friends of My Royal Park presenting the case for funding for this space (see Attachment 2).

## **8. RISK**

- 8.1 A community demand for upgrade to Mt Royal Park has been established. There is a risk that not proceeding with the funding of Mt Royal Park will meet with adverse local community reaction.

## **9. CONCLUSION**

- 9.1 Community engagement undertaken in relation to the proposed upgrade to Mt Royal Park has indicated a high level of demand and willing community participation.
- 9.2 It is recommended that Council reallocate \$179,000 towards the upgrade of this park, utilising funding previously earmarked for the upgrade of the Donohoe Gardens Park.

## **10. RECOMMENDATION**

That Council allocates \$179,000 towards the upgrade of Mt Royal Park from the proceeds of sale of 41 Hiern Road, with the balance funds being placed in the Public Open Space account.

## **ATTACHMENTS**

1. **Mt Royal Park Engagement Results**
2. **Friends of Mt Royal Park Correspondence**

8	Nothing
6	Historic information sign
4	Yarning circle
4	Dogs allowed
4	Everything
3	Size
3	Book exchange
3	The picnic tables
2	Sunny aspect
1	Wildness
1	Three access points
1	Existing trees
1	Keep dogs out
1	Planting

**15. We'd love to hear your stories about Mount Royal Park. Do you have a special connection to this place?**

Emergent themes:

- a. Mount Royal Park represents a nostalgic connection to everyday life for many respondents, with the park being the setting for childhood memories (for young adults) and memories of raising young families (for adult and elderly respondents).
- b. Mount Royal Park offers respondents a tangible connection to community, with many respondents revealing neighbours met in the park have gone on to become valued and dear friends.
- c. Family traditions play out in the park (ie. quiet time in the park at Christmas, or holiday events).
- d. Strong connection to the site's known European history.
- e. The Park is seen as a special place to visit in conjunction with a visit to grandchildren or to grandparents (ie. we do this in the park when we visit...).

I would be happy to meet with you and/or a selection of representatives from the Friends of Mount Royal Park on-site at the park to discuss the results of the engagement activity and options moving forward.

I look forward to hearing from you soon.

Regards,

**PAUL DONNELLY**  
**URBAN DESIGNER**

**Phone:** (03) 6211 8124  
**Email:** pdonnelly@kingborough.tas.gov.au





31 May 2021

Our Ref: 20.125 & PID 7339672

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

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

Dear Fran

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

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

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

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

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

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

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

**1. How old are you?**

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

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

30% of respondents were over the age of 55.

17% of respondents were 18 or younger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Civic Centre, 15 Channel Hwy, Kingston, Tasmania 7050. Locked Bag 1, Kingston, Tasmania 7050  
T: (03) 6211 8200 F: (03) 6211 8211 E: kc@kingborough.tas.gov.au

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

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

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

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

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

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

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

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

8	Nothing
6	Historic information sign
4	Yarning circle
4	Dogs allowed
4	Everything
3	Size
3	Book exchange
3	The picnic tables
2	Sunny aspect
1	Wildness
1	Three access points
1	Existing trees
1	Keep dogs out
1	Planting

**15. We'd love to hear your stories about Mount Royal Park. Do you have a special connection to this place?**

Emergent themes:

- a. Mount Royal Park represents a nostalgic connection to everyday life for many respondents, with the park being the setting for childhood memories (for young adults) and memories of raising young families (for adult and elderly respondents).
- b. Mount Royal Park offers respondents a tangible connection to community, with many respondents revealing neighbours met in the park have gone on to become valued and dear friends.
- c. Family traditions play out in the park (ie. quiet time in the park at Christmas, or holiday events).
- d. Strong connection to the site's known European history.
- e. The Park is seen as a special place to visit in conjunction with a visit to grandchildren or to grandparents (ie. we do this in the park when we visit...).

I would be happy to meet with you and/or a selection of representatives from the Friends of Mount Royal Park on-site at the park to discuss the results of the engagement activity and options moving forward.

I look forward to hearing from you soon.

Regards,

**PAUL DONNELLY**  
**URBAN DESIGNER**

**Phone:** (03) 6211 8124  
**Email:** pdonnelly@kingborough.tas.gov.au

**kingborough.tas.gov.au**

Civic Centre, 15 Channel Hwy, Kingston, Tasmania 7050. Locked Bag 1, Kingston, Tasmania 7050  
T: (03) 6211 8200 F: (03) 6211 8211 E: kc@kingborough.tas.gov.au



Attention: Kingborough Councillors

Concerning: redirection of park funds to Mount Royal Park

**The Friends of Mount Royal Park, TFMRP** are excited to be considered for funds being redirected from Donohoe Gardens.

In considering our eligibility for all or part funds, **Friends of Mount Royal Park, TFMRP** would like Councillors to be aware of the level of community consultation, commitment to and involvement in, our park.

As you may be aware Mount Royal Park was formerly known as Kingston Heights Park. The name change was instigated in by **TFMRP** and Krissie Archer the Council's Urban Planner at the time. Mount Royal Park is an urban park land, it is the heart of our community, surrounded by the residents of Nicholas Drive, Jerrim Place and Christophers Way, catering for over 180 residents of Kingston Heights.

Our park commands wonderful panoramic views of the bay and the mountain. It is also much more than a playground.

Historically our park was the site for the original Mount Royal Hotel built in the early 1900's **TFMRP** were responsible for installing an interpretation panel and a foundation stone from the original hotel to signify the important role our park plays in the history of the development of Kingston Beach.

Our park has been and continues to be a very important neighbourhood gathering place and recreation area for the Kingston Heights community.

As early as 1976 the community collaborated with council to fund and install the existing playground.

In 2018 our community came together at the Sailing Club to canvas community skills and to establish interest groups.

Many community projects were established. These groups utilise the park in a range of ways

- Men's conversation group
- Meditation and yoga classes
- RE Fresh a monthly event where our community meet to share a passion or interest
- Produce swaps
- Christmas celebrations
- Halloween, treasure hunts
- Vigils and World Peace events
- Cricket games

**TFMRP** group emerged as the driving group, coming together to apply for funding grants, to collaborate with council, to canvas and support our local community to develop our park for all our residents.

With support from council **TFMRP** have successfully applied for grants and carried out working bees to achieve the following.

- community library in our park
- two umbrellas and bases for shade
- planted native trees
- installation of another table
- created a yarnning circle
- canvased for the dog walking signage to be moved and bins installed

- cul de sac morning teas
- greening and beautification of our park corners in a collaboration with council and neighbouring properties
- created a Facebook group to communicate, gatherings, events, share recipes and welcome new residence
- painted native flora mural along the bottom fence
- created signage with the new park name at each entrance point

In addition, our community has come together in recent times to purchase a defibrillator and we are funding training programs for our local community in the use and care of our defibrillator. Our community has expressed an interest in the Tas Networks Community Battery project so that we can become more resilient and sustainable.

**TFMRP** hope that this outline provides evidence of our local commitment to and use of Mount Royal Park.

We would be most grateful to receive part of the redirected park funds to develop the two priorities, **shade** and **access** identified through an online survey of our local community.

We have a diverse community from the elderly through to the very young. Our park has three access points to the park, Christophers Way, top of Nicholas Drive and the walkway at the bottom of Nicholas Drive. The access points become wet and muddy in the winter. Rough and uneven in the dryer months. They are unsafe and unsuitable for wheelchairs, walking frames, prams, and strollers. We would use the funds to create at least one accessible path into our park which would allow all our residents to access and fully utilise our park.

The installation of shade is our second priority and if funds were secured, they would be used to Install a permanent shade/shelter provision.

We are hopeful that our bid to secure some funding to act on our priorities will be successful and wish to thank Council in their consideration of us as a small, active, and committed community.

On behalf of the Kingston Height Community  
The Friends of Mount Royal Park

## 16 NOTICES OF MOTION

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

## 17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

---

### RECOMMENDATION

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

#### Confirmation of Minutes

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

#### Applications for Leave of Absence

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

#### Kingston Main Street Upgrade - Contract Variation

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

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

Open Session of Council adjourned at

**OPEN SESSION ADJOURNS**

## OPEN SESSION RESUMES

### RECOMMENDATION

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

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

### CLOSURE

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# APPENDIX

- A Mayor's Activities - 2 March 2023 to 29 March 2023
- B Kingborough Waste Service Board Report February 2023

Public Copy



**A MAYOR'S ACTIVITIES - 2 MARCH 2023 TO 29 MARCH 2023**

DATE	LOCATION	ITEM
2 March 2023	Kingston Beach	Met with representative of Kingston Crows Cricket Club re Kingston Beach oval and facilities
3 March 2023	Civic Centre	Alecia Leis, Emergency Management Review
	Civic Centre	Chaired Budget Workshop
5 March 2023	Kingston	Welcome speech at opening of Thai New Year Festival, Kingborough Community Hub.
6 March 2023	Civic Centre	Met with Leon Taglieri, Banjo's re Kingston CBD upgrade
	Civic Centre	Chaired meeting of Disability Inclusion Access and Advisory Committee Working Group on neurodiversity
6 March 2023	Civic Centre	Chaired Council meeting
8 March 2023	Hobart	Participated in ABC panel for International Women's Day
	Kingston Park	Small event for "opening" of stage two of Kingston Park – Public Open Space along with Deputy Mayor Glade-Wright.
	Bruny Island	Presented Keep Australia Beautiful Awards to recipients from the Bruny Island and Kettering communities
	Blackmans Bay	Attended Kingborough and Huon Business Enterprise Centre's IWD dinner along with Deputy Mayor Glade-Wright
10 March 2023	Launceston	Attended Tasmanian Honour Roll of Women induction
11 March 2023	Kingston	Welcome speech at Multicultural Women's Council of Tasmania IWD event at the Community Hub.
13 March 2023	Kingston	Attended a Day in the Park celebrations
15 March 2023	Kingston	Kingston Revitalisation Steering Committee meeting
	Hobart	Met with Deputy Premier and Minister for Housing along with Mayors Blomeley and Thomas and the General Manager, re Greater Hobart Mayors State Budget bids
	Hobart	Attended Greater Hobart Committee Meeting along with the General Manager
16 March 2023	Launceston	Participated in LGAT Mayor's Professional Development Day.
	Launceston	Dinner with Mayors and LGAT representatives
17 March 2023	Launceston	Attended LGAT General Meeting, along with the General Manager
18 March 2023	Civic Centre	Attended Kingborough Community Forum

DATE	LOCATION	ITEM
20 March 2023	Civic Centre	Met with Ricky and Roger Bones re naming of sporting ground at Gordon
	Civic Centre	Interviewed by Hobart College student, Harrison Minehan re Kingston CBD upgrade – as part of Media Studies course
	Civic Centre	Hosted Grade 3 and 4 class from St Aloysius Primary School, along with Deputy Mayor Glade-Wright
	Hobart	Attended Hobart Women's Shelter housing forum at Government House, along with Deputy Mayor Glade-Wright
	Civic Centre	Chaired Council meeting
22 March 2023	Kingston	Attended home funerals workshop at Kingborough Community Hub
	Kingston	Met with Amanda French, CEO of Dress for Success re promotion of event at the Hub on 1 April 2023
	Civic Centre	Met with Erin van Nieuwkuyk of Southern Employment and Training re stakeholder engagement
23 March 2023	Hobart	Met with Emmanuel Kalis, Kalis Property Group re Margate Shopping Centre development, along with the General Manager
24 March 2023	Online	Meeting of Councillor Learning and Development Governance Group
25 March 2023	Kingston	Presented medals at State Gymnastics Competition at the Kingborough Sports Centre
27 March 2023	Civic Centre	Hosted two classes of Grade 4 students from St Aloysius Primary School
	Civic Centre	Met with Kingborough Ratepayers Association
	Civic Centre	Chaired Workshop on Southern Waste Solutions and Capital Budget
29 March 2023	Kingston	Visit to Jireh House
	Civic Centre	Met with Michael Crosby, Head of Public Affairs, Air BnB
	Mt Nelson	Presented Award at Hobart College awards evening

**B KINGBOROUGH WASTE SERVICE BOARD REPORT FEBRUARY 2023**

**File Number: 10.134**

**Author: David Reeve, Acting General Manager**



**KINGBOROUGH WASTE SERVICES PTY LTD**

**MINUTES  
DIRECTORS MEETING NO. 69**

**Friday 3 February 2023**

*Kingborough Waste Services Pty Ltd acting as Trustee for Kingborough Waste Services Unit Trust*

*ABN 42151309563*

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PREVIOUS MINUTES

ATTACHMENTS

KWS FUNDING PROGRAM



### Opening

A Meeting of the Directors of Kingborough Waste Services Pty Ltd was held on Friday 3 February at the Company Offices, 15 Channel Highway, Kingston commencing at 9.00 a.m.

### Attendance

- a. Present: Debra Mackeen – Chairperson; Bob Calvert – Director; David Reeve – Director; Tim Jones - Director
- b. Apologies:
- c. Non-Director Attendees: Dean Street

### Declarations of Interest

Pursuant to Clause 22.10 of the Constitution, Directors are invited, where applicable, to declare an interest in any matter listed on the Agenda, nominating the specific item(s) in which the Director declares interest. The following Standing Declarations are noted:

- a. David Reeve, in his position as Director Engineering Services with the Kingborough Council; and
- b. Tim Jones, in his position as Manager Finance with the Kingborough Council.

### Approval of the Agenda

Director's attending were invited to nominate items of General Business for discussion and/or decision and to request changes to the Order of Business for the meeting.

***The Board Resolved:*** that the Agenda is amended to include In Other Business

*Item 1.10 Discussion on Southern Waste Board*

*Item 1.11 Discussion of the Term of the KWS Board*

### Previous Minutes

The Minutes of Board Meeting No. 68 of Friday 25 November 2022 were attached.

***The Board Resolved:*** That the Minutes of Board Meeting No. 68 of Friday 25 November 2022 be confirmed.

### Business Arising from the Minutes

The Board Action List was discussed; The credit card for Manager KWS was still pending; Staff recognition gift had been purchased a date to award the gift to staff to be finalised; KWS funding documents to be changed to the 2023/2024 Financial year.

**General Business****1.1. Financial Reports for Kingborough Waste Services Pty Ltd**

The November 2022 and December 2022 Profit and Loss Financial Reports, Balance Sheet and the Budget Forecast were discussed; Employee costs are over budget with the fair work increase to wages higher than budgeted and an the use of Agency staff to fill vacancies the main contributors; Green Waste and Timber Waste mulching is over budget due to the increased cost of disposal mainly from the introduction of a fuel levy by the contractor.

Green Waste and Timber Waste processing and disposal was discussed further and the KWS Board recognise the critical importance of the ongoing issue.

The Board Moved a motion to recommend Council provide assistance to identify processing and disposal options for the Green and Timber Waste stream.

**The Board Resolved:** To recommend Council provide KWS assistance to identify processing and disposal options for the Green and Timber Waste stream.

**The Board Resolved:** That the Profit and Loss Financial reports for Kingborough Waste Services Pty Ltd for November 2022 and December 2022, the Balance Sheet as of 31 December 2022 and the Budget Forecast for the period be received and noted.

**1.2. Operational Report**

The November 2022 and December 2022 operational report from the Manager KWS was discussed; The Re-Use Shop was discussed, sales still behind budget with training for the Re-Use shop staff noted that may be beneficial to aid in increasing sales; Diversion reports were discussed with a request for a 6 monthly or Annual report comparing the previous 5 years.

**The Board Resolved:** That the November 2022 and December 2022 operational report of the Manager Kingborough Waste Services be received and noted.

