



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, 19 February 2024 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. 3 to be held on Monday, 19 February 2024 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, 13 February 2024

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GUIDELINES FOR PUBLIC QUESTIONS

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

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

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

Questions on Notice

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

Questions Without Notice

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 19 February 2024 at 5.30pm

1 AUDIO RECORDING

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

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

4 APOLOGIES

Councillor C Street

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No. 2 held on 5 February 2024 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
13 February	Budget	Councillors received a presentation on the draft Long Term Financial Plan

7 DECLARATIONS OF INTEREST

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

8 TRANSFER OF AGENDA ITEMS

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

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Tasmanian Planning Commission's Assessment of Draft Amendment PSA-2022-3

Ms Jo Landon submitted the following question on notice:

At the hearing on 5 September 2023 I recall the delegate (Chair) saying that the Commission could not comment on a council policy, because of the legislation (the former provisions of LUPAA); have I remembered correctly?

As I understand it, the Commission's assessment is limited to the editorial aspects of the policies and how the policies would operate in the planning scheme, from an administrative point of view only.; please could Council explain which section(s) of the legislation prevents the Commission from undertaking a full assessment of the policies?

Please could Council provide the agenda and minutes from the meeting(s) where councillors endorsed the first versions of the Biodiversity Offset Policy and the Public Open Space Contributions Policy?

Officer's Response:

There is no provision in the [Land Use Planning and Approvals Act 1993 \(LUPAA\)](#), that explicitly prevents the Tasmanian Planning Commission to consider the content of an incorporated document. The Commission must have regard to Section 20(2)(g) of LUPAA that enables documents to be applied, adopted or incorporated in the planning scheme as well as the general considerations for planning scheme amendments under Part 3, Division 2 of LUPAA. It is understood that the Commission will provide a detailed explanation of their considerations in their decision notice which is expected later this month.

The first version of the Biodiversity Offset Policy was approved by Council's Environment and Development Committee on 19 April 2010 and then endorsed by Council on 26 April 2010. The first version of the Public Open Space Contribution Policy was approved by Council on 27 August 2001. Copies of these documents will be made available for viewing for a period of 14 days on [Council's website](#).

Adriaan Stander, Senior Strategic Planner

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

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

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DEVELOPMENT APPLICATION FOR OYSTER FARMING AND PROCESSING (RESOURCE DEVELOPMENT AND RESOURCE PROCESSING) INCLUDING RETROSPECTIVE APPROVAL FOR INFRASTRUCTURE AND WORKS (STORMWATER AND POWER, CONCRETE WASHDOWN, DRIVEWAY AND DOCK AREAS) AT 110 BENBOWS ROAD, OYSTER COVE AND CROWN LEASE AGREEMENT 132402 (CT 7458/5).

File Number: DA 2023-256

Author: Timothy Donovan, Team Leader Statutory Planning

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Ireneinc Planning
Owner:	Mr A D Doll and Mrs R A Doll
Subject Site:	110 Benbows Road, Oyster Cove and Crown Lease Agreement 132402 (CT 7458/5).
Proposal:	Oyster Farming and Processing (resource development and resource processing) including retrospective approval for infrastructure and works (stormwater and power, concrete washdown, driveway and dock areas)
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Rural Resource
Codes:	E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E5.0 Road and Railway Assets Code E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E15.0 Inundation Prone Areas Code E16.0 Coastal Erosion Hazard Code E25.0 Local Development Code
Use Class/Category:	Resource Development; Resource Processing.
Discretions:	Rural Resource Zone <ul style="list-style-type: none"> • Clause 26.3.3 – Discretionary Use, A1 • Clause 26.4.2 – Setback A2, A4 • Clause 26.4.3– Design A1 • Clause 29.3.1 – Use Standards for Reserved Land, A1 • Clause 29.4.3, Building design A1, A3 E5.0 Road and Railway Assets Code <ul style="list-style-type: none"> • Clause E5.5.1 – Existing road accesses and junctions, A2 E7.0 Stormwater Management Code

	<ul style="list-style-type: none"> • Clause E7.7.1 - Stormwater drainage and disposal, A1 E10.0 Biodiversity Code <ul style="list-style-type: none"> • Clause E10.7.1 - Buildings and works A1 E11.0 Waterway and Coastal Protection Code <ul style="list-style-type: none"> • Clause E11.7.1 - Buildings and works, A1; A4 E15.0 Inundation Prone Areas Code <ul style="list-style-type: none"> • Clause E15.7.1 - Coastal inundation high hazard areas, A2 E16.0 Coastal Erosion Hazard Code <ul style="list-style-type: none"> • Clause E16.6 - Use standards, A1 • Clause E16.7.1 - Buildings and works, A1.
Public Notification:	Public advertising was undertaken between 2 December 2023 and 15 December 2023 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	45 (42 opposing, 3 in support)
Recommendation:	Approval with conditions

1. PROPOSAL

1.1 Description of Proposal

The proposed use of the land is for a marine facility associated with oyster farming and the processing of the oysters for the Bruny Island Oyster Company. These activities are included in the Resource Development and Resource Processing use classes in the *Kingborough Interim Planning Scheme 2015*.

In summary, the proposal involves the collection of oysters from the private jetty on the Crown land and their transport to the existing eastern processing shed on 110 Benbows Road. The oysters are sorted and packed and then transported off the site. The Planning Report submitted with the application (Ireneinc, dated 20 Jan 2023) provides the following description of the proposed use:

1.1.1 The proposed use of the land is for the marine facility for oyster farming and the first stages of processing of the oysters for the Bruny Island Oyster Company. This is a small-scale operation servicing a small business. The following points describe the operation:

- Oysters are farmed at several locations near Bruny Island- approximately 80,000 dozen per year and an average of 220 dozen per day. Typically, a basket has between 600-1000 oysters per basket, which equates to an average 3-5 baskets per day.
- Three staff are employed but during the high season an additional 2-3 casual staff may be hired. One of the staff is the property owner and resides at the property.
- The business operates Monday to Friday generally between the hours of 7am and 5pm, however, the starting hour is dependent on the tides and the boat can depart the site as early as 5am. No unloading occurs before the hour of 7am.
- The boat is brought ashore via the winch and pulley system on the existing trolley, within the crown lease area.

- The oysters are offloaded and transported from the Crown lease area to 110 Benbows Road by a small utility vehicle or tractor with a trolley.
- 1-2 round trip occurs once a day during business days (Mon-Fri), where the boat departs the subject land and returns.
- The oysters are graded and packed for distribution to processing companies elsewhere in the municipality.
- A water grader (SED water grader) is used that captures all sediments. The sediments are stored in plastic tubs within the eastern processing shed or within the hardstand areas around the shed and then taken for disposal at the Baretta Waste Station. The water from the water grader is then proposed to be pumped from the SED water grader to an irrigation area.
- Minimal water runoff is associated with the technologies used on site, and any wash down water is captured through a stormwater pit (550mm x 550mm) with appropriate sediment capturing (300µm mesh filter). Anything caught within the mesh filter is removed from site and disposed of at Baretta Waste Station, however, minimal solid waste is produced that is not captured by the grader. The discharge water has been tested and found to be of a high quality with no suspended solids and BOD, and no faecal coliforms. In addition, no hazardous chemicals or cleaning agents are associated with the use in accordance with Haccap food safety program and the use is not hazardous.
- Boats and equipment to service the oyster farms are stored and minor servicing occurs at 110 Benbows Road. No boats are stored within the Crown Lease Area. All refuelling of boats occurs at the Oyster Cove Marina.
- Oyster baskets and equipment are cleaned using freshwater from tanks on the property within the washdown area. The hardstand area is sealed and it drains to a central collection point which directs the washdown water into the stormwater pit, where it is pumped to the irrigation area within an open paddock toward the existing dwelling.
- Some temporary storage of oyster baskets occurs within the crown lease area. More permanent storage of oyster baskets following their cleaning occurs within the open grassy areas of the property. Storage of oyster baskets or other types of equipment under native trees or around them will not occur. This can be a condition of approval.
- The oyster farm administration occurs on-site.
- The business typically may have 6-12 road vehicle movement per day. No vehicles longer than 5.5m are used in the daily operation, however, vehicles with trailers may be used. Note that there are existing residential vehicle movements which do not require consideration in this application.
- No changes to the existing wastewater system are proposed, nor does the proposal generate any increase in wastewater through the change of use. Notwithstanding this, there are irrigation areas proposed for the water runoff from the operation.