**1.3. Service Level Agreement Report**

The November 2022 and December 2022 Service Level Agreement Report from the Manager KWS were attached for discussion.

**The Board Resolved:** That the November 2022 and December 2022 Service Level Agreement Report of the Manager Kingborough Waste Services be received and noted.

**1.4. Update on Regional State Initiatives**

Southern Regional Group Board members have been selected with the Chair and CEO yet to be appointed.

**1.5. Waste Levy and Container Refund Scheme**

CRS still has no contractor appointed with a potential start date more likely in 2024.

It was noted that the Waste Management Strategy was still in its draft and responses still accepted until 28 February 2023 Director Mackeen noted that KWS should respond.

**Other Business**

**1.6. KWS Workshop Date and Agenda**

KWS Workshop was discussed with the date confirmed as 17 March 2023 9.00am email location and Agenda Items out of session.

**1.7. Councillor Workshop**

A discussion on the Councillor workshop was had with a date in May 2023 to be confirmed by Director Reeve.

**1.8. KWS Dividend Policy**

Council CFO in the next couple of months will have a paper drafted to go to council to formally approve the use of reserves.

**1.9. KWS Funding Program**

Discussion on funding criteria was had with further discussion to be had offline regarding guidelines and the title of the grant.

**1.10. Southern Group Board**

Discussed in item 1.4.

**1.11. Term of The KWS Board**

A discussion on the term of the board was had, with current directors' terms due to expire in April. Director Reeve to notify the existing Board of when the Board positions will be advertised.

**Items to be dealt with in Closed Session**

**Date and Place of Next Meeting**

The arrangements for the next meeting are Friday 23 March 2023 at the Company Offices, 15 Channel Highway, Kingston commencing at 9.00 a.m. unless resolved otherwise.

**Closure**

There being no further business the Chair declared the meeting closed at 10:56am



## Board Action List

MONTH AND YEAR	MINUTE NO	RESOLUTION TITLE	TARGET DATE	SUMMARY OF RESOLUTION AND COMMENTS	RESPONSIBLE OFFICER AND ACTIONS
May 2022	Other Business	Cash Handling Policy	Nov 2022	Director Jones to formalise a delegation and organise a credit card for the KWS Manager.	Director Jones
July 2022	Operational Report	Staff Recognition	Nov 2022	KWS Manager to investigate options for a gift to the KWS staff in recognition of the 2021/22 financial year.	Stuart Baldwin
November 2023	Other Business	KWS Funding Program	Jan 2023	KWS Manager to provide a copy of the KWS funding program for the next Board meeting.	Stuart Baldwin



## Financial Reports

### KINGBOROUGH WASTE SERVICES PTY LTD

#### PROFIT & LOSS REPORT

For the period ended November 22

	NOVEMBER 2022			YTD November 22			Annual Budget
	Actual	Budget	Var	Actual	Budget	Var	
<b>BARRETTA/BRUNY OPERATIONS</b>							
Revenue	266,058	271,035	(4,977)	1,299,663	1,272,920	26,743	3,116,580
Expenditure	277,259	237,190	(40,069)	1,324,943	1,254,238	(70,705)	3,059,265
Net Profit/(Loss)	(11,201)	33,845	(45,046)	(25,280)	18,682	(43,962)	57,315
<b>PUBLIC PLACE BINS CONTRACT - MAINLAND</b>							
Revenue	22,070	22,070	(0)	112,556	112,555	1	267,780
Expenditure	24,631	18,256	(6,375)	84,726	102,132	17,406	250,316
Net Profit/(Loss)	(2,561)	3,814	(6,375)	27,830	10,423	17,407	17,464
<b>PUBLIC PLACE BINS CONTRACT - BRUNY</b>							
Revenue	0	17,900	(17,900)	0	17,900	(17,900)	143,797
Expenditure	0	15,998	15,998	0	11,997	11,997	134,450
Net Profit/(Loss)	0	1,902	(1,902)	0	5,903	(5,903)	9,347
<b>CONSOLIDATED PROFIT/(LOSS)</b>	(13,762)	39,561	(53,323)	2,551	35,008	(32,457)	84,126



## Financial Report

### KINGBOROUGH WASTE SERVICES NOTES TO NOVEMBER 2022 FINANCIALS

#### SUMMARY

The Consolidated KWS Result for November was a loss of (\$14k) which was \$53k worse than budget. This was made up of Barretta Operations (\$11k) loss and a loss of (\$3k) from the Public Waste Bin contract.

YTD the Consolidated Result was a profit of \$3k which was \$32k worse than budget. This was made up of Barretta Operations (\$25k) loss and a profit of \$28k from the Public Waste Bin contract.

Barretta operations are worse than budget mainly due to the cost to dispose of Green Waste (\$44k). The Public Waste Bin contract is performing above budget mainly due to savings in the Plant Hire with the delay in arrival of the new trucks of \$17k.

#### BARRETTA OPERATIONS

##### Month

The Barretta Operations made a loss of -\$11k for the month, which was +\$45k worse than budget.

Income is below budget for the month (\$5k) due to lower Reuse Shop Sales and lower volumes of green waste collected at the Free Green Waste Weekend. This has been offset by higher Green Waste.

Expenses are above budget for the month (\$40k) due to higher Green Waste costs (\$16k), Salaries (\$10k) and Other Expenses – Waste Management Activities (\$12k).

#### DETAILED ANALYSIS

The detailed variances are:

1. **USER CHARGES**  
User Charges are above budget for the month +\$2k due to higher volumes of Green Waste +\$5k, offset by lower volumes of General Waste (\$3k).
2. **RECYCLING SALES**  
Recycling sales are below budget for the month (\$4k) due lower Reuse Shop Sales.
3. **COUNCIL RECHARGES**  
Council recharges are below budget for the month (\$5k) due to lower volumes of green waste received during Council's Free Green Waste Weekend.
4. **SUNDRY CHARGES**  
Sundry Charges are above budget for the month due to bank interest received.
5. **EMPLOYEE COSTS**  
Employee Costs are above budget for the month (\$10k). This is caused by the net of Salaries/Agency Staff being above budget due to agency staff required to cover for a position currently unfilled, staff on personal/annual leave, and training of new staff in forklift procedures.
6. **DISPOSAL COSTS**  
Disposal Costs are above budget for the month (\$2k) due to slightly higher Disposal Costs-Copping (\$2k) and Waste Levy (\$1k).





## Financial Report

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### 7. GREEN WASTE COSTS

Green Waste Costs are above budget (\$16k) due to the increased cost in mulching and disposal, which now includes a Fuel Levy. The accrual processed is estimated to cover the cost of the current stockpile at Barretta.

### 8. HIRE AND MAINTENANCE

Hire and Maintenance costs are close to budget for the month.

### 9. OTHER EXPENSES

Other expenses are above budget for the month (\$12k) due to a timing difference in the Waste Management Activities budget. This relates to the postage of Waste Calendars that were budgeted for in October but invoiced in November.

## PUBLIC WASTE BINS CONTRACT

During November, the Public Waste Bins Contract made a loss of (\$3k), which was (\$6k) worse than budget.

The detailed variances are:

### 1. EMPLOYEE COSTS

Employee costs are above budget for the month (\$4k). Due to unexpected maintenance of the truck, an extra staff member was required to assist with the bin collections.

### 2. HIRE & MAINTENANCE

Hire and Maintenance Costs are close to budget for the month. There have been higher costs in the Plant Hire area due to truck maintenance, resulting in the external hire of a truck.

### 3. OTHER EXPENSES

Other expenses are above budget for the month (\$2k) due to a timing difference in the consumables budget, that will be resolved in December 2022.



## Financial Report

## Waste Transfer Station Operations Profit &amp; Loss Report for the period ending November 2022

	NOVEMBER 2022			YTD November 22			Annual Budget
	Actual	Budget	Var	Actual	Budget	Var	
<b>REVENUE</b>							
<b>USER CHARGES</b>							
General Waste	78,700	81,606	(2,906)	394,346	396,575	(2,229)	1,005,000
Tyres / Gas Bottles	695	1,100	(405)	7,327	5,500	1,827	13,200
Green Waste	23,251	18,500	4,751	87,134	95,000	(7,866)	229,000
Timber	3,127	3,750	(623)	18,468	18,750	(282)	45,000
Metal	3,785	2,600	1,185	15,605	13,000	2,605	31,200
	<b>109,558</b>	<b>107,556</b>	<b>2,002</b>	<b>522,880</b>	<b>528,825</b>	<b>(5,945)</b>	<b>1,323,400</b>
<b>RECYCLING SALES</b>							
Reuse Shop Sales	33,158	36,500	(3,342)	166,084	170,000	(3,916)	414,000
Non Ferrous Metal Sales	2,746	3,500	(754)	12,690	17,500	(4,810)	42,000
Metal Sales	0	0	0	66,109	24,000	42,109	48,000
Recycling Sales	0	0	0	0	0	0	0
	<b>35,905</b>	<b>40,000</b>	<b>(4,095)</b>	<b>244,883</b>	<b>211,500</b>	<b>33,383</b>	<b>504,000</b>
<b>COUNCIL RECHARGES</b>							
Kerbside Collection Charges	68,121	69,550	(1,429)	316,347	327,950	(11,603)	798,000
Bruny Island Disposal Charges	19,144	17,200	1,944	91,283	81,000	10,283	200,400
Bruny Island Operational Revenue	14,079	14,079	0	70,396	70,395	1	168,950
Free G/Waste - Foregone Revenue	9,653	15,000	(5,347)	9,653	15,000	(5,347)	30,000
Waste Management	7,278	7,275	3	36,388	36,375	13	87,330
	<b>118,275</b>	<b>123,104</b>	<b>(4,829)</b>	<b>524,066</b>	<b>530,720</b>	<b>(6,654)</b>	<b>1,284,680</b>
<b>SUNDRY CHARGES</b>	<b>2,320</b>	<b>375</b>	<b>1,945</b>	<b>7,833</b>	<b>1,875</b>	<b>5,958</b>	<b>4,500</b>
<b>TOTAL REVENUE</b>	<b>266,058</b>	<b>271,035</b>	<b>(4,977)</b>	<b>1,299,663</b>	<b>1,272,920</b>	<b>26,743</b>	<b>3,116,580</b>
<b>EXPENSES</b>							
<b>EMPLOYEE COSTS</b>							
Salaries	67,494	79,301	11,807	358,338	403,618	45,280	972,925
Agency Staff	29,262	6,125	(23,137)	104,653	31,237	(73,416)	74,521
Sundry Staff Expenses	102	450	348	1,000	2,250	1,250	5,400
Staff Training	0	833	833	3,423	5,165	1,742	11,000
Protective Clothing	539	100	(439)	2,669	4,400	1,731	9,000
	<b>97,398</b>	<b>86,809</b>	<b>(10,589)</b>	<b>470,082</b>	<b>446,670</b>	<b>(23,412)</b>	<b>1,072,846</b>
<b>DISPOSAL COSTS</b>							
Disposal Costs - Copping	32,943	31,278	(1,665)	158,224	152,000	(6,224)	385,200
Disposal Costs - Waste Levy	19,489	18,270	(1,219)	90,138	88,787	(1,351)	225,000
Transport Costs - Copping	22,640	22,249	(391)	109,869	108,120	(1,749)	274,000
Disposal Costs - Recycling	995	635	(360)	3,785	3,175	(610)	7,640
Disposal Costs - Glass/Bottles	812	665	(147)	2,585	3,325	740	8,000
Disposal Costs - Cardboard	2,359	2,150	(209)	9,276	10,750	1,474	25,900
Disposal Costs - Tyres/Gas Bottles	0	1,000	1,000	3,750	5,000	1,250	12,000
Disposal Costs - Concrete/Cleanfill	0	0	0	0	1,200	1,200	2,400
Disposal Costs - Metal	0	0	0	0	0	0	0
Disposal Costs - Hazardous Waste	0	800	800	223	4,000	3,777	9,600
	<b>79,237</b>	<b>77,047</b>	<b>(2,190)</b>	<b>377,850</b>	<b>376,357</b>	<b>(1,493)</b>	<b>949,740</b>
<b>GREEN WASTE COSTS</b>							
Green Waste Mulching	28,789	14,000	(14,789)	105,940	70,000	(35,940)	168,000
Timber Mulching	4,647	3,500	(1,147)	25,364	17,500	(7,864)	42,000
	<b>33,437</b>	<b>17,500</b>	<b>(15,937)</b>	<b>131,304</b>	<b>87,500</b>	<b>(43,804)</b>	<b>210,000</b>
<b>HIRE &amp; MAINTENANCE</b>							
Barretta Bin Hire and Movement	6,712	7,800	1,089	30,989	36,000	5,011	91,800
Bruny Bin Movement & Sundry	13,881	14,500	619	68,822	62,000	(6,822)	162,200
Plant Hire(Council)	6,838	6,900	62	34,190	34,500	310	82,800
Plant Hire External	1,633	1,820	187	7,900	9,100	1,200	21,840
Maintenance	416	1,300	884	4,127	4,500	374	22,330
MV/Plant Fuel & Registration	3,365	1,550	(1,815)	13,150	7,750	(5,400)	20,600
	<b>32,845</b>	<b>33,870</b>	<b>1,025</b>	<b>159,177</b>	<b>153,850</b>	<b>(5,327)</b>	<b>401,570</b>
<b>OTHER EXPENSES</b>							
Office Expenses	4,278	9,225	4,947	39,129	46,225	7,096	100,800
Advertising	98	500	402	687	2,500	1,813	6,000
Insurance - Public Liability	0	0	0	17,916	17,185	(731)	17,185
Insurance - Workers Comp	0	0	0	20,243	20,256	13	20,256
Board Expenses	2,000	0	(2,000)	6,500	4,500	(2,000)	18,000
Corporate Services Overhead	7,739	7,739	0	38,695	38,695	0	92,868
Waste Management Activities	20,172	4,500	(15,672)	63,078	60,500	(2,578)	170,000
Doubtful Debts Expense	0	0	0	0	0	0	0
Depreciation	56	0	(56)	281	0	(281)	0
	<b>34,343</b>	<b>21,964</b>	<b>(12,379)</b>	<b>186,530</b>	<b>189,861</b>	<b>3,331</b>	<b>425,109</b>
<b>TOTAL EXPENSES</b>	<b>277,259</b>	<b>237,190</b>	<b>(40,069)</b>	<b>1,324,943</b>	<b>1,254,238</b>	<b>(70,705)</b>	<b>3,059,265</b>
<b>NET PROFIT/(LOSS)</b>	<b>(11,201)</b>	<b>33,845</b>	<b>(45,046)</b>	<b>(25,280)</b>	<b>18,682</b>	<b>(43,962)</b>	<b>57,315</b>



## Financial Report

## KWS PUBLIC WASTE BIN CONTRACT

## PROFIT &amp; LOSS REPORT

For the period ended November 22

	NOVEMBER 2022			YTD November 22			Annual
	Actual	Budget	Var	Actual	Budget	Var	Budget
<b>REVENUE</b>							
<b>COUNCIL RECHARGES</b>							
Public Place Bins Contract	22,070	22,070	(0)	112,556	112,555	1	267,780
	<b>22,070</b>	<b>22,070</b>	<b>(0)</b>	<b>112,556</b>	<b>112,555</b>	<b>1</b>	<b>267,780</b>
<b>TOTAL REVENUE</b>	<b>22,070</b>	<b>22,070</b>	<b>(0)</b>	<b>112,556</b>	<b>112,555</b>	<b>1</b>	<b>267,780</b>
<b>EXPENSES</b>							
<b>EMPLOYEE COSTS</b>							
Staff Costs	12,049	8,258	(3,791)	49,164	42,061	(7,103)	101,208
	<b>12,049</b>	<b>8,258</b>	<b>(3,791)</b>	<b>49,164</b>	<b>42,061</b>	<b>(7,103)</b>	<b>101,208</b>
<b>HIRE &amp; MAINTENANCE</b>							
Maintenance (Mechanical)	0	0	0	0	5,000	5,000	10,000
Plant Hire	6,349	6,012	(337)	12,971	30,060	17,089	72,144
Insurance - Vehicle	0	0	0	0	400	400	400
MV/Plant Fuel	1,611	1,800	189	8,229	9,000	771	21,600
	<b>7,960</b>	<b>7,812</b>	<b>(148)</b>	<b>21,200</b>	<b>44,460</b>	<b>23,260</b>	<b>104,144</b>
<b>OTHER EXPENSES</b>							
Consumables	4,076	0	(4,076)	8,141	4,681	(3,460)	18,725
Cleaning	546	833	287	2,730	4,165	1,435	10,000
Other Expenses	0	1,353	1,353	3,491	6,765	3,274	16,239
	<b>4,622</b>	<b>2,186</b>	<b>(2,436)</b>	<b>14,362</b>	<b>15,611</b>	<b>1,249</b>	<b>44,964</b>
<b>TOTAL EXPENSES</b>	<b>24,631</b>	<b>18,256</b>	<b>(6,375)</b>	<b>84,726</b>	<b>102,132</b>	<b>17,406</b>	<b>250,316</b>
<b>NET PROFIT/(LOSS)</b>	<b>(2,561)</b>	<b>3,814</b>	<b>(6,375)</b>	<b>27,830</b>	<b>10,423</b>	<b>17,407</b>	<b>17,464</b>



## Financial Report

**KINGBOROUGH WASTE SERVICES PTY LTD**  
**CONSOLIDATED PROFIT & LOSS REPORT**  
For the period ended December 22

There have been some changes to the reporting for December. Below is a summary of the three aspects of the business, the Waste Transfer Operations, The Mainland Public Place Bin contract and the Bruny Public Waste Bin contract. Following this summary are individual pages on each operation, although Bruny will not be included until the operation commences.

Finally there is a new Forecast Report which shows the Annual Budget and the major expected changes. The "ref" column refers to the Forecast notes which explain the reason for the variance. Note only the larger variances are included in this analysis.

	DECEMBER 2022			YTD December 22			Annual Budget	Forecast
	Actual	Budget	Var	Actual	Budget	Var		
<b>REVENUE</b>								
Waste Transfer Barretta and Bruny	270,434	268,787	1,647	1,570,097	1,541,707	28,390	3,116,580	3,146,580
Public Waste Bins - Mainland	22,070	22,070	(0)	134,626	134,625	1	267,780	267,780
Public Waste Bins - Bruny	0	17,900	(17,900)	0	35,800	(35,800)	143,797	54,297
<b>TOTAL REVENUE</b>	<b>292,504</b>	<b>308,757</b>	<b>(16,253)</b>	<b>1,704,723</b>	<b>1,712,132</b>	<b>(7,409)</b>	<b>3,528,157</b>	<b>3,468,657</b>
<b>EXPENSES</b>								
Waste Transfer Barretta and Bruny	281,797	263,370	(18,427)	1,606,740	1,517,608	(89,132)	3,059,265	3,164,265
Public Waste Bins - Mainland	15,188	24,019	8,831	99,914	126,151	26,237	250,316	244,600
Public Waste Bins - Bruny	0	16,540	16,540	0	32,538	32,538	134,450	54,150
<b>TOTAL EXPENSES</b>	<b>296,985</b>	<b>303,929</b>	<b>6,944</b>	<b>1,706,654</b>	<b>1,676,297</b>	<b>(30,357)</b>	<b>3,444,031</b>	<b>3,463,015</b>
<b>NET PROFIT/(LOSS)</b>								
Waste Transfer Barretta and Bruny	(11,363)	5,417	(16,780)	(36,643)	24,099	(60,742)	57,315	(17,685)
Public Waste Bins - Mainland	6,882	(1,949)	8,831	34,712	8,474	26,238	17,464	23,181
Public Waste Bins - Bruny	0	1,360	(1,360)	0	3,262	(3,262)	9,347	147
<b>TOTAL NET PROFIT/(LOSS)</b>	<b>(4,482)</b>	<b>4,828</b>	<b>(9,310)</b>	<b>(1,931)</b>	<b>35,835</b>	<b>(37,766)</b>	<b>84,126</b>	<b>5,643</b>



## Financial Report

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### KINGBOROUGH WASTE SERVICES NOTES TO DECEMBER 2022 FINANCIALS

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#### SUMMARY

The Consolidated KWS Result for December was a loss of (\$4k) which was (\$9k) worse than budget. This was made up of Barretta Operations (\$11k) loss and a profit of \$7k from the Public Waste Bin contract.

YTD the Consolidated Result was a loss of \$2k which was \$37k worse than budget. This was made up of Barretta Operations (\$37k) loss and a profit of \$34k from the Public Waste Bin contract.

For the Barretta Operations, costs are increasing particularly in Green Waste processing costs, Labour costs and Hire and Maintenance. This is discussed below. The Public Waste Bin contract is performing above budget mainly due to savings in the Plant Hire budget with the delay of the new trucks +\$23k.

#### BARRETTA OPERATIONS

For the period between July and December 2022, KWS made a loss of (\$37k), which is below budget profit of \$24k.

The main reasons for the YTD variances are:

- Green Waste Revenue, -\$6k,
- Kerbside Collections, -\$13k
- Bruny Island Disposal Charges, +\$9k
- Metal Sales, +\$42k
- Salaries, -\$40k
- Green Waste Costs, -\$52k
- Hire & Maintenance, -\$8k
- Other Expenses, +\$12k

#### Month

The Barretta/Bruny operations made a loss of -\$11k for the month, -\$17k below budget. Income was close to budget for the month; however, Reuse Shop Sales continue to be lower (\$2k) as does Bruny Island Disposal Charges (\$2k). Expenses were above budget for the month (\$18k) due to Green Waste Disposal Costs (\$9k), and Salaries (\$16k), offset by Other Expenses +\$8k. This is due to lower expenses in the Waste Management Activities budget (\$4k) and a timing difference in the Board Expenses +\$2k.





## Financial Report

### DETAILED ANALYSIS

The detailed variances are:

#### 10. USER CHARGES

User Charges are above budget for the month +\$5k due to higher volumes of General Waste +\$1k, Green Waste +\$2k and Metal +1k. For the year, User Charges are close to budget, despite lower Green Waste received (\$6k), offset by higher Metal +\$4k and Tyres/Gas Bottles +\$2k.

#### 11. RECYCLING SALES

Recycling Sales are below budget for the month (\$3k) due to Reuse Shop Sales (\$2k) and Non-Ferrous Metal Sales (\$1k). For the year, Recycling Sales are above budget +\$30k due to Metal Sales +\$42, offset by lower Reuse Shop Sales (\$6k) and Non-Ferrous Metal Sales (\$6k).

#### 12. COUNCIL RECHARGES

Council Recharges are below budget for December (\$3k) and for the year (\$9k) due to lower Kerbside Collections (\$12k), lower Free Green waste weekend volumes (\$5k), offset by higher Bruny Island Disposal Charges +\$9k.

#### 13. SUNDRY CHARGES

Sundry Charges are above budget for the month and year due to bank interest received.

#### 14. EMPLOYEE COSTS

Employee Costs are above budget for the month (\$16k) and for the year (\$40k). This is due to the use of Agency Staff to fill vacancies and relief for KWS staff on leave. It should also be noted that the budget for employee costs was based on a 2.1% salary increase, however staff received the Fair Work minimum increase of 4.5% increase. For this reason, along with increased use (and cost) of Agency Staff, there has been higher expenditure within the employee costs area.

#### 15. DISPOSAL COSTS

Disposal Costs are close to budget for the month. For the year, Disposal Costs are also close to budget, however Copping Disposal Costs continue to be above budget (\$8k), offset by lower Hazardous Waste +\$4k, Glass/Bottles +1k, Cardboard +1k, Tyres/Gas Bottles +2k and Concreate/Clean fill +1k.

#### 16. GREEN WASTE COSTS

Green Waste Disposal Costs are estimated to be above budget for month (\$9k) and the year (\$52k). Although Green Waste revenue is lower than budgeted, the mulching and removal costs have increased, particularly the introduction of a Fuel Levy. The Fuel Levy costs reflects recent increases in fuel and transport equipment costs incurred by our contractor. For December, the figures used are accruals based on the stockpiles currently at Barretta and are estimated to cover the cost of mulching and removal.

#### 17. HIRE AND MAINTENANCE

Hire and Maintenance costs are above budget for the month (\$3k) and year (\$8k) due to Maintenance Expenses (\$8k). This relates to a timing difference in the yearly servicing of the Compactor. This is normally completed towards in June, however, the compactor required filter maintenance, so the servicing was completed at the same time.





## Financial Report

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### 18. OTHER EXPENSES

Other expenses are below budget for the month +\$9k, and year +\$12k mainly due to lower Office Expenses to date +\$9k and Advertising +2k.

### PUBLIC WASTE BINS CONTRACT

For the month of December, the Public Waste Bins Contract made a profit of +\$6k, and for the year, a profit of +\$34k which is significantly higher than budget +\$8k. The main reason for this is lower Plant Hire Costs +29k.

The detailed variances are:

#### 4. EMPLOYEE COSTS

Employee costs are above budget for the month (\$3k) and year (\$10k) due to the use of agency staff to cover an employee on leave.

#### 5. HIRE & MAINTENANCE

Hire & Maintenance costs are below budget for the month +\$5k and for the year +\$29k due to Plant Hire. The contract estimate for Plant Hire has been calculated based on the truck leases that are due to commence in 2023.

#### 6. OTHER EXPENSES

Other expenses are below budget for the month +\$6k and year +\$7k mainly due to a lower consumable and cleaning expenses, as well as the contingency built into the contract.



## Financial Report

## Kingborough Waste Services Pty Ltd Profit &amp; Loss Report For the period ending December 2022

	DECEMBER 2022			YTD December 22			Annual Budget
	Actual	Budget	Var	Actual	Budget	Var	
<b>REVENUE</b>							
<b>USER CHARGES</b>							
General Waste	90,314	89,043	1,271	484,660	485,618	(958)	1,005,000
Tyres / Gas Bottles	1,364	1,100	264	8,691	6,600	2,091	13,200
Green Waste	22,188	20,500	1,688	109,322	115,500	(6,178)	229,000
Timber	4,332	3,750	582	22,800	22,500	300	45,000
Metal	4,003	2,600	1,403	19,608	15,600	4,008	31,200
	<b>122,200</b>	<b>116,993</b>	<b>5,207</b>	<b>645,081</b>	<b>645,818</b>	<b>(737)</b>	<b>1,323,400</b>
<b>RECYCLING SALES</b>							
Reuse Shop Sales	35,590	37,500	(1,910)	201,675	207,500	(5,825)	414,000
Non Ferrous Metal Sales	2,223	3,500	(1,277)	14,912	21,000	(6,088)	42,000
Metal Sales	0	0	0	66,109	24,000	42,109	48,000
Recycling Sales	0	0	0	0	0	0	0
	<b>37,813</b>	<b>41,000</b>	<b>(3,187)</b>	<b>282,696</b>	<b>252,500</b>	<b>30,196</b>	<b>504,000</b>
<b>COUNCIL RECHARGES</b>							
Kerbside Collection Charges	69,202	70,350	(1,148)	385,549	398,300	(12,751)	798,000
Bruny Island Disposal Charges	17,165	18,700	(1,535)	108,448	99,700	8,748	200,400
Bruny Island Operational Revenue	14,079	14,079	0	84,476	84,474	2	168,950
Free G/Waste - Foregone Revenue	0	0	0	9,653	15,000	(5,347)	30,000
Waste Management	7,278	7,290	(13)	43,665	43,665	0	87,330
	<b>107,724</b>	<b>110,419</b>	<b>(2,695)</b>	<b>631,790</b>	<b>641,139</b>	<b>(9,349)</b>	<b>1,284,680</b>
<b>SUNDRY CHARGES</b>	<b>2,697</b>	<b>375</b>	<b>2,322</b>	<b>10,530</b>	<b>2,250</b>	<b>8,280</b>	<b>4,500</b>
<b>TOTAL REVENUE</b>	<b>270,434</b>	<b>268,787</b>	<b>1,647</b>	<b>1,570,097</b>	<b>1,541,707</b>	<b>28,390</b>	<b>3,116,580</b>
<b>EXPENSES</b>							
<b>EMPLOYEE COSTS</b>							
Salaries	90,267	91,134	867	448,605	494,752	46,147	972,925
Agency Staff	21,046	6,329	(14,717)	125,699	37,566	(88,133)	74,521
Sundry Staff Expenses	2,712	450	(2,262)	3,712	2,700	(1,012)	5,400
Staff Training	225	833	608	3,648	5,998	2,350	11,000
Protective Clothing	391	100	(291)	3,060	4,500	1,440	9,000
	<b>114,642</b>	<b>98,846</b>	<b>(15,796)</b>	<b>584,724</b>	<b>545,516</b>	<b>(39,208)</b>	<b>1,072,846</b>
<b>DISPOSAL COSTS</b>							
Disposal Costs - Copping	35,720	34,129	(1,591)	193,943	186,129	(7,814)	385,200
Disposal Costs - Waste Levy	19,610	19,935	325	109,748	108,722	(1,026)	225,000
Transport Costs - Copping	24,550	24,276	(274)	134,419	132,396	(2,023)	274,000
Disposal Costs - Recycling	894	635	(259)	4,679	3,810	(869)	7,640
Disposal Costs - Glass/Bottles	234	665	431	2,819	3,990	1,171	8,000
Disposal Costs - Cardboard	2,531	2,150	(381)	11,808	12,900	1,092	25,900
Disposal Costs - Tyres/Gas Bottles	0	1,000	1,000	3,750	6,000	2,250	12,000
Disposal Costs - Concrete/Cleanfill	0	0	0	0	1,200	1,200	2,400
Disposal Costs - Metal	0	0	0	0	0	0	0
Disposal Costs - Hazardous Waste	105	800	695	328	4,800	4,472	9,600
	<b>83,643</b>	<b>83,590</b>	<b>(53)</b>	<b>461,493</b>	<b>459,947</b>	<b>(1,546)</b>	<b>949,740</b>
<b>GREEN WASTE COSTS</b>							
Green Waste Mulching	19,688	14,000	(5,688)	125,628	84,000	(41,628)	168,000
Timber Mulching	6,500	3,500	(3,000)	31,864	21,000	(10,864)	42,000
	<b>26,188</b>	<b>17,500</b>	<b>(8,688)</b>	<b>157,492</b>	<b>105,000</b>	<b>(52,492)</b>	<b>210,000</b>
<b>HIRE &amp; MAINTENANCE</b>							
Barretta Bin Hire and Movement	8,103	9,400	1,297	39,093	45,400	6,307	91,800
Bruny Bin Movement & Sundry	12,573	16,500	3,927	81,395	78,500	(2,895)	162,200
Plant Hire(Council)	6,838	6,900	62	41,028	41,400	372	82,800
Plant Hire External	1,633	1,820	187	9,533	10,920	1,387	21,840
Maintenance	9,853	800	(9,053)	13,980	5,300	(8,680)	22,330
MV/Plant Fuel & Registration	2,612	3,550	938	15,761	11,300	(4,461)	20,600
	<b>41,612</b>	<b>38,970</b>	<b>(2,642)</b>	<b>200,789</b>	<b>192,820</b>	<b>(7,969)</b>	<b>401,570</b>
<b>OTHER EXPENSES</b>							
Office Expenses	5,065	7,225	2,160	44,195	53,450	9,255	100,800
Advertising	98	500	402	785	3,000	2,215	6,000
Insurance - Public Liability	0	0	0	17,916	17,185	(731)	17,185
Insurance - Workers Comp	0	0	0	20,243	20,256	13	20,256
Board Expenses	2,500	4,500	2,000	9,000	9,000	0	18,000
Corporate Services Overhead	7,739	7,739	0	46,434	46,434	0	92,868
Waste Management Activities	253	4,500	4,247	63,331	65,000	1,669	170,000
Doubtful Debts Expense	0	0	0	0	0	0	0
Depreciation	56	0	(56)	337	0	(337)	0
	<b>15,712</b>	<b>24,464</b>	<b>8,752</b>	<b>202,241</b>	<b>214,325</b>	<b>12,084</b>	<b>425,109</b>
<b>TOTAL EXPENSES</b>	<b>281,797</b>	<b>263,370</b>	<b>(18,427)</b>	<b>1,606,740</b>	<b>1,517,608</b>	<b>(89,132)</b>	<b>3,059,265</b>
<b>NET PROFIT/(LOSS)</b>	<b>(11,363)</b>	<b>5,417</b>	<b>(16,780)</b>	<b>(36,643)</b>	<b>24,099</b>	<b>(60,742)</b>	<b>57,315</b>