1.1.2 The proposal involves new work and approval for retrospective works associated with the processing of the oysters:

Retrospective Use and Development

The use of the site for oyster collection, transport, sorting, packing and transport off the site has been occurring for some time without the relevant approvals in place. This application seeks to bring this use into compliance. In addition, several works/ upgrades have occurred within the subject area over the years that are not on Councils records. These include:

- The installation of a grate within the eastern processing shed and piping from the grate which discharges outside the crown lease area into the waterway. Four stormwater pits have been created, one within the processing shed, two near the eastern exterior of the processing shed and one within the extent of the crown lease area. The applicant advises that, to the best of their knowledge, the stormwater system and discharge point within the crown lease area was constructed in the early 80s and the works have upgraded this system by replacing the degraded piping and sealing over the service trench.
- Resealing and widening of the crown lease access, including a small area of approximately 30m² which fell outside of the lease area. The lease has been amended with the Crown to reflect this.
- The rerouting of the electricity cables to a services trench within the widened access and a new line of electricity from the existing fuse box to the rail and installation of new electric winch and pulley.
- Sealing of approximately 217m² of an area of the site with the washdown area.
- New sealed areas around the eastern processing shed.

In addition to the above, the following works are proposed:

- Washdown Hardstand upgrades:
 - Installation of 2 x 500mm x 500mm grated stormwater pits within the washdown area
 - An above ground 100m stormwater line
 - Stormwater water pump pit
 - Buried stormwater line with extent of access (none proposed within vegetated areas)
 - Irrigation area to the west of the western shed.
- Eastern Processing Shed
 - Above ground pipe for 17m along the eastern edge of the shed
 - Buried pipe for a distance of 20m with open grassed area.
 - 350m² irrigation area.
- Vegetation removal:

The proposal involves the removal of four (4) trees, with:

- two (2) trees (28 and 29) located within the Rural Resource Zone and while meeting the threshold for of a very high conservation value tree (DBH >70cm); and
- two (2) trees (34 and 35) located within the Environmental Management Zone and of low conservation value.

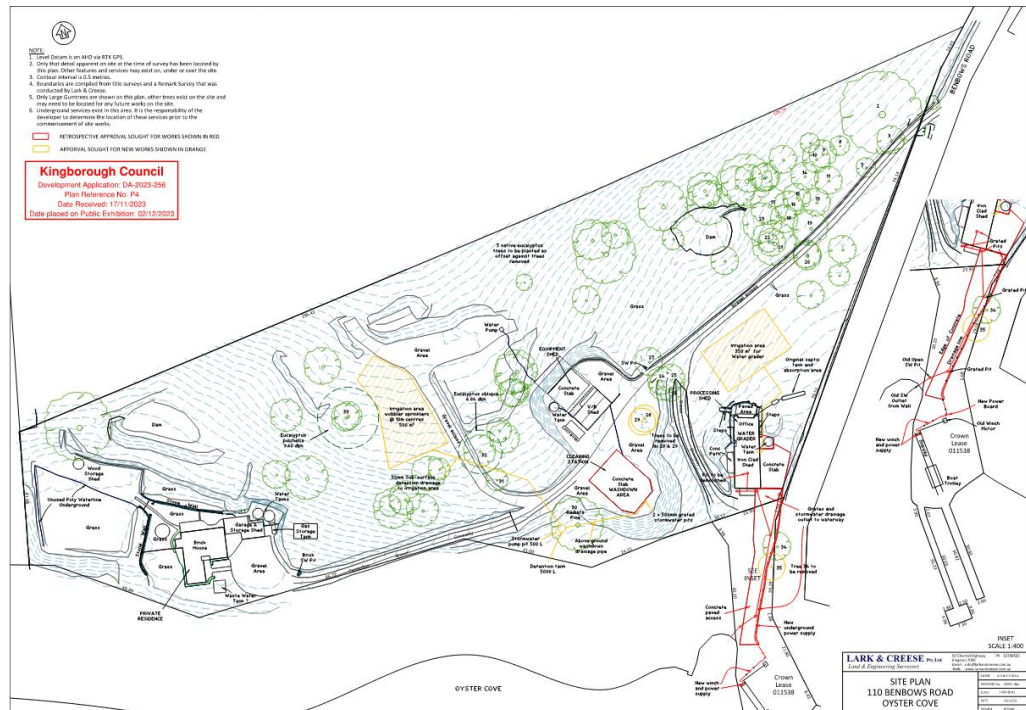


Figure 1 - Proposed site plan.



Figure 2 – Existing Eastern Shed, 2012, Petrusma Real estate, (Source: <https://www.domain.com.au/property-profile/110-benbows-road-oyster-cove-tas-7150>).

1.2 Description of Site

The site is located at 110 Benbows Road, Oyster Cove described as Lot 5 on CT 7458/5, and Crown Lease Agreement 132402, Cadastral ID 1526884. Lot 2 is approximately 2.5ha in area and contains an existing dwelling and associated outbuildings located to the west, two sheds located in the south-east of the lot, a sealed hardstand area, and

sealed access over the crown lease area. A portion of the site is vegetated with mature eucalypts.

The crown lease area includes an existing slipway with a trolley and electrical winch and a jetty that is fenced. The crown lease area is part of the coastal reserve that extends around Oyster Bay under the control on NRE Tasmania (Property Services). The Planning Report submitted with the application (Ireneinc dated 20 Jan 2023) states that the jetty and adjacent area was used for an approved pleasure boat facility for a sailing school. However, Council has no records of any approval for this activity.



Figure 3 - Aerial photo of 110 Benbows Rd, Oyster Cove with Crown Lease Agreement 132402 and jetty highlighted (approximate location only).



Figure 4 - Drone footage, 2012, Petrusma Real estate, (Source: <https://www.domain.com.au/property-profile/110-benbows-road-oyster-cove-tas-7150>)



Figure 5 - Looking from 110 Benbows to the Crown Lease Area, 2012, Petrusma Real estate, (Source <https://www.domain.com.au/property-profile/110-benbows-road-oyster-cove-tas-7150>)

1.3 Background

Applications

Council records indicate the following approvals for the site:

- BA 009674 – Shed (no records on file)
- BA 010381 – Dwelling (no records on file)
- BA 018688 – Dwelling Addition (Permit issued 15/10/1996)
- DA 96/269 – Extension to Dwelling (Permit issued 4/10/1996)
- DA 2021-668 – Partial Change of Use to Resource Development (Marine Farming Shore Facility) and Resource Processing. – 110 Benbows Road, Oyster Cove. Application withdrawn 16 November 2022.

Compliance Issues

The application includes several matters seeking retrospective approval. Following a site inspection for DA2021-668 (Partial Change of Use to Resource Development (Marine Farming Shore Facility) and Resource Processing) a range of works have occurred on the site that Council has no record of receiving approval. These include drainage infrastructure and access works. The matter was referred to the Councils Compliance Section. The Council has not issued any Enforcement Notices at this time pending the outcome of the Development Application as the retrospective works have been included in the current Development Application.

2. ASSESSMENT

2.1 State Policies and Act Objectives

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

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Rural Resource Zone

The zone purpose statements of the Rural Resource Zone are to:

- 26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.
- 26.1.1.3 To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.
- 26.1.1.4 To allow for residential and other uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:
 - (a) fetter existing or potential rural resource use and development on other land;
 - (b) add to the need to provide services or infrastructure or to upgrade existing infrastructure;
 - (c) contribute to the incremental loss of productive rural resources.
- 26.1.1.5 To provide for protection of rural land so future resource development opportunities are not lost.
- 26.1.1.6 To ensure development respects and protects the natural and landscape values on the land.

Zone Purpose Statements of the Zone.

The zone purpose statements of the Zone are to:

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

29.1.1.4 To recognise and protect highly significant natural values on private land.

29.1.1.5 To protect natural values in un-developed areas of the coast.

Clause 26.1.2 and cl.26.1.3 – Local Area Objectives and Desired Future Character statements.

There are no relevant Local Area Objectives and Desired Future Character Statements in the Rural Resource Zone for the Oyster Cove area.

Clause 29.1.2 and cl.29.1.3 – Local Area Objectives and Desired Future Character Statements

There are no relevant Local Area Objectives and Desired Future Character Statements in the Zone for the Oyster Cove area.

The proposal complies with the above-mentioned statements and objectives as it provides for a sustainable use supporting primary industries including resource processing, and it does not constrain or conflict with resource development uses, and it respects and protects the natural and landscape values on the land.