## Financial Report

## KWS PUBLIC WASTE BIN CONTRACT - MAINLAND

## PROFIT &amp; LOSS REPORT

For the period ended December 22

	DECEMBER 2022			YTD December 22			Annual
	Actual	Budget	Var	Actual	Budget	Var	Budget
<b>REVENUE</b>							
<b>COUNCIL RECHARGES</b>							
Public Waste Bins Contract	22,070	22,070	(0)	134,626	134,625	1	267,780
	<b>22,070</b>	<b>22,070</b>	<b>(0)</b>	<b>134,626</b>	<b>134,625</b>	<b>1</b>	<b>267,780</b>
<b>TOTAL REVENUE</b>	<b>22,070</b>	<b>22,070</b>	<b>(0)</b>	<b>134,626</b>	<b>134,625</b>	<b>1</b>	<b>267,780</b>
<b>EXPENSES</b>							
<b>EMPLOYEE COSTS</b>							
Staff Costs	12,268	9,340	(2,928)	61,432	51,401	(10,031)	101,208
	<b>12,268</b>	<b>9,340</b>	<b>(2,928)</b>	<b>61,432</b>	<b>51,401</b>	<b>(10,031)</b>	<b>101,208</b>
<b>HIRE &amp; MAINTENANCE</b>							
Maintenance (Mechanical)	0	0	0	0	5,000	5,000	10,000
Plant Hire	985	6,012	5,027	13,956	36,072	22,116	72,144
Insurance - Vehicle	0	0	0	0	400	400	400
MV/Plant Fuel	1,389	1,800	411	9,618	10,800	1,182	21,600
	<b>2,374</b>	<b>7,812</b>	<b>5,438</b>	<b>23,574</b>	<b>52,272</b>	<b>28,698</b>	<b>104,144</b>
<b>OTHER EXPENSES</b>							
Consumables	0	4,681	4,681	8,141	9,362	1,221	18,725
Cleaning	546	833	287	3,276	4,998	1,722	10,000
Other Expenses	0	1,353	1,353	3,491	8,118	4,627	16,239
	<b>546</b>	<b>6,867</b>	<b>6,321</b>	<b>14,908</b>	<b>22,478</b>	<b>7,570</b>	<b>44,964</b>
<b>TOTAL EXPENSES</b>	<b>15,188</b>	<b>24,019</b>	<b>8,831</b>	<b>99,914</b>	<b>126,151</b>	<b>26,237</b>	<b>250,316</b>
<b>NET PROFIT/(LOSS)</b>	<b>6,882</b>	<b>(1,949)</b>	<b>8,831</b>	<b>34,712</b>	<b>8,474</b>	<b>26,238</b>	<b>17,464</b>
<b>TOTAL NET PROFIT/(LOSS) - KWS</b>	<b>(4,482)</b>	<b>4,828</b>	<b>(9,310)</b>	<b>(1,931)</b>	<b>35,835</b>	<b>(37,766)</b>	<b>84,126</b>



## Financial Report

## KINGBOROUGH WASTE SERVICES PTY LTD

## SUMMARY FORECAST REPORTS

For the period ended December 22

	YTD December 22			ANNUAL BUDGET	ref	FORECAST VARIANCES	FORECAST
	ACTUAL	BUDGET	VAR				
TOTAL KWS							
REVENUE	1,704,723	1,712,132	(7,409)	3,528,157		(59,500)	3,468,657
EXPENSES	1,706,654	1,676,297	(30,357)	3,444,031		18,984	3,463,015
NET PROFIT/(LOSS)	(1,931)	35,835	(37,766)	84,126		(78,484)	5,643
BARRETTA OPERATIONS							
REVENUE							
User Charges	645,081	645,818	(737)	1,323,400			1,323,400
Recycling Sales	282,696	252,500	30,196	504,000	1	30,000	534,000
Council Recharges	631,790	641,139	(9,349)	1,284,680			1,284,680
Sundry Charges	10,530	2,250	8,280	4,500			4,500
TOTAL REVENUE	1,570,097	1,541,707	28,390	3,116,580		30,000	3,146,580
EXPENSES							
Employee costs	584,724	545,516	(39,208)	1,072,846	2	85,000	1,157,846
Disposal Costs	461,493	459,947	(1,546)	949,740			949,740
Green Waste Costs	157,492	105,000	(52,492)	210,000	3	90,000	300,000
Hire & Maintenance	200,789	192,820	(7,969)	401,570			401,570
Other Expenses	202,241	214,325	12,084	425,109	4	(70,000)	355,109
TOTAL EXPENSES	1,606,740	1,517,608	(89,132)	3,059,265		105,000	3,164,265
NET PROFIT/(LOSS)	(36,643)	24,099	(60,742)	57,315		(75,000)	(17,685)
PUBLIC PLACE BINS - MAINLAND							
REVENUE	134,626	134,625	1	267,780		0	267,780
EXPENSES							
Employee costs	61,432	51,401	(10,031)	101,208	5	20,000	121,208
Hire & Maintenance	23,574	52,272	28,698	104,144	6	(25,717)	78,428
Other Expenses	14,908	22,478	7,570	44,964		0	44,964
TOTAL EXPENSES	99,914	126,151	26,237	250,316		(5,717)	244,600
NET PROFIT/(LOSS)	34,712	8,474	26,238	17,464		5,717	23,181



## Financial Report

PUBLIC PLACE BINS - BRUNY							
REVENUE	0	35,800	(35,800)	143,797	<sup>7</sup>	(89,500)	54,297
EXPENSES							
Employee costs	0	8,912	8,912	34,147	<sup>8</sup>	(19,387)	14,760
Hire & Maintenance	0	15,624	15,624	67,496	<sup>9</sup>	(37,654)	29,842
Other Expenses	0	8,002	8,002	32,807	<sup>10</sup>	(23,259)	9,548
TOTAL EXPENSES	0	32,538	32,538	134,450		(80,300)	54,150
NET PROFIT/(LOSS)	0	3,262	(3,262)	9,347		(9,200)	147

**1 BARRETTA RECYCLING SALES**

Metal Sales - The prices achieved on Metal Sales have exceeded the budget. This forecast reflects known sales. There may be the ability for a further sale later in the year.

**2 EMPLOYEE COSTS**

Employees costs are over budget in Agency costs which are partially offset by savings in direct salaries costs. Salaries are below budget YTD, because of the use of Agency Staff to fill vacancies. There are plans to employ one of the Agency staff and also to create a casual staff position. This, along with the fact that staff received a 4.5% increase, against the budgeted 2.1%, means the budget savings are unlikely to continue.

Agency costs over budget - There have been staff vacancies filled by Agency staff, which costs more than direct employment. This will be reduced by the new positions in 2 above, however agency staff will continue to be used.

**3 GREEN WASTE COSTS****Green Waste Mulching**

Green Waste Mulching is \$41,000 over budget for the six months due to the increased costs of disposal, mainly the introduction of a fuel levy by the contractor. Part of this over expenditure related to 2021/22 so the forecast additional costs is less than double the YTD variance.

**Timber Mulching**

This is now costing more than budgeted so the forecast additional expenditure is twice the YTD over expenditure.

**4 OTHER EXPENSES**

The Waste Management Activities not committed have been removed in the full year forecast. The removed projects are:

- Bin Audit	25,000
- Comms Plan	20,000
- Rolling out Comms Plan	20,000
- Aspire	5,000
	<u>70,000</u>

**5 PUBLIC PLACE BINS - MAINLAND - STAFF COSTS**

Labour costs are trending over budget reflecting training and other costs of a new operation.

**6 PUBLIC PLACE BINS - MAINLAND - PLANT HIRE**

The delayed delivery of the new trucks have resulted in savings on budgeted Plant Hire costs

**7 PUBLIC PLACE BINS - BRUNY - REVENUE**

The delay in the delivery of the new trucks means KWS will not commence the Bruny Public Bin Collection until probably 1 April so there will only be three months revenue in the forecast.



## Financial Report

### 8 PUBLIC PLACE BINS - BRUNY - EMPLOYEE COSTS

Labour costs have been reduced due to the delayed delivery of the new trucks. Two weeks labour costs have been allowed prior to collection commencement for training etc.

### 9 PUBLIC PLACE BINS - BRUNY - HIRE AND MAINTENANCE

#### MAINTENANCE (MECHANICAL)

One less vehicle service for year due to delayed delivery.

#### PLANT HIRE

The April 1 start will result in a reduction in Plant Hire. Forecast is 3.5 months @ \$6,012 pm. Note expenses allowed for half March for training etc.

#### MV/Plant Fuel

The April 1 start will result in a reduction in Plant Hire. Forecast is 3.5 months @ \$1,800 pm. Note expenses allowed for half March for training etc.

### 10 PUBLIC PLACE BINS - BRUNY - OTHER EXPENSES

Cleaning, Ferry expenses and Other expenses

The April 1 start will result in a reduction in Plant Hire. Forecast is 3.5 months @ \$833 pm. Note expenses allowed for half March for training etc.

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## Financial Report

## KINGBOROUGH WASTE SERVICES PTY LTD

## BALANCE SHEET

as at DECEMBER 2022

	CURRENT MONTH	JUNE 2022
<b>Assets</b>		
General Cheque Account	1,071,849	946,658
Cash on Hand	2,700	2,700
Prepayments	0	3,000
Sundry Debtors	119,044	87,440
Less Provision for Doubtful Debts	0	0
Accrued Revenue	0	0
GST Receivable	18,244	0
GST Clearing	0	(6,342)
Workers Comp Recovery	0	0
Property, infrastructure, plant and equip	6,733	6,733
Suspense Account	0	0
Accum Depr - Plant and Equip	(1,013)	(676)
<b>Total Assets</b>	<b>1,217,557</b>	<b>1,039,513</b>
<b>Liabilities</b>		
Trade Creditors	183,407	101,640
GST Collected	28,956	0
Accrued Expenses	230,427	170,608
Suspense	(1,492)	0
Payroll Liabilities	18,432	11,254
Annual Leave Liability	96,972	100,726
Long Service Leave Liability	55,311	47,811
Kingborough Council Loan	0	0
<b>Total Liabilities</b>	<b>612,013</b>	<b>432,039</b>
<b>Net Assets</b>	<b>605,544</b>	<b>607,473</b>
<b>Equity</b>		
Retained Earnings	607,475	469,050
Current Earnings	(1,931)	138,423
<b>Total Equity</b>	<b>605,544</b>	<b>607,473</b>



## Operational Report

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### Operational Report

#### Site Management

- Annual compactor and walking floor service carried out in December.
- Barretta site closed for 4 hours on 22 December 2022 due to high winds.
- Barretta site closed for 3 hours on 28 December 2022 due to high winds.

#### Advertising

- November and December Re-Use shop adverts in the Chronicle.
- Social media posts on Garage Sale Trail.
- Social media posts on the Barretta food organics bin.
- Social media posts on Barretta closure due to wind.
- Social media posts on the Civic Centre Recycling Unit
- Social media and Chronical posts on Barretta diversion statistics (Paint, Oil etc)
- Social media and Chronical posts on Christmas hours of operation.
- Social media and Chronical posts on Free Green Waste Weekend.

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## Operational Report

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### Environmental Management

**Marine Flares** - The Barretta Waste Transfer Station is registered as a collection point for expired marine flares.

**Civic Centre Recycling Unit** – The follow quantities of items have been collected and recycled through the recycling unit at the civic Centre.

Coffee Pods – 106kg  
Books & magazines 52kg  
Household Batteries – 43kg  
X-rays – 38kg

**Paintback** - Collections of unwanted paint through the Paintback stewardship scheme continued with 2,030kg collected during November and a further 1,680kg collected during December for a total of 3,710kg over the past 12 months enabling a saving of \$99,300 over the previous arrangement. The KWS agreement with Paintback has now been extended until 31 July 2031.

**E-Waste** - The Tech Collect E-Waste stewardship program continued with a total of 4,360kg collected during November and a further 2,410kg during December for a total of 6,770kg over the past 12 months.

**Metal Waste** – Expression of Interests for scrap metal collections were sought during November with Onestop Metal Recycling being the successful contractor. Collections commenced during December with 80 tonnes being removed and sent for recycling.