2.3 Statutory Planning

The uses are categorised as Resource Development and Resource Processing under the Scheme. These uses require discretionary assessment in the Rural Resource Zone and the Environmental Management Zone.

The activities associated with the unloading of the oysters within the Environmental Management Zone are defined as Resource Development:

Resource Development:

use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

The activities associated with the sorting and packing of the oysters within the Rural Resource Zone are defined as Resource Processing:

Resource Processing:

use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

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

2.4 Use and Development Standards

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

Rural Resource Zone
Clause 26.3.3 – Discretionary Use

Acceptable Solution A1
No acceptable solution
Performance Criteria P1
<p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the characteristics of the proposed non-agricultural use; (b) the characteristics of the existing or likely agricultural use; (c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use; (d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.
Proposal
No acceptable solution and requires assessment against the Performance Criteria.

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

- There are no agricultural uses on the subject site (110 Benbows Road and Crown Lease/Crown Reserve land). There are no agricultural uses on adjoining land. Note is made that some of the adjoining and nearby properties contain Conservation Covenants which will limit their potential for agricultural uses as defined in the Planning Scheme (i.e. propagating, cultivating or harvesting plants, keeping and breeding of animals, intensive tree farming and plantation forestry, etc.). Given the conservation covenants are in perpetuity and the residential use is located on a vegetated site with very limited agricultural potential, the proposed use will not conflict with or fetter agricultural use on the site or adjoining land.

One of the public submissions received indicated that there were agricultural activities (grazing) on 449 Old Station Road (Fort Chimo), 465 Old Station Road and 17 Medhursts Road. The proposed oyster collection and sorting activities occur within the existing building which is setback 25m from and 5-10m lower than the adjoining property to the east. This is considered an adequate setback and separation from any existing or likely agricultural uses.

- The characteristics of the site and adjoining land will not be conducive to the establishment of agricultural uses due to the topography and geology of the area. However, in the event that adjacent areas do undertake agricultural activities in the future the proposed use is buffered due to the setback and location on the subject lot. There is also existing vegetation on the eastern boundary that will provide screening on the lot and assist in reducing any adverse impacts on amenity from existing or likely agricultural use.

In conclusion the proposed Resource Processing activity of oyster processing is not considered to conflict with or fetter likely agricultural use on the site or adjoining lands.

Rural Resource Zone
Clause 26.4.2 – Setback

Acceptable Solution A4
Buildings and works must be setback from land zoned Environmental Management no less than: 100 m.
Performance Criteria P4
Buildings and works must be setback from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following: (a) the size of the site; (b) the potential for the spread of weeds or soil pathogens; (c) the potential for contamination or sedimentation from water runoff; (d) any alternatives for development.
Proposal
The works on 110 Benbows Road are within 100m of the Environmental Management zone. The works are between 0 and 10m from the zone.

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

- The proposed and retrospective works are located within the existing building and activity areas on 110 Benbows Road and also existing works and activity areas on the crown reserve land and jetty. While the proposed use is located in a building only 5m from the boundary of the EMZ, this building is existing and no new buildings are proposed.

Irrespective of where the works are located, they will be located within 100m of the EMZ. Further to this, the nature of the use is such that it is reliant on access to and co-located with infrastructure on the coast, which is zoned Environmental Management. Therefore, it is not practically feasible to locate the works further from this zone.
- The proposed oyster processing will not have potential for the spread of weeds or soil pathogens. Disturbance of soil is minimised, and piping is proposed to be fixed to the exterior of buildings or the hardstand where possible. The potential for the spread of weeds or soil pathogens can be managed through implementation of vehicle hygiene and washdown measures.
- The potential for contamination or sedimentation from water runoff is proposed to be managed through the new on-site stormwater system, with the existing stormwater pit in the shed proposed to be de-commissioned and water from the water grader pumped from the resource processing to an irrigation area. The proposed development includes the use of a water grader (SED water grader) that captures all sediments. The sediments are stored in plastic tubs within the eastern processing shed or within the hardstand areas around the shed and then taken for disposal at the Baretta Waste Station. In addition, the wash down water is to be captured in a stormwater pit with appropriate sediment capturing (300µm mesh filter). Anything caught within the mesh filter is removed from site and disposed of at Baretta Waste Station. The discharge water has been tested and found to be of a high quality with no suspended solids and BOD, and no faecal coliforms. The water grader water will be pumped to a treatment irrigation area. In addition, no hazardous chemicals or cleaning agents are associated with the use in accordance with Haccap food safety program and the use is not hazardous.

- Any sedimentation during the construction phase can be managed through the implementation of a soil and water management measures.
- There are no other practical alternatives on the site in light of the existing buildings and infrastructure and the reliance of the operation on the jetty and slipway areas within the Crown lease. The site is 2.5ha in size which has a long east-west axis resulting in only the very rear of the property being able to meet a 100m setback standard. This rear area is vegetated and adjoins land with a conservation covenant. Location of new buildings and infrastructure in this location would result in further disturbance and impacts on the site and neighbouring property.

Conditions are recommended for inclusion in any permit issued requiring de-commissioning of the stormwater pit in the existing shed and re-direction of water from the water grader to a new 350m² irrigation area, installation of drainage from the washdown area to the new 500m² irrigation area, implementation of vehicle hygiene and washdown measures during construction and as part of the ongoing use and implementation of soil and water management measures during construction.

Rural Resource Zone

Clause 26.4.3– Design

Acceptable Solution A1

Location of buildings and works complies with any of the following –

- (a) be located within a building area, if provided on the title;
- (b) be an addition or alteration to an existing building;
- (c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.

Performance Criteria P1

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

- (a) be located on a skyline or ridgeline only if:
 - (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;
 - (ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;
- (b) be consistent with any Desired Future Character Statements provided for the area;
- (c) be located in an area requiring the clearing of native vegetation only if:
 - (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;
 - (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.

Proposal

The proposal includes the removal of native sedges for installation of a 5000L detention tank and the removal of two (2) individual trees. As the works are not located in a building area and involved some vegetation removal, the proposal must be assessed against the performance criteria 26.4.3, P1.

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

- The proposed native vegetation removal is not located on a skyline or ridgeline.
- There are no relevant Desired Future Character Statements for the area.
- Existing works being assessed for retrospective approval do not appear to have resulted in direct clearing of native vegetation, however encroachment has occurred into tree protection zones and impacted on adjacent trees. To mitigate impacts, tree management is proposed, including storing oyster baskets outside vegetated areas and on existing hard surfaces and mulching trees impacted through existing activities.
- All new works have been designed to minimise clearing of native vegetation, with the alignment and location of infrastructure designed to minimise encroachment into tree protection zones and enable retention of trees. Tree protection measures during construction have also been identified in the arborist assessment (Rebecca Barnes, 25 August 2023).
- An arborist assessment (Rebecca Barnes, 25 August 2023) confirms that clearing of native vegetation in the Rural Resource Zone is limited to a small area of native sedges for the proposed 5000L detention tank and two (2) individual trees which are in advanced decline or already dead and are not of conservation significance. According to the arborist assessment, it is not clear if the works proposed for retrospective approval has caused tree decline. Irrespective, these trees are not expected to recover and require removal. Replanting with five (5) native eucalypt trees is recommended in the arborist assessment to (Rebecca Barnes, 25 August 2023) mitigate the loss of these trees.
- No clearing is required for bushfire hazard management purposes.

Conditions are recommended for inclusion in any permit issued limiting clearing, requiring implementation of tree and vegetation protection measures during construction, implementation of tree management measures including mulching and replanting and precluding storage of oyster baskets or other infrastructure within vegetated areas or tree protection zones and requiring their permanent storage on existing hard surfaces.

Environmental Management Zone

Clause 29.3.1 – Use Standards for Reserved Land

Acceptable Solution A1
Use is undertaken in accordance with a reserve management plan.
Performance Criteria P1
Use must satisfy all of the following: <ul style="list-style-type: none"> (a) be complementary to the use of the reserved land; (b) be consistent with any applicable objectives for management of reserved land provided by the <i>National Parks and Reserves Management Act 2002</i>; (c) not have an unreasonable impact upon the amenity of the surrounding area through commercial vehicle movements, noise, lighting or other emissions that are unreasonable in their timing, duration or extent.
Proposal
The proposal involves the use of an existing jetty and slip located in the Environmental Management Zone on Crown land for offloading oysters, which are then transported by a ute or tractor across a Public Reserve under the <i>Crown Lands</i>

Act 1976 to adjacent land zoned Rural Resource. This use is proposed to occur 1-2 times per day during business hours from Monday-Friday. No washing or processing of oysters or storing of boats and equipment are proposed within the Environmental Management Zone, apart from some temporary storage of oyster baskets.

While the jetty and slip are located outside the reserved land, access to the slip and jetty, transport of oysters and temporary storage of oysters occur within the Public Reserve.

As no reserve management plan exists for the site, the change of use must demonstrate compliance with the performance criteria P1.

The proposed variation is discussed pursuant to this Performance Criteria of the Zone below:

- The reserve is a Public Reserve under the *Crown Lands Act 1976*. The Public Reserve extends along the foreshore from Oyster Cove around Simmons Point to the boundary with CT124576/1.
- According to the planning report (IreneInc, 20 January 2023, amended 19 October 2023), the proposal satisfies (a) partially on the basis that an exclusive lease has been granted and the proposed change of use is consistent with the approved lease and there is there is 'likely some public access from surrounding users for recreation, as well as natural and cultural values management'.
- It is acknowledged that a Public Reserve allows for private, commercial or industrial uses and a lease and a deed of variation to this lease (DNRET Ref 011538) has been granted for the purposes of a commercial marina, including a car park, storage facilities, workshop and a marine farming shore facility, to support the marine and marine activities. In Item 18 (Item 15(a)) of the lease, a marina includes a boatshed, jetty, pontoon, ramp, slipway, platform or any other structure on the premises for use in connection with the docking of boats and sea vessels for commercial marine activities.
- However, the granting of the lease does not necessarily mean the proposal has been determined to be complimentary to the use of the reserved land. Rather that it confirms that the proposed use is provided for in the lease, subject to meeting all relevant approval requirements, noting Clause 5.1(h) of the lease requires the lessee obtains all necessary approvals and permits as may be required under LUPAA. Therefore, it is necessary for the planning authority to undertake its own independent assessment of whether the use is complementary to the use of the reserved land.
- In undertaking this assessment, consideration needs to be given to the objectives for management and purposes of reservation for public reserves as specified in the *Crown Lands Act 1976*.
- Two of the key objectives of a Public Reserve are to conserve natural biological diversity and conserve sites or areas of cultural significance, and two of the key purposes are the protection and maintenance of any natural and cultural values and the conservation of natural biological diversity. Therefore, consideration must be given to how the proposed change of use will impact upon values within the reserve.
- Direct impacts on the natural and cultural values and biological diversity of the reserved land are considered to be minimal, with the use located on existing cleared land and utilising largely existing infrastructure.

- As the land is not reserved under the *National Parks and Reserves Management Act 2002*, Clause 29.3.1 (b) is not applicable.
- No lighting is proposed or exists and proposed noise emissions are within acceptable thresholds, with a maximum of four (4) vehicle movements a day, oysters loaded manually and the noise from commercial boats not considered as they are moored and docked outside the Public Reserve. There is no sorting and washing of the oysters in Environmental Management Zone. The only equipment to be used will be the electric winch.

As the performance criteria apply to use of land within the Public Reserve, but the boats are outside the reserve, noise arising from the boat movements is outside the scope of consideration, irrespective of whether commercial vehicle (boat) movements and the associated noise impact upon the amenity of the surrounding area.

Environmental Management Zone

Clause 29.4.3 – Building design

Acceptable Solution A1

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

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

Performance Criteria P1

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

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

Proposal

As the proposal includes the removal of two (2) native trees within the Environmental Management Zone, it therefore must be assessed against performance criteria for design for Clause 29.4.3 P1(a).

The proposed variation is discussed pursuant to this Performance Criteria of the Zone below:

- Existing works being assessed for retrospective approval do not appear to have resulted in direct clearing of native vegetation in the Environmental Management Zone.
- An arborist assessment (Rebecca Barnes, 25 August 2023) confirms that two (2) individual trees in the Environmental Management Zone require removal. These trees are already dead, are not of conservation significance and are not appropriate for retention. It is unclear whether the widening of the driveway and upgrade to stormwater impacted on these trees and caused their decline.
- No new works other than the removal of the two (2) trees are proposed within the Environmental Management Zone and no further clearing of native vegetation is required, including for bushfire hazard management.
- Therefore, the clearing is the minimum necessary and has the least environmental impact.
- The trees are not located on a skyline or ridgeline.
- There are no Desired Future Character Statements.
- An arborist assessment (Rebecca Barnes, 25 August 2023) confirms that all works have been designed to minimise impacts on native vegetation and tree management is proposed, including storing oyster baskets outside vegetated areas and on existing hard surfaces.

Conditions have been included in the permit as required.

Environmental Management Zone **Clause 29.4.3 – Building design**

Acceptable Solution A3
Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access
Performance Criteria P3
Fill and excavation must satisfy all of the following: (a) there is no adverse impact on natural values; (b) does not detract from the landscape character of the area; (c) does not impact upon the privacy for adjoining properties; (d) does not affect land stability on the lot or adjoining land
Proposal
The proposal includes retrospective approval for minor trench works associated with the upgrade of the stormwater system and the laying of cabling for the winch and pulley system. While this excavation was at a depth of less than 1m and then backfilled, it was not limited to the area required for the construction of buildings and vehicular access but rather related to services. Therefore the excavation requires assessment against the performance criteria P3.

The proposed variation is discussed pursuant to this Performance Criteria of the Zone below:

- Excavation was in an existing modified area containing shore-based infrastructure. Therefore, there was no adverse impact.
- The works do not extend above ground and as such do not detract from the landscape character of the area.
- There is no impact on privacy because of the excavation.
- Excavation was limited to trenching, did not exceed 1m and was backfilled. Therefore, land stability was not affected.

E3.0 Landslide Code

Clause E3.7.1 - Buildings and works, other than minor extensions

Acceptable Solution A1
No acceptable solution (requires assessment against performance criteria)
Performance Criteria P1
Buildings and works satisfy all of the following: (a) no part of the buildings and works is in a High Landslide Hazard Area; (b) the landslide risk associated with the buildings and works is either: (i) acceptable risk; or (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.
Proposal
Approximately 190m ² of the proposed irrigation area for the washdown facility is located within a Landslide Hazard Area (Low). While minimal works are required in the Landslide Hazard Area to install this system, works are nonetheless proposed within the Landslide Hazard Area (low). Therefore, the proposal requires assessment against the performance criterion P1.

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

- An assessment of the soil conditions on the site was provided by a suitably qualified person (On-Site Processing and Washdown Water Assessment, GES Geo-Environmental Solutions, dated September 2022) and this assessment confirms the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:
 - no part of the development is within a high landslide hazard area; and
 - given the limited extent of works within a Landslide Hazard Area (Low), the proposed works and associated risk is acceptable and capable of feasible and effective treatment through the recommended measures.

A condition should be included in any permit issued requiring compliance with the recommendations in the On-Site Processing and Washdown Water Assessment (GES Geo-Environmental Solutions, dated September 2022).

E5.0 Road and Railway Asset Code**Clause E5.5.1 – Existing road accesses and junctions****Acceptable Solution A2**

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Performance Criteria P2

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

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

Proposal

The average daily traffic will increase by more than 10% or 10 vehicle movements per day. The additional traffic will be generated by 1-2 round trips once a day during business days (Mon-Friday) to collect and transport the oysters, and the two additional staff employed and, during the high season, an additional 2-3 casual staff. The Planning Report (Ireneinc, dated 20 Jan 2023) states in response to the Road and Railway Code that:

The proposal does not require a new vehicle crossing, junction or level crossing and is not within 50m of a utilities zone. The previous use of the site was a sailing charter school open to the public offering classes etc. The proposed change of use is for the operation of a marine farm shore facility where vehicle movements will be restricted to staff. The vehicle movements are anticipated to be less than the previous use of a sailing charter school and as such the proposed use is not anticipated to intensify the existing access. It is anticipated that at the very most 6-12 road vehicle movement per day. Based on the above information and in accordance with Clause E5.2, the code does not apply:

E5.2 Application of this Code

E5.2.1 This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.

Note is made that PREMIUM PROPERTY-Information Report dated 16/08/2023 for the Crown Lease Land (Property ID 5773328 - The List, Land Tasmania) under the Land Use and Improvements headings lists the property as having a "Commercial -

Water Sport-Private (valuation purposes only)” and “Charter Boat Business” respectively.

There are no Council records on any approvals for a sailing charter school and the lawful establishment and operation of the use has not been demonstrated. The listing in the Premium Property Report of Land Tasmania has no bearing on the status of a use in the Planning Scheme and has been prepared for other purposes associated with the Land Titles Office.