## Operational Report

### Waste Received and Diverted Statistics

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
Product Received	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In
General Waste	508.39	491.99	515.80	546.70	524.25	560.09	0.00	0.00	0.00	0.00	0.00	0.00	3147.22
Kerbside General Waste	419.95	460.96	455.62	442.14	486.58	499.70	0.00	0.00	0.00	0.00	0.00	0.00	2764.95
Kerbside Recycling	163.42	179.48	174.57	174.86	180.21	184.58	0.00	0.00	0.00	0.00	0.00	0.00	1057.12
Kerbside FOGO	138.02	163.47	240.82	280.22	317.90	285.61	0.00	0.00	0.00	0.00	0.00	0.00	1426.04
Weight from Sawtooth	106.05	115.93	129.94	109.16	145.83	132.88	0.00	0.00	0.00	0.00	0.00	0.00	739.78
Shop In	36.25	41.96	35.97	38.00	36.84	36.31	0.00	0.00	0.00	0.00	0.00	0.00	225.33
Green Waste	181.84	136.49	176.87	182.82	322.51	223.43	0.00	0.00	0.00	0.00	0.00	0.00	1223.96
Timber Waste	28.49	25.56	30.52	22.76	21.62	30.24	0.00	0.00	0.00	0.00	0.00	0.00	159.19
Diverted X-Ray/L-Glo/H-Bat/Mob	0.00	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.16
Diverted Non Ferrous	1.95	7.01	3.43	3.51	9.50	5.25	0.00	0.00	0.00	0.00	0.00	0.00	30.65
Diverted Oil	2.20	2.35	2.65	1.40	3.15	1.70	0.00	0.00	0.00	0.00	0.00	0.00	13.45
Diverted Paint	0.69	2.28	1.78	2.21	2.03	1.68	0.00	0.00	0.00	0.00	0.00	0.00	10.67
Diverted Tyre/Gas	0.38	0.63	0.56	0.72	0.41	0.64	0.00	0.00	0.00	0.00	0.00	0.00	3.34
Diverted E-Waste	2.60	3.42	3.19	2.26	4.36	2.41	0.00	0.00	0.00	0.00	0.00	0.00	18.24
Monthly Total In	1590.23	1631.69	1771.72	1806.76	2055.19	1964.51	0.00	0.00	0.00	0.00	0.00	0.00	10820.10
To Copping	849.04	930.44	936.97	906.28	952.55	1025.19	0.00	0.00	0.00	0.00	0.00	0.00	5600.47



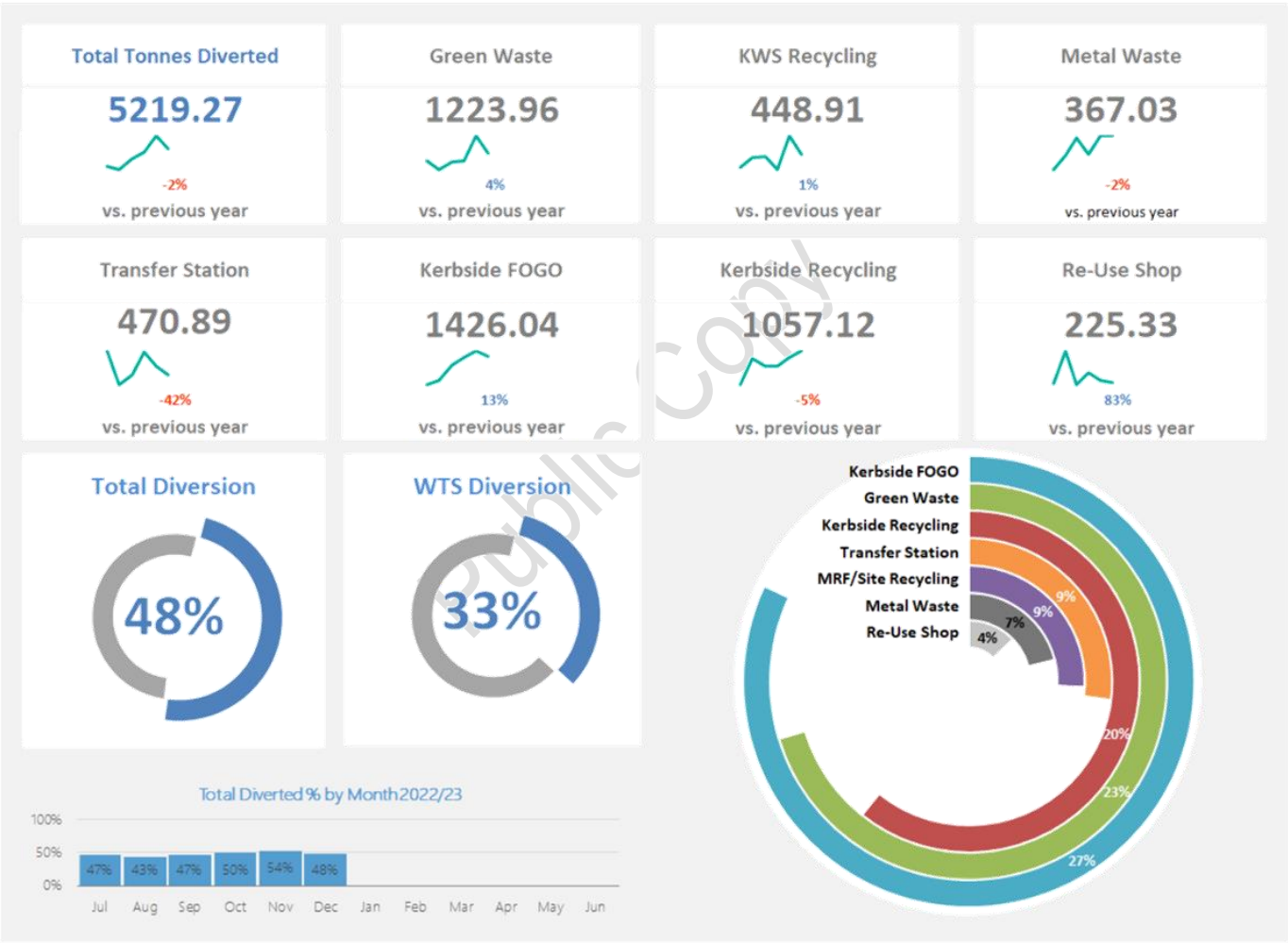
## Operational Report

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
Product Diverted	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In	Tonnes In
Kerbside Recycling	163.42	179.48	174.57	174.86	180.21	184.58	0.00	0.00	0.00	0.00	0.00	0.00	1057.12
Kerbside FOGO	138.02	163.47	240.82	280.22	317.90	285.61	0.00	0.00	0.00	0.00	0.00	0.00	1426.04
Diverted WTS	107.79	48.07	64.97	105.32	79.90	64.84	0.00	0.00	0.00	0.00	0.00	0.00	470.89
Diverted Metal	50.86	57.76	66.01	58.38	67.20	66.83	0.00	0.00	0.00	0.00	0.00	0.00	367.03
Diverted MRF	28.63	33.20	29.82	29.80	41.91	43.44	0.00	0.00	0.00	0.00	0.00	0.00	206.80
Diverted Glass	26.56	24.97	34.11	20.98	36.72	22.61	0.00	0.00	0.00	0.00	0.00	0.00	165.95
Diverted Shop	36.25	41.96	35.97	38.00	36.84	36.31	0.00	0.00	0.00	0.00	0.00	0.00	225.33
Diverted Green Waste	181.84	136.49	176.87	182.82	322.51	223.43	0.00	0.00	0.00	0.00	0.00	0.00	1223.96
Diverted X-Ray/L-Glo/H-Bat/Mob	0.00	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.16
Diverted Non Ferrous	1.95	7.01	3.43	3.51	9.50	5.25	0.00	0.00	0.00	0.00	0.00	0.00	30.65
Diverted Oil	2.20	2.35	2.65	1.40	3.15	1.70	0.00	0.00	0.00	0.00	0.00	0.00	13.45
Diverted Paint	0.69	2.28	1.78	2.21	2.03	1.68	0.00	0.00	0.00	0.00	0.00	0.00	10.67
Diverted Tyre/Gas Bottle	0.38	0.63	0.56	0.72	0.41	0.64	0.00	0.00	0.00	0.00	0.00	0.00	3.34
Diverted E-Waste	2.60	3.42	3.19	2.26	4.36	2.41	0.00	0.00	0.00	0.00	0.00	0.00	18.24
<b>Total Diverted</b>	<b>741.19</b>	<b>701.25</b>	<b>834.75</b>	<b>900.48</b>	<b>1102.64</b>	<b>939.32</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>5219.62</b>
<b>Diverted (%)</b>	<b>47%</b>	<b>43%</b>	<b>47%</b>	<b>50%</b>	<b>54%</b>	<b>48%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>48%</b>



Operational Report

DIVERSION STATISTICS YTD DECEMBER 2022







## Operational Report

### Waste Transfer Station Statistics

November's diversion from the WTS area of steel, non-ferrous metals, Re-Use Shop items and the sawtooth area items along with the diversion from the MRF and metal heap was 604.53 tonnes which is around 39% diversion.

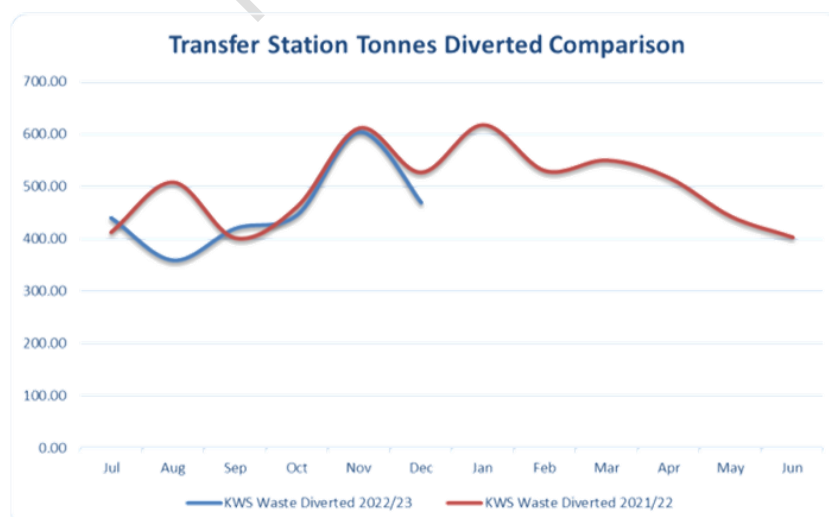
December's diversion from the WTS area of steel, non-ferrous metals, Re-Use Shop items and the sawtooth area items along with the diversion from the MRF and metal heap was 469.13 tonnes which is around 31% diversion.

*WTS Diverted Statistics are all Diversion figures less Kerbside Recycling & Kerbside Green Waste*

### 1.12. Waste Handled Statistics

Product Handled	Nov Tonnes	Dec Tonnes
General Waste	524.25	560.09
Kerbside General Waste	486.58	499.70
Timber Waste	21.62	30.24
Green Waste	322.51	223.43
<b>Total</b>	<b>1354.96</b>	<b>1313.46</b>

Product Sent	Nov	Dec
Tonnes to Copping	952.55	1025.19
Average Tonnage per Load	17.64	17.68



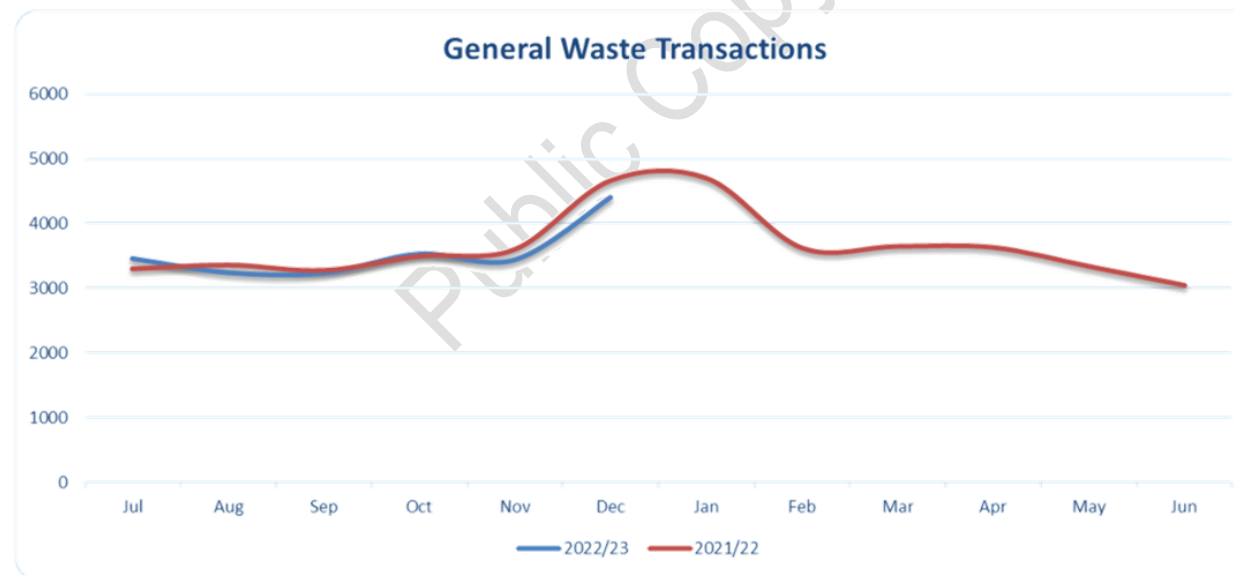


## Operational Report

## General Waste Transaction Statistics

## 2022/23 General Waste Transactions Compared to 2021/22 Transactions

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD Total
2022/23	3453	3234	3227	3525	3433	4398							21270
2021/22	3304	3363	3282	3499	3605	4662	4698	3624	3651	3633	3342	3050	21715
Variance	149	-129	-55	26	-172	-264							-445



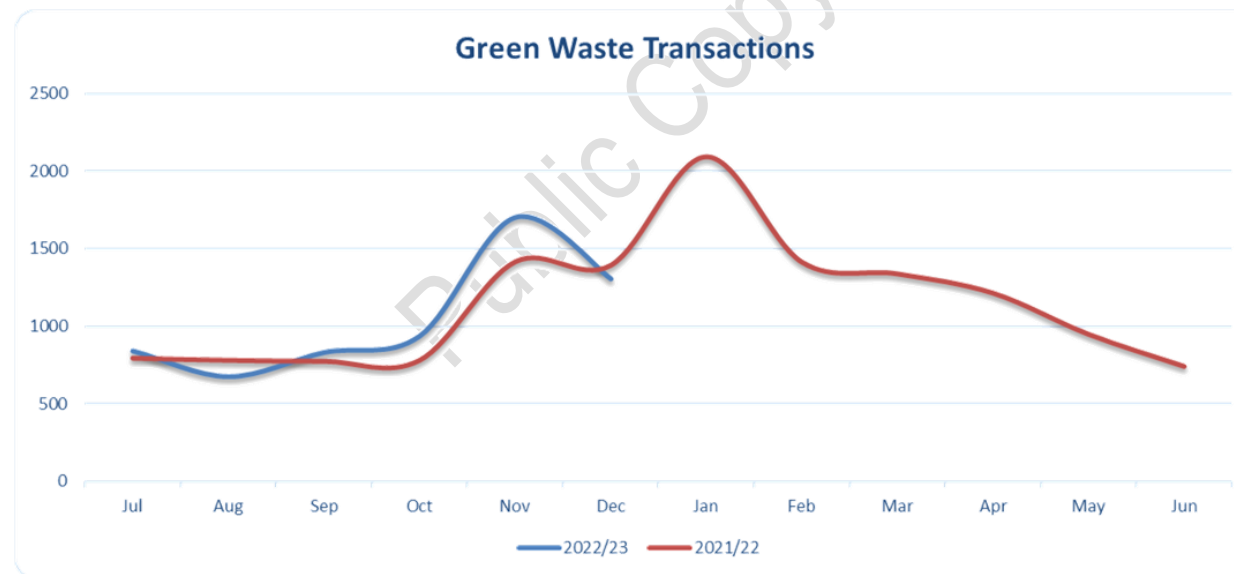


## Operational Report

## 1.13. Green Waste Transaction Statistics

## 2022/23 Green Waste Transactions Compared to 2021/22 Transactions

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD Total
2022/23	839	673	829	935	1701	1304							6281
2021/22	794	780	774	780	1416	1393	2094	1414	1338	1214	948	741	5937
Variance	45	-107	55	155	285	-89							344