Considering the increase in traffic Council therefore is assessing the application against the Development Standard.

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

- The increase in traffic is minor in nature in that there will be 1-2 trips per day for collection and distribution of the oyster, and also due to the two full time additional staff coming to the site. There may be up to two additional temporary staff during peak season. The application will increase traffic movements by around 10 vpd.
- The existing public gravel roads are of a suitable standard to cater for this increase.
- The site does not have any alternative access available.
- A traffic impact assessment was not submitted with the Application. The Council Development Engineer has assessed the traffic and the existing access and roads against the Code Standards and is satisfied that the increase in vehicle traffic will be safe and not unreasonably impact on the efficiency of the road.
- There is no written advice received from the road authority.

E7.0 Stormwater Management Code

Clause E7.7.1 - Stormwater drainage and disposal

Acceptable Solution A1

Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

Performance Criteria P1

Stormwater from new impervious surfaces must be managed by any of the following:

- disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles
- collected for re-use on the site;
- disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

Proposal

Stormwater from new impervious surfaces is not disposed of by gravity to public stormwater infrastructure.

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

- The stormwater is to be disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles.

- The Development Engineer has assessed the proposed stormwater system in accordance with the Council standards and a condition is included in the permit.

E10.0 Biodiversity Code

Clause E10.7.1 - Buildings and works

Acceptable Solution A1

Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme

Performance Criteria P1

Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

(b) if moderate priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;
- (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;
- (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2016.

(c) if high priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;
- (iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;
- (iv) special circumstances exist;
- (v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2016.
- (vi) clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development.

Proposal

The site contains two native vegetation communities, being:

- *Eucalyptus globulus* dry forest and woodland (DGL), a threatened native vegetation community and a high priority biodiversity value; and
- *Eucalyptus obliqua* dry forest and woodland (DOB), a non-threatened native vegetation community and a low priority biodiversity value.

This vegetation also contains habitat for a number of threatened species, including:

- foraging habitat for the swift parrot, a moderate priority biodiversity value;
- potential habitat for the forty-spotted pardalote, a moderate priority biodiversity value;
- individual high conservation value trees providing potential hollows, a moderate priority biodiversity value; and
- habitat for the eastern barred bandicoot and Tasmanian devil.

In relation to retrospective works, based on the available information, including historic imagery and photos there has not been any clearance and conversion of native vegetation, with:

- the concrete hardstand located within an existing gravelled area;
- the additional concrete access predominantly located in an existing cleared area and any vegetation impacts limited to the removal of shrubs in a modified area; and
- stormwater and power infrastructure located in existing hardstand areas.

It is likely that works have encroached into tree protection zones and the impacts of these works have been assessed in by an arborist and mitigation measures recommended.

The proposal involves the removal of four (4) trees, with:

- two (2) trees (28 and 29) not located within a native vegetation community but meeting the threshold for of a very high conservation value tree (DBH >70cm); and
- two (2) trees (34 and 35) of low conservation value located on the edge of the concrete access on the edge of an area identified as DOB.

While a small area of native sedges will be impacted for the proposed detention tank, this vegetation is within a modified area and does not meet the definition of priority biodiversity values in Table E10.1 and therefore does not require assessment against Code E10.0. Similarly, while drainage pipes are located in an area containing native vegetation, these pipes are located above ground and will not impact on priority biodiversity values.

Based on the above, the proposal will impact on low-moderate biodiversity values, being disturbance of a non-threatened native vegetation community DOB through the removal of two (2) trees, the removal of two (2) trees of very high conservation value and impacts on other high conservation value trees through encroachment.

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

- The proposed disturbance and clearing minimises impacts on priority biodiversity values, with impacts limited to the removal of two (2) very high conservation value trees and two (2) dead trees on the edge of DOB and pipework located above-ground where it encroaches into the tree protection zones of retained trees.
- No disturbance or clearing is required for bushfire hazard management purposes.
- Remaining values are proposed to be maintained and managed and impacts from existing works mitigated implementation of tree protection and management measures. These measures include storing oyster baskets outside vegetated

areas and on existing hard surfaces, mulching trees impacted through existing activities, replacement plantings with five (5) native eucalypt trees and implementation of tree protection measures during construction (Rebecca Barnes, 25 August 2023).

- While the very high conservation value trees are dead or declining, as the conservation value of the trees relate to their size and potential for hollows, these trees will continue to provide conservation value if left standing. Therefore, the removal and loss of these trees requires offsetting under Clauses E10.7.1 P1 (b). Consistent with Council Policy 6.10, a \$500 financial contribution per tree is required.
- It is noted that the planning report (IreneInc, 20 January 2023, amended 19 October 2023) considers the proposed replanting of five (5) native eucalypt trees as meeting offset requirements. However, the proposed extent of replanting is insufficient to offset the impacts. Further to this, under Table 1 of Council Policy 6.10, revegetation and restoration must be used in conjunction with either an on-site or off-site offset such as a Part 5 Agreement or a financial contribution. In this instance, a financial contribution in conjunction with the proposed planting is considered appropriate.

To ensure compliance with the performance criteria, it is recommended that conditions are included in any permit issued limiting clearing, requiring retention and management of remaining trees including implementation of recommended tree protection and management measures, requiring pipework within vegetated areas to be installed above-ground and requiring a financial contribution to offset the loss of two (2) very high conservation value trees

E11.0 Waterway and Coastal Protection Code

Clause E11.7.1 - Buildings and works

Acceptable Solution A1

Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.

Performance Criteria A1

Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- avoid or mitigate impact on natural values;
- mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;
- avoid or mitigate impacts on riparian or littoral vegetation;
- maintain natural streambank and streambed condition, (where it exists);
- maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
- avoid significantly impeding natural flow and drainage;
- maintain fish passage (where applicable);
- avoid landfilling of wetlands;
- works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

Proposal

The proposed development includes retrospective assessment of works within a Waterway and Coastal Protection Area (WCPA). These works include:

- a winch and pulley system upgrade;
- service trenches;
- a portion of the stormwater piping and grates;
- a stormwater outlet; and
- sealing and widening of driveway by approximately 1m.

No new works are proposed within the WCPA.

The Planning Report (IreneInc, 20 January 2023, amended 19 October 2023) considers works for the upgrade to the winch and pulley system and access to be exempt from requiring assessment under Clause E11.4.1 (I), which provides an exemption for works within 2 m of existing infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, pipelines and telecommunications facilities for the maintenance, repair, upgrading or replacement of such infrastructure. As there is the potential for different interpretations of this exemption and its scope, Council has assessed all retrospective works in against the requirements of the WCPA.

As these works are not located in a building area on a subdivision plan approved under this Scheme, they must be assessed against Clause E11.7.1 P1.

In addition, the proposal includes retrospective approval for a new stormwater discharge point, which requires assessment against Clause E11.7.1 P4.

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

- The works are within a highly modified area containing an existing access and shore-based infrastructure. There is no evidence of direct impacts on natural values from these works.
- The stormwater and service trenching are designed to managed runoff from the access and minimise associated erosion. The stormwater is now diverted via pipes to the existing stormwater outlet. Given the small volume of stormwater, the fitting of a 300µm mesh filter to prevent any sediments leaving the site and the rock lined discharge point, this flow is not anticipated to impact on natural values.
- Impacts on littoral vegetation are limited to the removal of two (2) dead trees. The planning report (IreneInc, 20 January 2023, amended 19 October 2023) proposes retaining the felled trees in situ provided there is no biosecurity risk. However, given the location of the trees immediately adjacent to the access, the narrow width of the patch of vegetation and the slope of the land, this is not considered practical.
- The bank of the coastline is characterised by a rock wall and therefore there is no natural streambank condition.
- The works do not impede natural flow or drainage, impact on fish passage or involve the landfilling of wetlands.
- No further no further works are proposed within the WCPA.

Conditions are recommended for inclusion in any permit issued which limit vegetation removal to the removal of two dead trees (Tree 34 and 35) and works within the WCPA to those already undertaken.

E11.0 Waterway and Coastal Protection Code
Clause E11.7.1 - Buildings and works

Acceptable Solution A4
Development must involve no new stormwater point discharge into a watercourse, wetland or lake.
Performance Criteria P4
Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following: (a) risk of erosion and sedimentation is minimised; (b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed; (c) potential for significant adverse impact on natural values is avoided.
Proposal
The proposal includes the retrospective assessment of a new stormwater discharge point. Therefore, the proposal is unable to comply with A4 and requires assessment against the performance criteria.

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

- While there is no record of approval for the stormwater discharge point, it is estimated to have been constructed in the 1980s.
- The stormwater being disposed of via this discharge point is limited to the area of concrete paved access from the shed to the slipway and jetty.
- The discharge point minimises the risk of erosion and sedimentation as it discharges at a rock lined wall.
- Impacts on natural values are limited to discharge of pollutants into the waterway. These impacts are managed through separating water from the oyster washing and grading from stormwater and discharging this water to irrigation areas, and through fitting of grated pits and mesh filters.
- There is not considered to be the potential for significant adverse impact on natural values from the new stormwater discharge point.

E16.0 Coastal Erosion Hazard Code

Clause E16.7.1 - Buildings and works

Acceptable Solution A1
No acceptable solution
Performance Criteria P1
Buildings and works must satisfy all of the following: (a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure; (b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works; (c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering; (d) need for future remediation works is minimised; (e) health and safety of people is not placed at risk;

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| <ul style="list-style-type: none"> (f) important natural features are adequately protected; (g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist; (h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site; (i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works; (j) not be located on an actively mobile landform |
|--|

Proposal

No acceptable solution - As works are proposed in a coastal erosion hazard area, the proposal requires assessment against the performance criteria.

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

- The proposed and retrospective works are located within the existing building and activity areas on 110 Benbows Road and also existing works and activity areas on the crown reserve land and jetty.
- The proposed works will not result in any erosion risk and there is no need for any mitigation measures.
- There is no need for future remediation works.
- The scope of works are limited and the development will not increase the current level of risk to life of site users, or increase the hazard for adjoining properties, as they are limited to the resealing and extension of the driveway, upgrade of the stormwater system and some service trenching.
- The proposed works do not physically impact on any important natural features. There is an existing historic seawall and no further mitigation of coastal erosion arising from wave run-up is required given the nature of the proposed use and development.
- The works are contained within the existing crown lease area.
- Public foreshore access is not obstructed where the managing public authority requires it to continue to exist.
- There is no change to the existing access to the site and there is no expected future erosion whether on the proposed site or off-site. Public access will be affected by the development, as the land is already subject to an exclusive lease.
- There is no developer contribution required mitigation works consistent with any adopted Council Policy.
- The works are not located on an actively mobile landform.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* from 2 December 2023 to 15 December 2023. A total of 45 representations were received during the public exhibition period. There were 42 representations objecting to the proposal and 3 in support. There were two late representations. Some of the submissions were extensive and their issues have been summarised below:

1. Issue – Incompatibility with Zoning Regulations:

- The proposed activities are not compatible with the purposes for the relevant Zones as per the Kingborough Council Planning Scheme, particularly those of the Environmental Management Zone.
- Kingborough Council has invested considerable resources in the establishment and management of conservation on private lands in the area for the protection of native vegetation communities and wildlife habitat. The current proposal, which is industrial in nature, is inconsistent with these values and poses significant environmental risk to both the land and marine environments of Oyster Cove.
- In effect the proposed use of the site which is a discretionary use in a natural environment sandwiched between a coastal reserve and high value vegetation community is inappropriate and incompatible with the values of the area.
- Oyster Cove is zoned 'Rural Resource and Environmental Management'. The proponent's activities are incompatible with the existing amenity & environment in Oyster Cove given the industrial nature of what is proposed. There will be noise, construction, land clearing, run-off and other impacts including degradation of the visual environment and a direct conflict with the indigenous significance of Oyster Cove given the proponents property is directly opposite and virtually adjoins Putalina.
- Oyster Cove is NO PLACE for an industrial operation of this nature! Kettering, Electrona & Margate all have industrial operations of this type where the proponent could conduct his business. Oyster Cove has unique & significant values from an indigenous, environmental & cultural perspective that are being directly & significantly detrimentally impacted by the current business being undertaken at 110 Benbows Rd.
- The characteristics of the proposed non-agricultural use involve daily water and vehicle transportation, daily operation of heavy machinery, large consumption of water resources and not characteristic of the form of agricultural use in the locality. Further the size of the property is relatively small and the proposed intensification of the site for resource processing is disproportionate in scale and bulk for the environment it is sited in. Other rural resource lots in the vicinity are primarily for grazing and small crop farming on larger sized lots and it is considered that the proposal is not compatible with other agricultural use in the area such as grazing undertaken at 449 Old Station Road (Fort Chimo), 465 Old Station Road and 17 Medhursts Road.

Response

The Council is required to assess development against the relevant Acceptable Solutions and Performance Criteria for the Development Standards in the Zones and Codes of the Planning Schemes. Assessment against the Zone Purposes is not able to be done unless they are called up specifically in the Performance Criteria. In relation to the discretions with the application the relevant Performance Criteria do not call up the Zone Purpose Statements.

The impact of the application has been assessed against the relevant Development Standards for the Environmental Management and Rural Resource Zones and relevant Codes.

2. Issue – Use definitions.

- The proposal in fact has nothing to do with aquaculture. What the proponent is doing is in effect size-grading calcareous rocks. The fact that these 'rocks' contain oyster flesh is irrelevant, basically they are equivalent to calcareous rocks. The appropriate question then becomes, would grading and washing rocks be considered a marine aquaculture activity? It is not. The wash-down of equipment also fails this test. It is simply washing down and cleaning of marine biofouling, no different to cleaning hulls of boats or similar activities.
- In the Environmental Management zone Resource Processing is a discretionary use only if dependent on a coastal location. It is considered that the proposal is not dependent on a coastal location as the oysters are transported from one location to another and can be processed at a facility not dependent on a coastal location therefore the use is prohibited.
- The proposal is not agricultural and it is largely an industrial use (think about Tassal in Margate) and doesn't conform with the characteristics of agricultural use that is adjacent being mainly cattle and sheep grazing.
- The small 2.3 ha site would be largely utilized with the activities associated with Oyster processing at an industrial scale. It is considered unlikely that Council would be able to establish adequate controls to protect the conflicting uses in this small bay, particularly when there are existing alternatives for processing oysters located at Margate, Electrona and Snug.
- [It is] estimated is that they have approximately HALF of the water catchment needed. The existing tanks on the house are sized for domestic use only - little or no excess is available for industrial use.
- Next, it is quite simply not possible to wash down marine equipment (racks et al) without increasing the salinity of the water in the process. There may only be a slight increase but it WILL increase. This salt is going to be placed in a confined area of 500m² and is likely over time to cause soil salinity issues. Disposal of this wash water is going to effectively increase the apparent rainfall from ~600mm pa to AT LEAST double this over this 500m² area. The assumption seems to be that evaporation and transpiration will handle this doubling of water load on the soil. There is no evidence that this assumption is true, particularly given the lack of detail on how this water will be added to the soil in the 500m² area. I can think of at least 3 different methods and all will have different impacts.
- There is no ongoing sampling/measurement of wash water suggested or envisaged. Systems not monitored become unreliable.
- It appears that the fresh water for the processing of the oysters will be sourced from two water tanks and two small dams on the property. It is believed that the quoted expected annual rainfall is far greater than the figures we have observed in the decades we have been living in the area. We believe there will be inadequate water available, in particular in dry months, which will more than likely result in the need to truck-in water at least weekly. Such a scenario would be a worrying development in terms of the safety of other road users.

Response

The *Kingborough Interim Planning Scheme 2015* contains definitions of uses and use classes that Council is required to recognise. The activities associated with

the unloading of the oysters within the Environmental Management Zone are defined as Resource Development:

Resource Development:

use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

The activities associated with the sorting and packing of animal resources, oysters, within the Rural Resource Zone are defined as Resource Processing:

Resource Processing:

use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

In relation to the application the Resource Development is occurring in the Environmental Management Zone and the Resource Processing is occurring in the Rural Resource Zone.

The Report and the Assessment Checklist assess the impacts of the proposed use in relation to the Development Standards in the Zones and Codes.

3. Issue – Tree Removal

- Object to the removal of trees 34 & 35 within land zoned Environmental Management. The Planning Report states that the removal of the trees will not have any environmental impact as the trees are deceased. However, dead trees provide valuable fauna habitat in the form of tree hollows. Therefore the removal of these two trees will have an impact on environmental values within the Environmental Management Zone and should be refused.
- Object to the removal of Trees 28 & 29. These trees are both high conservation value trees (Eucalyptus sp. Greater than 70cm diameter-at-breast height) that are in poor health. Again, their removal will result in the loss of high conservation value trees and fauna habitat for a use that is currently being carried out without council approval.