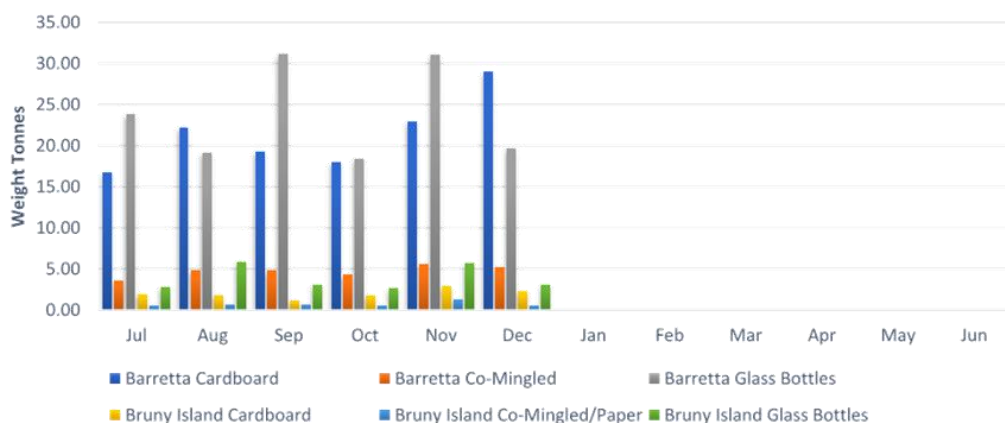


## Operational Report

## 1.14. MRF Recycling Statistics

Product	Month	Loads	Weight tonnes
Barretta Cardboard	Nov	20	22.91
Barretta Paper	Nov	2	9.32
Barretta Co-Mingled	Nov	7	5.52
Barretta Glass Bottles	Nov	3	31.07
Bruny Island Cardboard	Nov	5	2.86
Bruny Island Co-Mingled/Paper	Nov	2	1.3
Bruny Island Glass Bottles	Nov	2	5.65
Barretta Cardboard	Dec	28	28.97
Barretta Paper	Dec	1	6.44
Barretta Co-Mingled	Dec	6	5.23
Barretta Glass Bottles	Dec	2	19.62
Bruny Island Cardboard	Dec	4	2.23
Bruny Island Co-Mingled/Paper	Dec	1	0.57
Bruny Island Glass Bottles	Dec	1	2.99

MRF Recycling Statistics





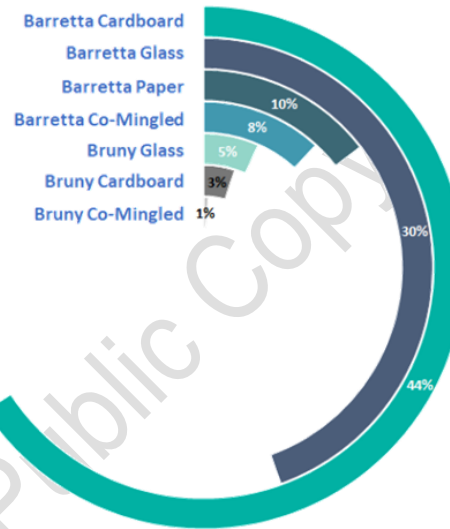
## Operational Report

### MRF Tonnage Year to Date December 2022

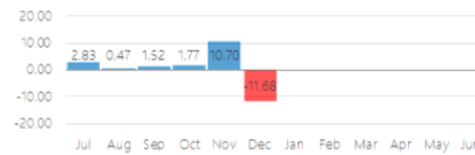
#### Barretta MRF

<b>Cardboard</b>	<b>Cardboard Avg Load</b>
<b>127.99</b> -5% vs previous year	<b>1.08</b> -7% vs previous year
<b>Paper</b>	<b>Paper Avg Load</b>
<b>34.52</b> -13% vs previous year	<b>4.98</b> -1% vs previous year
<b>Co-Mingled</b>	<b>Co-Mingled Avg Load</b>
<b>28.27</b> 22% vs previous year	<b>0.89</b> 12% vs previous year
<b>Glass</b>	<b>Glass Avg Load</b>
<b>143.08</b> 7% vs previous year	<b>9.53</b> -1% vs previous year

#### Tonnage Breakdown



#### MRF Tonnage Variance 2022/23 vs 2021/22



#### Bruny Island MRF

<b>Cardboard</b>	<b>Cardboard Avg Load</b>
<b>11.74</b> -2% vs previous year	<b>0.51</b> 15% vs previous year
<b>Co-Mingled</b>	<b>Co-Mingled Avg Load</b>
<b>4.28</b> -17% vs previous year	<b>0.61</b> -5% vs previous year
<b>Glass</b>	<b>Glass Avg Load</b>
<b>22.87</b> 27% vs previous year	<b>2.85</b> 18% vs previous year



## Operational Report

### Re-Use Shop Business Activity

November resulted in 2768 transactions through the shop with sales of \$33,161 which is -\$3,339 below budget and a -\$4 decrease on November 2021/22. December resulted in 2912 transactions with sales of \$35,593 which is -\$1,907 below budget and a \$428 increase on December 2021/22. The Re-Use shop from November to December sent 6.2 tonnes of unsalable stock and general rubbish to landfill.

### 2022/23 Sales Compared to Budget

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD Comp Total
<b>Sales</b>	\$ 33,498	\$ 33,648	\$ 31,273	\$ 31,649	\$ 33,161	\$ 35,593							\$ 198,821
<b>Budget</b>	\$ 31,500	\$ 32,500	\$ 34,000	\$ 35,500	\$ 36,500	\$ 37,500	\$ 39,500	\$ 33,500	\$ 35,500	\$ 34,000	\$ 32,500	\$ 31,500	\$ 207,500
<b>Variance</b>	\$ 1,998	\$ 1,148	-\$ 2,727	-\$ 3,851	-\$ 3,339	-\$ 1,907							-\$ 8,679

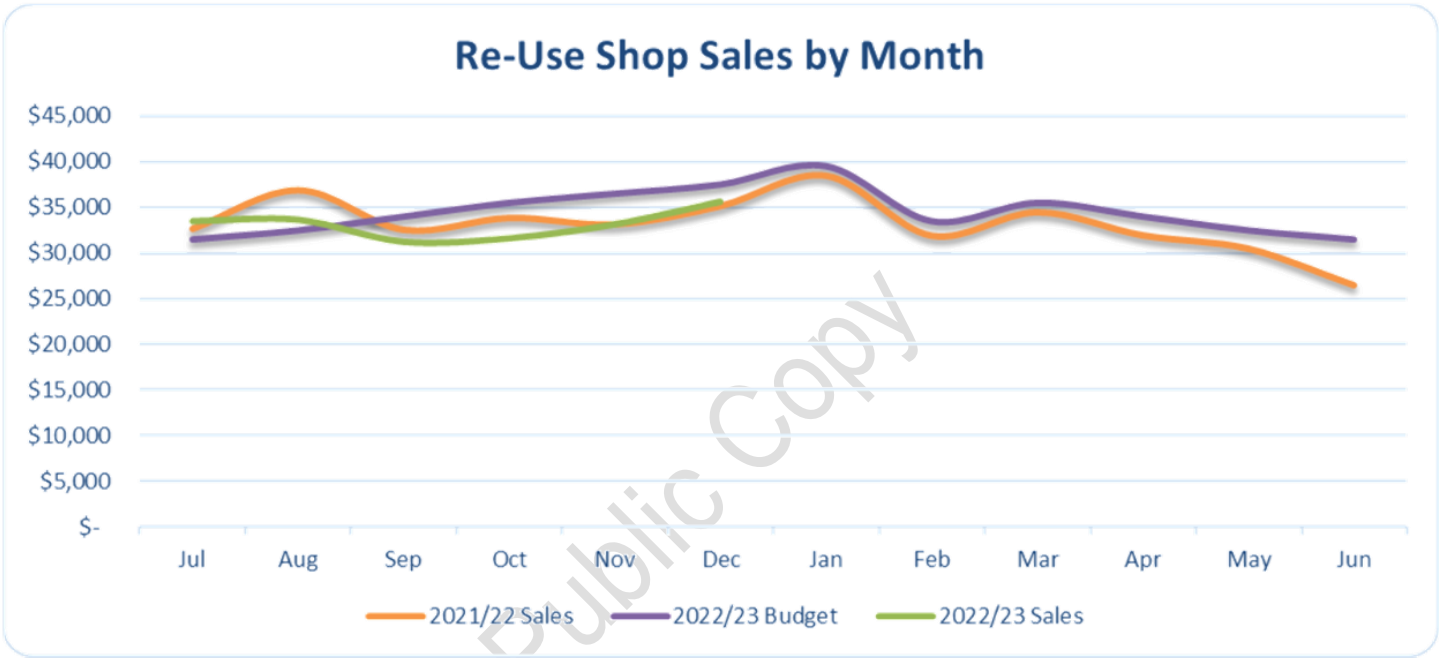
### 2022/23 Sales Compared to 2021/22 Sales

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD Comp Total
<b>2022/23</b>	\$ 33,498	\$ 33,648	\$ 31,273	\$ 31,649	\$ 33,161	\$ 35,593							\$ 198,821
<b>2021/22</b>	\$ 32,676	\$ 36,908	\$ 32,559	\$ 33,857	\$ 33,165	\$ 35,165	\$ 38,493	\$ 31,905	\$ 34,489	\$ 31,948	\$ 30,488	\$ 26,474	\$ 204,329
<b>Variance</b>	\$ 822	-\$ 3,260	-\$ 1,285	-\$ 2,208	-\$ 4	\$ 428							-\$ 5,508





Operational Report

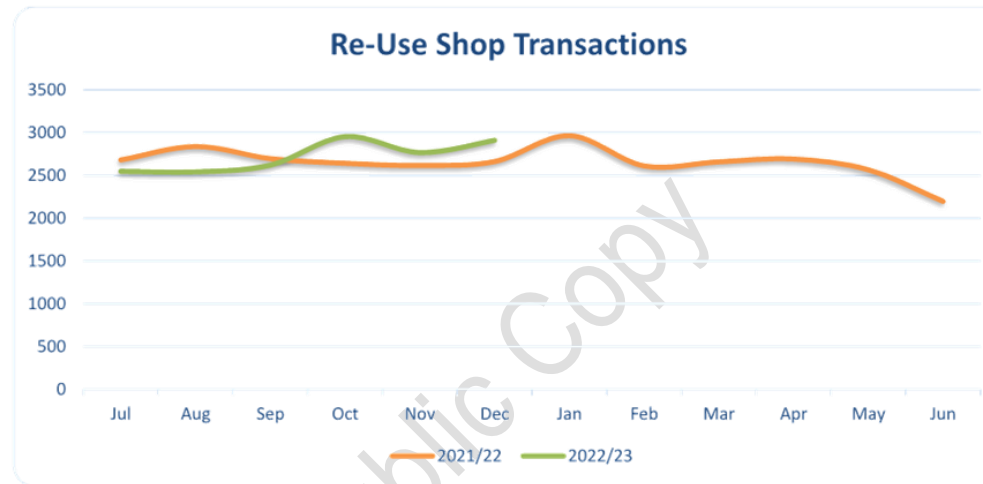


The above graph highlights the Re-Use Shop sales by month for the 2021-22 financial year compared to the same period for 2020-21 year and the 2021-22 Budget.



## Operational Report

### 1.15. Re-Use Shop Transaction Statistics

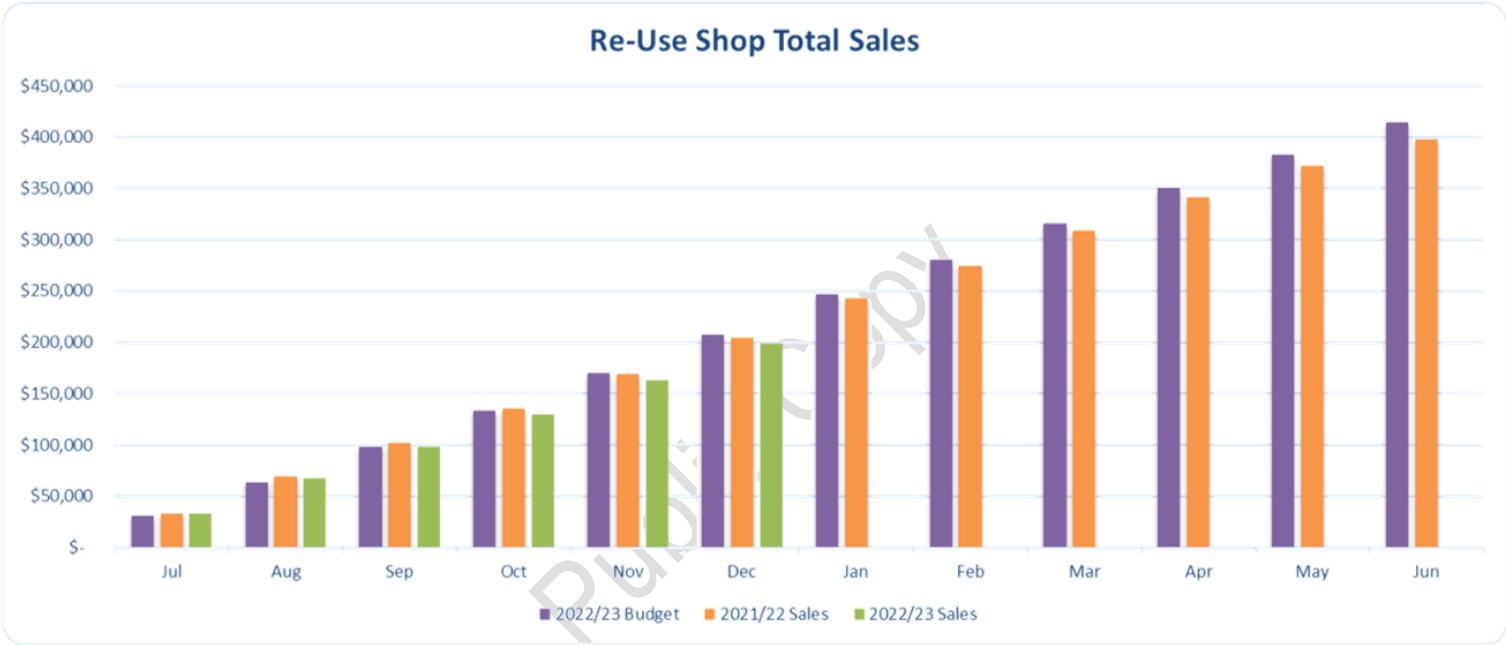


**2022/23 Transactions Compared to 2021/22 Transactions**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD Comp Total
<b>2022/23</b>	2549	2542	2621	2954	2768	2912							16346
<b>2021/22</b>	2682	2839	2697	2643	2617	2663	2965	2612	2660	2692	2567	2198	16141
<b>Variance</b>	-133	-297	-76	311	151	249							205



Operational Report



The above graph highlights the total Re-Use Shop sales for the period ending 31 December 2022 compared to the 2022-23 Budget and the 2021-22 sales result for the same period. The graph shows a result of -\$8,679 below budget and a decrease of sales by -\$5,508 over the same period in 2020-21.



## Service Level Agreement Report

## Service Level Agreement Report

## Kerbside Collection Contract Administration September to October 2022

## Kerbside Collection of Waste and Recyclables

&gt;= 90% Green 80%-89% Yellow &lt;= 79% Red



81%

Criteria	KPI	Measure	Nov	Dec
Timely collection of Household Waste or Household Recycling	Collections to occur within agreed times on the scheduled collection day	None	0	0
Reliability of Services	Number of missed collections	< 40 Per Month	47	41
Level of Service	Number of complaints received from Tenement occupants	< 2 Per Month	1	2
Quality and Reliability of Collection Vehicles	Number of breakdowns, fluid leakage or adverse emissions reports	< 2 Per Month	0	0
Provision of Vehicle and Operator Records	Timely provision of required reports and response to adhoc requests for Collection Vehicle and Operator records	< 10 Business Days	0	0
Planning of Changes to Services and Notifications	Adequate notice of planned changes and notification to affected parties	> 30 Business Days	0	0
Accuracy of progress claims	Number and \$ Value of errors	None	0	0
Completeness of progress claims	Number of supporting records missing	None	0	0
Collaboration with Council and Council Employees	Negative reports from internal feedback and questions	None	0	0
Courtesy shown to members of the public	Complaints and unsolicited negative feedback	< 2 Per Month	0	0
Work Health and Safety performance	Number of accidents, incidents reported and from random audits	None	0	0
Work Practices	Compliance with best practice and legislative requirements	Ongoing Always	0	0

**Summary**

There were 88 reported missed collections over the period. There was two complaints of property damage to a letter box and a fence, in general the contractor is performing to an acceptable standard in relation to reporting, invoicing, complaints and service delivery.