Response

Tree removal has been assessed against the relevant Zone and Code standards and is considered to comply with Clauses 26.4.3 P1, 29.4.3 P1, E10.7.1 P1 and E11.7.1 P1.

It is agreed that Trees 28 and 29 meet the threshold of a very high conservation value tree, based on their size and potential for hollows, although they are dead or declining in health. However, the arborist assessment has concluded that these trees are not appropriate for retention. It is therefore recommended that the removal of these trees is approved, subject to payment of a financial contribution of \$500/tree, consistent with the requirements of Clause E10.7.1 P1 (b) and Council Policy 6.10.

Trees 34 and 35 are below the threshold of a very high conservation value tree. The arborist assessment has concluded that these trees are not appropriate for retention. While the removal of these trees requires assessment and approval as part of the application, the environmental value of these trees is limited due to their smaller size and no offsets are required for their removal.

4. Issue – Traffic

- The commercial vehicle movements that need to be considered are not just the shipping and tractors in the EMZ in the but also the trucks, forklifts etc. in the RRZ. These will be visible in the EMZ after trees have been cut down in the RRZ. Once again, the use of the EMZ to commence the operation is the direct cause and facilitator of the visibility of the commercial vehicle movements of the entire operation into the EMZ.
- There is no minimum acceptable level of commercial vehicle movements flowing through into the EMZ of the Putalina Nature reserve based on the same conclusion arrived at for the noise above.
- Road access to 110 Benbows Road – increased traffic on Old Station Road and Benbows Road – accident risk, unsuitability of road conditions, loss of residential and recreational amenity. Vehicles will significantly intensify traffic on Old Station Road and Benbows Road, reducing residential amenity and road safety and increasing noise emissions. Benbows Road is only accessible via Old Station Road. It is a dead-end road with no cul-de-sac.
- All access roads are narrow, with many blind corners and soft edges.
- It is certain that increased vehicle activity on Old Station Road will adversely impact public recreational amenity and significantly raise the risk of serious accidents and wildlife roadkill.
- The imposition of a 40 kph speed limit on Old Station and Benbows Roads should be a Council priority, whether or not the DA at 110 Benbows Road is approved.
- Consideration should also be given to the high number of cyclists (including a number of Benbows Road area locals) that use Old Station Road as an alternative to the Channel Highway itself. The Old Station/Manuka Road link is often used today as an alternate route from Sung to Kettering and return that allows riders to avoid using the increasingly busy Channel Highway. Old Station Road is also very popular with horse riders, walkers and people walking their dogs.

Response

The traffic generated by the proposed uses has been assessed in the Report and the Assessment Checklist. The proposal complies with the Acceptable Solutions and Performance Criteria in the Road and Railway Asset and Traffic and Parking Codes. The Council Development Engineer has assessed the traffic and the existing access and roads against the Codes Standards and is satisfied that the increase in vehicle traffic will be safe and not unreasonably impact on the efficiency of the road.

5. Issue– Impacts on priority biodiversity values.

- It is difficult for people making a representation to determine whether there was native vegetation on the site prior to the retrospective works which

include two large concrete hardstand areas, driveway, retaining wall, docks, stormwater and power being built without prior approval.

- It appears that the Arboricultural Impact Assessment (R. Barnes August 2023) refers to trees that have or are likely to be impacted and hasn't specifically addressed previous clearing or conversion of the land.
- The report also states that all trees on and surrounding the site have high to very high conservation value as they are *E viminalis*, *E globulus* which are the foraging habitat for the swift parrot a threatened species and will not be impacted upon.
- The report does not discuss potential nutrification of the site through the land application areas which will be disproportionately higher compared to the surrounding land and whether they are likely to have an impact on the low nutrient eucalypt species over time.
- Further as the site has been previously cleared without approval it is difficult to determine what the previous understorey contained. Was *Ghania radula* within the site, which occurs in the Oyster Cove area and which is habitat for the *Chaostola* skipper listed as endangered on the *Threatened Species Protection Act 1995* and the *Environmental Protection Biodiversity Act 1999* as endangered.

Response

Based on the available information, impacts of retrospective works on native vegetation were limited to the removal of a small area of shrubs for the upgrade to the concrete access and encroachment into tree protection zones, which has been assessed by the arborist. From what can be ascertained, all other retrospective works were located in existing gravelled or hardstand areas. Impacts on trees from further works, including the proposed irrigation, have been assessed by a qualified arborist.

6. Issue – Clause 16.7.1 P1 Development Dependant on a Coastal Location

- The proposal is not an existing marine farming shore facility as it involves the processing of fish.
- There is no existing use established on the site and therefore this provision cannot apply.
- It is also not dependent on a Coastal location as the use isn't established and there are alternative sites for the development.

Response

Under Clause 4.1.3, the definition of a marine farming shore facility:

means use of land to provide on-shore support infrastructure and facilities for off-shore aquaculture but does not include processing of fish.

It is agreed the proposal cannot be considered an existing marine farming shore facility, as the use as proposed has not been lawfully established on the site (jetty and Crown Lease). The activity of growing the oysters occurs elsewhere. However, that part of the site being used as a marine farming shore facility (jetty and Crown Lease) is separate to that part of the site (110 Benbows Rd) being used for resource processing.

While the marine farming shore facility is not existing, the existing facilities on the site include a boat ramp, slipway and jetty. The works within the Coastal Erosion Hazard Area do not exceed 20% of the existing facility and therefore meet the acceptable solution.

7. Issue –Noise Issues and E9.0 Attenuation Code

- The proponents activities are incompatible with the existing amenity & environment in Oyster Cove given the industrial nature of what is proposed. There will be noise, construction, land clearing, run-off and other impacts including degradation of the visual environment.
- The proposal will create noise that will flow through into the neighbouring EMZ, which is the central aspect of the Putalina Aboriginal Nature Reserve. The purpose of the Nature reserve is to return to the peace and tranquility of the natural environment away from all commercial activity and to enjoy the silence of the nature reserve. This reserve is used during the day when all the proposed commercial activity will be taking place. There is no minimum acceptable level activity of commercial noise in a nature reserve. All commercial noise will be unreasonable in timing, duration or extent as it will defeat the purpose of the existing nature reserve in the neighbouring area.
- Even if consideration is given to reasonable noise levels, the noise level testing submitted by the applicant did not test noise levels on the higher surrounding hills where the noise may be amplified as it ascends off the water level.
- The Noise Impact Assessment (NVC August 2022) was undertaken in ‘calm conditions’ and has not considered wind sheer, topography or turbulence which can significantly increase noises levels. The background ambient noise levels quoted are for sites in urban settings that have higher acceptable levels. Proper analysis is required to predict reflection noise from hills and water, wind sheer, topography or turbulence which have the potential to change noise attenuation and were not discussed in the report.
- The sound monitoring equipment was placed at sea level and was not assessed further upslope adjacent to the surrounding residents – monitoring from upslope locations may produce very different noise outcomes.
- The Applicant has advised that the hours of operation will be between 7am – 5pm Monday to Friday, however they have also stated that the operations are reliant on tides and they may commence operations as early as 5am. The Noise Impact Assessment (NVC August 2022) submitted states that there is the possibility of occasional operation between 2200-0600 hours. These times are inconsistent and given the topography of the prevailing area and the adjacent residential use, operations commencing at 5am or late at night will impact on the residential amenity along Manuka Road, Balleny and Warremar Roads, Benbows Road and Medhursts Road.
- The Attenuation Code applies due to Table E9.1 Attenuation Distances and Table E9.2 Attenuation Distances for Sewage Treatment Plants in relation to the spray irrigation of liquid wastes of animal or vegetative origin (primary treated).

Response

The application has been assessed in relation to a range of impacts as required by a number of Development Standards in the Planning Scheme including noise. In

relation to the processed activities, the hours of operation, and the nature of the machinery it is considered that the noise impacts are reasonable and will not cause a nuisance.

To ensure that noise levels are kept to a reasonable level and do not create a nuisance it is recommended that a condition be included in the Permit that a review of the noise be conducted within 6 months a suitably qualified acoustic consultant. Subject to the results of the noise report the Council may requires further noise attenuation measures to be implemented.

The Attenuation Code is not applicable to the application in that:

- Table E9.1 Attenuation Distances does not list the proposed uses as a Listed Activity that requires an attenuation distance. The proposed uses do not involve composting of animal waste, the liquid wastes of animal or vegetative origin (secondary treated), Fish Processing (primary) e.g. fish filleting etc., Fish Processing (secondary) – e.g. fish meal production etc.
- Table E9.2 Attenuation Distances for Sewage Treatment Plants applies for to a Sewage Treatment Plant only and not other uses.