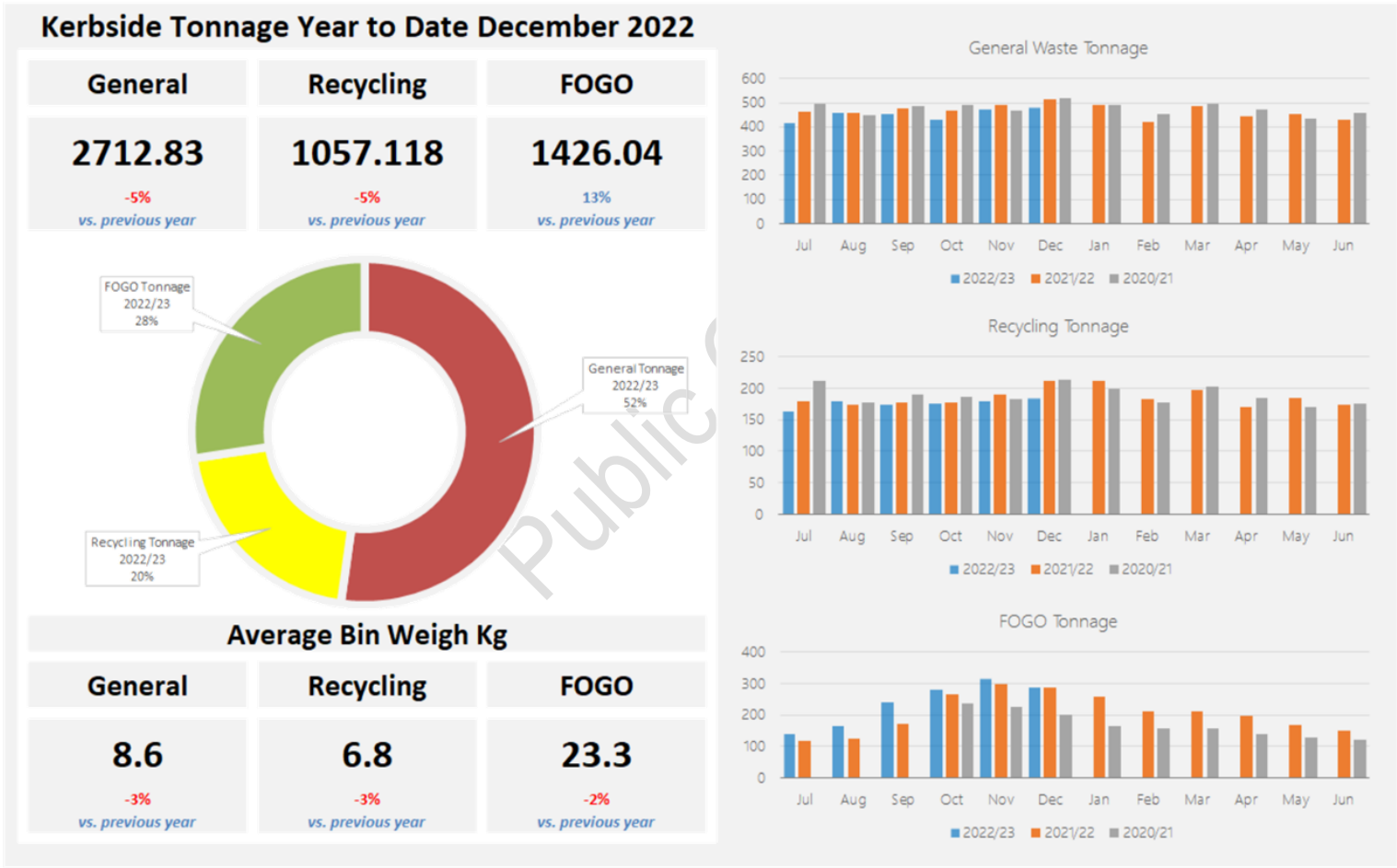
## Service Level Agreement Report

### 1.16. Collection Statistics

Kerbside General Waste													
Month	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Bin Lifts	50026	54164	52791	49487	54348	54096							314,912
Tonnage	417.21	459.02	452.842	432.2	471.18	480.38							2,712.83
Avge Kg/Lift	8.3	8.5	8.6	8.7	8.7	8.9							8.6
Kerbside Recycling													
Month	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Bin Lifts	24294	26802	25786	25774	26244	25904							154,804
Tonnage	163.42	179.48	174.57	174.858	180.21	184.58							1,057.12
Avge Kg/Lift	6.7	6.7	6.8	6.8	6.9	7.1							6.8
Kerbside FOGO													
Month	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Bin Lifts	7373	8454	10124	10355	12061	11700							60,067
Tonnage	138.02	163.47	240.82	280.22	317.9	285.61							1,426.04
Avge Kg/Lift	18.7	19.3	23.8	27.1	26.4	24.4							23.7
Service Requests													
Month	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
New Service	38	71	58	111	84	61							423
Damaged Bins	65	75	57	52	78	55							382
Missed Collections	97	43	50	26	47	41							304
Upgrade Bin Size	24	25	11	25	14	13							112
Missing Bin	34	30	10	74	81	51							280
Total	356	288	237	314	353	262							1810



Service Level Agreement Report







## Service Level Agreement Report

### Public Place Bin Contract Administration September to October 2022

#### 1.17. Mainland Public Place Bin Contract

##### Kerbside Collection of Waste and Recyclables

>= 90% Green 80%-89% Yellow <= 79% Red



95%

Criteria	KPI	Measure	Nov	Dec
Reliability of Services	Number of missed collections	< 4 Per Month	0	0
Level of Service	Number of complaints received	< 1 Per Month	0	1
Quality and Reliability of Collection Vehicles	Number of breakdowns, fluid leakage or adverse emissions reports	< 2 Per Month	0	1
Provision of Vehicle and Operator Records	Timely provision of required reports and response to adhoc requests for Collection Vehicle and Operator records	< 10 Business Days	0	0
Accuracy of progress claims	Number and \$ Value of errors	None	0	0
Completeness of progress claims	Number of supporting records missing	None	0	0
Collaboration with Council and Council Employees	Negative reports from internal feedback and questions	None	0	0
Work Health and Safety performance	Number of accidents, incidents reported and from random audits	None	0	0

#### Summary

For the period November and December 2022, there was one complaint received regarding overflowing bins on Kingston Beach. Additional temporary 660 litre bins have been installed in the area to prevent further issues.



## Service Level Agreement Report

## 1.18. Bruny Island Public Place Bin Contract

## Kerbside Collection of Waste and Recyclables

&gt;= 90% Green 80%-89% Yellow &lt;= 79% Red



100%

Criteria	KPI	Measure	Nov	Dec
Reliability of Services	Number of missed collections	< 4 Per Month	0	0
Level of Service	Number of complaints received	< 1 Per Month	0	0
Quality and Reliability of Collection Vehicles	Number of breakdowns, fluid leakage or adverse emissions reports	< 2 Per Month	0	0
Provision of Vehicle and Operator Records	Timely provision of required reports and response to adhoc requests for Collection Vehicle and Operator records	< 10 Business Days	0	0
Accuracy of progress claims	Number and \$ Value of errors	None	0	0
Completeness of progress claims	Number of supporting records missing	None	0	0
Collaboration with Council and Council Employees	Negative reports from internal feedback and questions	None	0	0
Work Health and Safety performance	Number of accidents, incidents reported and from random audits	None	0	0

**Summary**

There have been no complaints reported by the public over the period. In general, the contractor is performing to an acceptable standard in relation to reporting, invoicing, complaints and service delivery. The contract for the Bruny Island contract expired in January 2022 but has been extended until March 2023 to allow the lease of a new vehicle and KWS to commence servicing the bins.



## Service Level Agreement Report

### Waste Transfer Station Operation

SERVICES	ACTION	KPI
<p>The area be supervised at all times to ensure the public are given direction and advice in a pleasant and professional manner.</p> <p>The area is maintained in a clean, safe and tidy condition.</p> <p>Only unusable rubbish is sent to landfill and any item that can be recycled is retrieved.</p>	<p>Staff are trained and competent to operate the transfer station equipment and facilities and to correctly advise customers.</p> <p>All activity is performed safely, and all hazards and incidents are reported.</p> <p>Recyclable material is directed to the area where the best return is gained.</p>	<p>Number of trained staff.</p> <p>Number of customer complaints received and resolved.</p> <p>Accurate waste volume data is recorded and reported.</p> <p>Results of the annual operational audit and number or % of trailer loads at maximum legal capacity.</p>
<p><b>Site Management</b></p> <ul style="list-style-type: none"> <li>• Annual compactor and walking floor service carried out in December.</li> <li>• Barretta site closed for 4 hours on 22 December 2022 due to high winds.</li> <li>• Barretta site closed for 3 hours on 28 December 2022 due to high winds.</li> </ul> <p><b>Advertising</b></p> <ul style="list-style-type: none"> <li>• November and December Re-Use shop adverts in the Chronicle.</li> <li>• Social media posts on Garage Sale Trail.</li> <li>• Social media posts on the Barretta food organics bin.</li> <li>• Social media posts on Barretta closure due to wind.</li> <li>• Social media posts on the Civic Centre Recycling Unit</li> <li>• Social media and Chronical posts on Barretta diversion statistics (Paint, Oil etc)</li> <li>• Social media and Chronical posts on Christmas hours of operation.</li> <li>• Social media and Chronical posts on Free Green Waste Weekend.</li> </ul> <p><b>Waste Stream Data</b></p> <ul style="list-style-type: none"> <li>• 3,051 tonnes processed with 1,977 tonnes transported to the Copping landfill and a 35% diversion rate.</li> <li>• 100% Transport compliance with an average of 17.00 tonnes per load to Copping.</li> </ul> <p><b>Re-Use Shop</b></p> <p>The Re-Use shop sales and transaction numbers continue to remain steady whilst complying with the Covid-19 Safety Plan social distancing and cleanliness measures. The period November to December resulted in 5,680 transactions through the shop and sales of \$68,745. This result is \$5,246 below budget and \$424 above the sales for the same period in 2021-22.</p>		



## Service Level Agreement Report

### Provide Public Information

SERVICES	ACTION	KPI
Provide information on the kerbside collection service (to reduce waste levels and cross-contamination) and public place bins (to reduce littering and any cross-contamination in publicly available recycling bins).	Provide up-to-date information on the KWS website and regular newspaper and social media updates.	Number of website, newspaper and social media updates.
<ul style="list-style-type: none"> <li>• November and December Re-Use shop adverts in the Chronicle.</li> <li>• Social media posts on Garage Sale Trail.</li> <li>• Social media posts on the Barretta food organics bin.</li> <li>• Social media posts on Barretta closure due to wind.</li> <li>• Social media posts on the Civic Centre Recycling Unit</li> <li>• Social media and Chronical posts on Barretta diversion statistics (Paint, Oil etc)</li> <li>• Social media and Chronical posts on Christmas hours of operation.</li> <li>• Social media and Chronical posts on Free Green Waste Weekend.</li> </ul>		

### Reports to Council

SERVICES	ACTION	KPI
Keep Council informed on any issues relating to the kerbside collection contract, any issues relating to public bin collection services (and related littering problems), the promotion of waste reduction, improved public engagement opportunities and efforts made to improve KWS business performance.	Provide regular reports to Council, including any contract breaches, efforts made to communicate waste services and to promote waste reduction and achievements made each year to better manage waste in Kingborough.	Quarterly reports provided to Council. Annual Plan produced each year. Annual Report produced each year.
<ul style="list-style-type: none"> <li>• Quarterly reports to Council</li> <li>• Two Service Level Agreement meetings with Council per year.</li> <li>• Councillor workshops.</li> </ul>		



## Service Level Agreement Report

### Business Planning

SERVICES	ACTION	KPI
<p>Compile statistics that reflect the level of service provided contractors.</p> <p>Monitor and assess the overall performance of waste management in Kingborough.</p> <p>Ensure that there are optimum and efficient financial outcomes and best value for money is obtained.</p> <p>Proactively plan for future business improvements.</p>	<p>Compile waste stream data relating to waste transfer station and contractor services.</p> <p>Compile a consolidated database and report on how the overall waste stream is dealt with.</p> <p>KWS Board to conduct an annual strategic/business planning workshop.</p>	<p>Up-to-date data available for public scrutiny.</p> <p>Waste data is compiled and made publicly available quarterly and annually.</p> <p>Clear strategic outcomes developed annually.</p>
<ul style="list-style-type: none"> <li>• Bi Monthly Board reports and report to Council.</li> <li>• Bi Monthly Service Level Agreement reports.</li> <li>• Annual Plan.</li> <li>• Annual Report.</li> <li>• Two Service Level Agreement meetings with Council per year.</li> <li>• Councillor workshops</li> <li>• KWS Board Workshops</li> </ul>		



## Waste Management Strategy Progress Report

Actions																Priority		Status	
1. Increased waste avoidance and reduction										2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023				
A	Develop and deliver an awareness raising campaign to increase public understanding and engagement of waste avoidance														High		Complete & Ongoing		
Summary																			

- Design, printing and distribution of Waste and Recycling Guides.
- Creation of a Waste Avoidance page on the website.
- Production of short film clips on waste avoidance and Home composting for the website.
- Design, printing and distribution of recycling and FOGO bin lid labels.
- kerbside waste, recycling and organics bin audits in 2020 and 2021.
- Launch and advertising of the Recyclemate app.
- kerbside bin audits for waste recycling and Organics in 2020 and 2021.
- Manufacture and installation of a “Difficult to Recycle” items unit at the Civic Centre.
- Participation in the 2023 Garage Sale Trail program.





## Service Level Agreement Report

B	Implement a food waste avoidance program (e.g. Love Food Hate Waste) and target to specific sections of the community (e.g. schools)						Medium	Ongoing
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### Summary

• School educational program on waste avoidance has been developed with presentations to Schools commencing in November 2021. The presentation has been delivered to classes at the following schools.

- Illawarra Primary School
- Taroona Primary School – 2 sessions
- Calvin Christian School – 3 sessions
- Margate Primary School
- Kingston School for Seniors – 4 Sessions
- Blackmans Bay Primary School.
- St Aloysius Kingston – 2 Sessions
- Blackmans Bay Child Care Centre
- Bruny Island Primary School
- Lady Gowrie Child Care Centre

The program has now been delivered to a total of 1,300 participants with a further seven sessions currently scheduled to be delivered in term 4. A survey has been created and delivered to all participating groups to receive feedback on the program and identify how KWS can assist with their waste minimisation goals.

- School tours of the Barretta transfer station and Re-Use Shop.
- Recycling support for school and community group run events.
- Transition to a kerbside FOGO service from 4 October 2021.
- School support for recycling to the Bruny Island Primary School with community assistance grant.
- Support to the Friends of North Bruny Island with the installation of Marine Debris bins to 8 locations on Bruny Island.



## Service Level Agreement Report

C	Support and promote community gardens and at home composting.	<div><div></div><div></div><div></div><div></div><div></div></div>	Low	Complete & Ongoing
<p>Summary</p> <ul style="list-style-type: none"> <li>• Home Composting workshops were held during September, October and November 2019. A Home Composting guide has been developed and printed with further workshops held in October 2020 and March 2021. The workshops were attended by a total of over 240 residents and a home composting page has been created for the Council website. Two short videos on Home Composting and Worm Farms have been developed for the Council website.</li> <li>• Consultation was undertaken during October 2019 with the Taroona, Kingston and Margate Community Gardens on a range of topics and how Council could best support and promote their gardens.</li> <li>• The construction of an educational concept garden at Barretta.</li> </ul>				
D	Engage with businesses on waste avoidance and implement a business waste reduction program (e.g. Bin Trim3 , Halve Waste4 ) to assist businesses to reduce waste.	<div><div></div><div></div><div></div><div></div><div></div></div>	Medium	Ongoing
<p>Summary</p> <ul style="list-style-type: none"> <li>• The Launch of the ASPIRE platform in Kingborough to connect businesses on waste avoidance and resource exchanges.</li> </ul>				



Service Level Agreement Report

2. Increased Recycling Rates						2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023				
A	Introduce new kerbside services: <ul style="list-style-type: none"><li>Fortnightly 240l comingled recycling bin; and</li><li>Fortnightly GO bin.</li></ul> <div>Summary</div>											High	Complete		



Service Level Agreement Report

- The transition to a standard 240 litre recycling bin commenced on 1 July 2021. All future properties added to the kerbside collection service will be supplied with a 240 Litre Recycling bin.
- Investigations in to a 240 litre kerbside collection green waste service commenced during January 2019 with a Council workshop held on 15 July 2019 to clarify the potential service options available and the costs associated with these options.

The kerbside green waste collection service commenced on 5 October 2020 with 1,936 tonnes of organics collected and processed in the first 12 months of the service. The service transitioned to a full FOGO service from 4 October 2021 with currently 8,000 properties registered for the service.

Public Copy

B	Expand new kerbside service collection area to include Kettering.							High	Complete
Summary									



Service Level Agreement Report

- In conjunction with the kerbside collection contractor an inspection of the Kettering area was conducted in January 2019 to ascertain the suitability of roads for the kerbside collection service. From this investigation an area encompassing 410 properties was identified for a possible expansion to the collection service.

An expression of interest letter was delivered in early February 2019 to all residents on the proposed collection route requesting feedback on the extension of service. The letter informed the residents of the charges involved with this service and provided an opportunity for them to provide feedback.

The replies from the expression of interest letters were that 82 residents were in favour of the extension, 191 responses were against the extension and 137 residents did not respond to the expression of interest letter. As 137 owners had not responded to the expression of interest letter a further letter was sent to these residents on 5 March 2019 again requesting their feedback. An additional 8 residents answered in favour of the extension and a further 30 replied they were against extending the service.

The result of the survey was that 22% of the responses were in favour of extending the service, 54% are against and the remaining 24% did not provide a response.

Due to the clear majority of residents who responded being against the extension of the kerbside collection service Council resolved at the 25 March 2019 Council meeting that the kerbside collection service is not extended to the Kettering area.

C	Review remote sites and upgrade community access to secure garbage and recycling drop off points.								High	Complete & Ongoing
Summary										



## Service Level Agreement Report

- Installation of Public place bin encloses for waste and Recycling along Kingston Beach, Kingston Hub and Bruny Island. Installation of waste and recycling enclosures for the Blackmans Bay beach foreshore is scheduled for the 2021-22 financial year.
- A trial drop off area for food waste at Barretta is commenced in March 2022.
- School support for recycling to the Bruny Island Primary School with community assistance grant.
- Support to the Friends of North Bruny Island with the installation of Marine Debris bins to 8 locations on Bruny Island.

D	Collaborate with neighbouring councils seeking to establish regional organics processing solutions.							Medium	Ongoing
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### Summary

- Investigations were undertaken with the City of Hobart and Glenorchy City on a joint Expression of Interest (EOI) to identify a suitable regional FOGO processing facility. An EOI was advertised on 17 August 2019 with nine service providers with differing processing methods responding to the EOI. All potential service providers were invited to present their proposal to Council officers during January 2020 with a shortlist of companies invited to tender for the services based on these proposals.

Due to the impact of COVID-19 on the respective Councils causing substantial disruption to the evaluation process the Councils made the decision to formally suspend evaluations for the foreseeable future and will convene again once the threat from COVID-19 has passed.

The State Government is currently developing a State wide Organic Strategy as a priority area identified in the State Waste Action Plan.

The City of Hobart, Glenorchy City and Kingborough Councils tendered for a two year FOGO processing contract with Pure Living Soils being the preferred tenderer. The two year contract commenced 1 July 2022.

E	Review viability of implementing kerbside FOGO collections.							Medium	Complete
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### Summary





## Service Level Agreement Report

- A fortnightly 240L kerbside green waste service was introduced in October 2020 as part of a two step process recommended in the 2017 Waste Management Strategy.

- Investigations have been ongoing since the commencement of the service to transition to a full FOGO service commencing 1 July 2022.

The State Government announcement of a Waste to Landfill Levy commencing in November 2021 has brought forward the commencement date of the service to 4 October 2021. The levy has since been postponed until 1 July 2022.

The contractors for processing and collecting the FOGO have been consulted and an introduction letter and information flyer was posted to all properties on the current green waste service in August and the transition to a FOGO service commenced 4 October 2021.

F	Expand participation in product stewardship (takeback) schemes at Council facilities.							Low	Complete & Ongoing
Summary									

- The Introduction of the Ecocycle recycling program to the Barretta transfer station for recycling of household batteries, fluorescent tubes and globes and x-rays.
- Construction and installation of a "Difficult to Recycle Items" station now allows residents to recycle household batteries, X-rays, coffee pods, toner cartridges, light globes, small e-waste pens, markers and highlighters and books and magazines at the Council Civic Centre.
- Introduction of a program for recycling of Flares at the Bruny Island and Barretta transfer stations.
- A trial drop off area for food waste at Barretta is commenced in March 2022.

3. Best practice waste and resource recovery infrastructure		2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023				
A	Review and assess transfer stations against best practice (including tip shop)							High	Ongoing		
Summary											



- |   |   |  |  |  |  |  |      |         |
|---|---|--|--|--|--|--|------|---------|
| B | Review viable options for Barretta transfer station to consolidate new kerbside services and best practice recommendation (including tip shop services) |  |  |  |  |  | High | Ongoing |
|---|---|--|--|--|--|--|------|---------|

- Waste Transfer Station and Re-use shop visits and benchmarking to ensure best practise outcomes.
- Investigation and development of a Barretta Master plan is currently being undertaken.

- |   |  |  |  |  |  |      |                 |
|---|--|--|--|--|--|------|-----------------|
| C | Upgrade Barretta transfer station to support new kerbside services |  |  |  |  | High | <b>Complete</b> |
|---|--|--|--|--|--|------|-----------------|

- Expansion of the hard stand area at Barretta for processing kerbside green waste until a facility is secured.
- Investigation and development of a Barretta Master plan is currently being undertaken.

- |   |  |  |  |  |  |  |      |         |
|---|--|--|--|--|--|--|------|---------|
| D | Upgrade transfer stations to support best practice recommendations |  |  |  |  |  | High | Ongoing |
|---|--|--|--|--|--|--|------|---------|

- Construction of an extra recycling drop off bay, Installation of Flammable, Toxic substances and Corrosives storage lockers. Planning stages of expanding the undercover area of the Re-Use Shop. Reconfiguration of the shop yard to minimise fork lift interaction with Re-Use Shop customers.
- Construction of a food organics receival area at Barretta for a food waste trial.
- Investigation and development of a Barretta Master plan is currently being undertaken.

- |   |   |  |  |  |  |  |        |         |
|---|---|--|--|--|--|--|--------|---------|
| E | Perform public place litter and recycling bin stations audits across municipality and review against best practice. |  |  |  |  |  | Medium | Ongoing |
|---|---|--|--|--|--|--|--------|---------|

- Ongoing, public litter and recycling bins are monitored weekly through contractor reports. To help reduce contamination additional recycling signage has been applied to all recycling bins.

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## Service Level Agreement Report

F	Install additional stations and/or upgrade existing bin installations at priority sites, identified through audits.								Medium	Ongoing
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### Summary

- Public place waste recycling enclosures have been installed to the Kingston Beach foreshore, Bruny Island and the Kingston Park precinct. The waste enclosures along the Blackmans Bay Beach foreshore are scheduled to be replaced with new waste and recycling enclosures during the 2022-23 financial year.

4. Effective and Sustainable Governance				2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023				
A	Adopt KPI's and targets for the operation and management of Council transfer stations.									Medium	Complete & Ongoing		

### Summary

- Developed as part of the Council service level agreement.



## Service Level Agreement Report

B	Establish Council policy and implement procedures for setting waste gate fees aligned with the user pays principle								Low	Complete & Ongoing
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### Summary

- Fees and charges set as part of the budget process for Council approval.

C	Implement waste data system, to record and report key performance indicators, inform decision making and provide greater transparency to the community. (e.g. waste data from facilities, kerbside service providers and audits)								High	Complete & Ongoing
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### Summary

- Six bi-monthly Board Reports, two Service Level Agreement meetings with Council

5. Effective Community Engagement					2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023					
A	Roll out ongoing and periodic measurement of community satisfaction with waste services.													High	Complete & Ongoing

### Summary



## Service Level Agreement Report

- Community engagement on the roll out of the kerbside Green waste and FOGO service.
- Community consultation on the extension of the kerbside collection service.
- Howden bin strap trial survey.
- Social media and website updates.
- Expansion of the bin strap program to kerbside recycling bins in Barretta, Electrona, Snug, Lower Snug and Conningham.
- Launch and advertising of the Recyclemate app.
- School support for recycling to the Bruny Island Primary School with community assistance grant.
- Support to the Friends of North Bruny Island with the installation of Marine Debris bins to 8 locations on Bruny Island.

B	Develop a community waste avoidance and new/expanded services education program.						Medium	Complete & Ongoing
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### Summary

- Design, printing and distribution of Waste and Recycling Guide.
- Design and printing of Home composting guide.
- Creation of a Waste Avoidance page on the website.
- Production of short film clips on waste avoidance and Home composting for the website.
- Design, printing and distribution of recycling and FOGO bin lid labels.
- School support for the Salvaged Art from Waste Exhibition.
- Design, printing and distribution of recycling and FOGO bin lid labels.
- Launch and advertising of the Recyclemate app.
- School educational program on waste avoidance has been developed with presentations to Schools commencing in November 2021. The presentation has been delivered to 1,300 participants with a further sessions scheduled for term 1 2023.

C	Expand participation in product stewardship (takeback) schemes at Council facilities.						Medium	Complete & Ongoing
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### Summary



## Service Level Agreement Report

- The Introduction of the Ecocycle recycling program to the Barretta transfer station for recycling of household batteries, fluorescent tubes and globes and x-rays.
- Construction and installation of a "Difficult to Recycle Items" station now allows residents to recycle household batteries, X-rays, coffee pods, toner cartridges, light globes, small e-waste pens, markers and highlighters and books and magazines at the Council Civic Centre.
- Introduction of a program for recycling of Flares at the Bruny Island and Barretta transfer stations.

D	Investigate the causes and effects of illegal dumping and littering across the municipality.							Low	Ongoing
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### Summary

- Ongoing communication with the Council Compliance unit to address illegal dumping.
- Installation of littering signage at identified problem areas.
- Fees and charges benchmarked against neighbouring Councils to minimise illegal dumping.
- Expansion of the bin strap program to kerbside recycling bins in Barretta, Electrona, Snug, Lower Snug and Conningham.

E	Expand and improve recycling at council run or supported events.							Medium	Ongoing
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### Summary





## Service Level Agreement Report

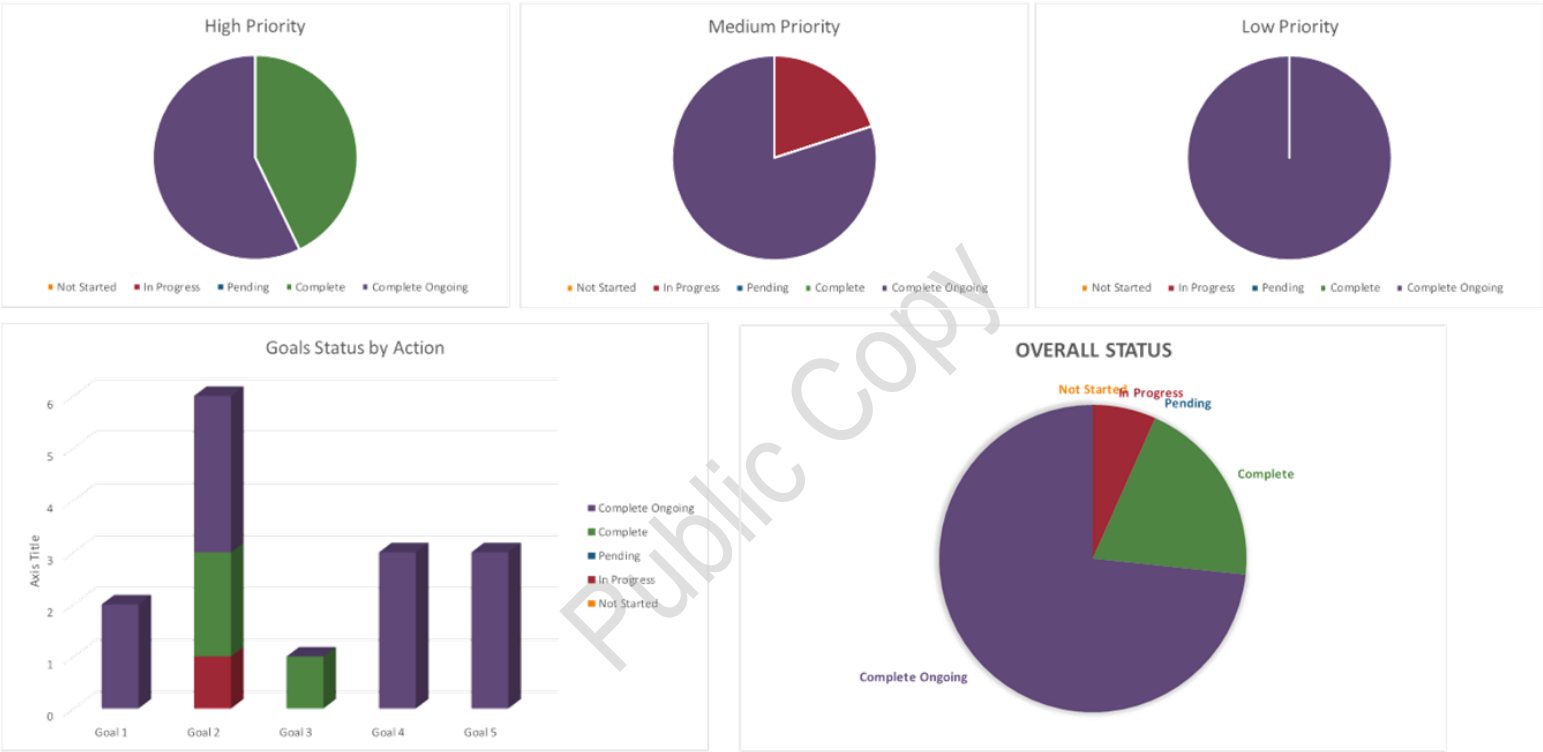
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- Ongoing, continue to support and promote the Waste Wise Policy at Council run events.
- Purchase of 240 litre bin lids for general waste, recycling and organics collection at Council events.

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