8. Issue – Impacts on the Putalina Nature Reserve

A number of submissions raised concerns with the impacts on the Putalina Nature Reserve that is located to the south of the subject site. The submissions are summarized below:

- The location of this factory will be near the jetty. The Aboriginal Putalina Nature Reserve has a seamless border over the water and currently a seamless bush border with the proposed factory at the jetty. In reality, if this Development application goes ahead, it is effectively allowing a factory to be put into the central aspect of this nature reserve because of the seamless border with the proposed factory.
- There is a pathway in the Putalina nature reserve which follows the waterline as the view of the water is the central aspect of this nature reserve. The whole purpose of allocating land use as a nature reserve is for people to enjoy a return to the natural environment away from a commercial environment. This proposed development would completely nullify the existing allocated use of Putalina as a Nature Reserve.
- Enjoyment of the Putalina Nature Reserve destroyed by having a factory effectively in the nature reserve.
- Peace and tranquility of the nature reserve replaced by the noise of boats, tractors, forklifts, trucks, pumps and other commercial activity such as servicing the boats and factory operations.
- It is also worth noting that putalina (Oyster Cove) is an important and significant historic and cultural site for the Tasmanian Aboriginal Community, a factor that needs to be considered and respected in preserving the peace and tranquility for which this area is renowned, especially among the local residents.
- To be on the Putalina land transferred back to the Tasmanian Aboriginal people in 1995, or anywhere along the shoreline reaching out into the Channel or walking in the surrounding bush full of birds and other wildlife, is to experience the incredible peace, quiet, and serenity, of this beautiful cove.

As too few of these tranquil places of natural beauty, with easy access to everyone, remain, we believe it's worth preserving, rather than having it disturbed by industrial activity located in the cove, which would be in direct line of sight from the Aboriginal land.

- There will be noise, construction, land clearing, run-off and other impacts including degradation of the visual environment and a direct conflict with the indigenous significance of Oyster Cove given the proponents property is directly opposite and virtually adjoins Putalina. A nature reserve is a place to return to nature away from a commercial environment. There are no mitigating factors or conditions which may be imposed on this proposed commercial development effectively situated in the central outlook of this nature reserve which will change the fact that purpose of this nature reserve has been destroyed. If this Development application is allowed to proceed in any form, it will be eliminating the existing allocated use of Putalina as a nature reserve. This Development application should be rejected in its entirety so that we can preserve the natural environment of Oyster Cove now and for the future.

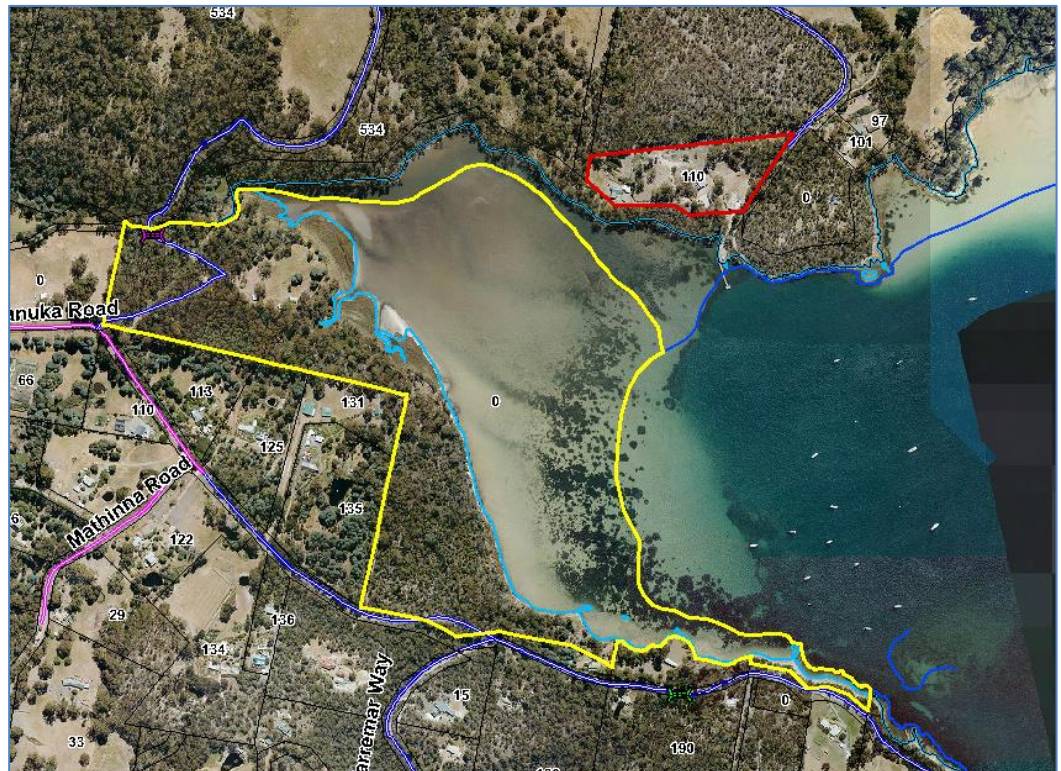


Figure 6 - Aerial photo of the Putalina Nature Reserve (highlighted in yellow) with 110 Benbows Rd (highlighted in red).

Response

Note is made of the significant concerns raised in the submissions with regard of the values of the Putalina Nature Reserve. A number of the issues raised have been addressed in the Report and Checklist in assessing other development standards of the Planning Scheme. The Council is required to assess the application against the Development Standards in the Planning Scheme. Additional standards or values are not able to be considered in the assessment by a Planning Authority.

9. Issue – Future development and intensification at this site.

- If this proposed development is allowed to proceed there will be requests for increased activity in the future. We have seen this happen in other marine industries to the detriment of the community as a whole. There are approved industrial areas at Electrona and Margate that are far more suitable to be used for this commercial processing.
- Should this proposal be approved (and we strongly submit that it shouldn't be), measures clearly need to be laid down to ensure there is no expansion of the activities that have currently been allowed to develop on site. Any decision made to allow the work to continue must set down strict parameters on the limits that will apply to all aspects of the operation.

Response

The Council is required to assess the applicant as lodged. Further intensification and expansion on the site would need to be assessed against the requirements of the Planning Scheme and any Permit issued to determine if a development application was required at the time.

Conditions have been included in relation to the approved scope of the uses.

10. Issue – Advertising

- The First Nations Aboriginal Community of Putalina have not been advised formally of this application as an adjoining 'landowner' because they are not directly adjoining the applicants land by land. They are, however, as a significant cultural land and water manager, immediately opposite the proposed development connected by the same body of water (see attached diagram). As a concerned resident living within the Oyster Cove embayment our community feels strongly that the Putalina Aboriginal community should be advised formally of this development as an adjoining land manager so they can formally assess the DA in the same way adjoining land owners do.
- It's also my view that the Council have failed the Aboriginal community by not considering Putalina as a significant Heritage manager within Oyster Cove.

Response

The Council has advertised the application in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* and the Regulations. This included notifying all adjoining landowners, the placement of signs on site, and a notification in the newspaper. A neighbour notification letter was sent to the Aboriginal Land Council of Tasmania on the 30 November 2023 when the neighbour letters were sent out.

11. Issue – Waste Issues

There is no garbage collection service from Benbows Road. It is likely that the DA will result in increase in domestic waste generated by staff. There is frequent illegal dumping of waste along Old Station Road, as well as rubbish thrown from cars. Currently it falls to local residents to remove and dispose of this at their own expense. This will not be possible if there is an increase in roadside rubbish.

Response

The general issue of the dumping of waste is not a relevant matter for the Planning Authority to consider under the Planning Scheme Development Standards. There

are conditions on the Permit in relation to the disposal of matter from the site to the Councils Baretta waste facility.

12. Issue – Loss of property values on adjacent properties.

Response

This is not a relevant matter for the Planning Authority to consider under the Planning Scheme Development Standards.

13. Issue – Loss of employment opportunities for Bruny Island

Any move to relocate a significant portion of this employment from Bruny Island would disadvantage the workforce of Bruny Island.

Response

This is not a relevant matter for the Planning Authority to consider under the Planning Scheme Development Standards.

Supporting submissions

Three submissions gave general support for the application. One was received from Oysters Tasmania and it stated in summary:

- Oysters Tasmania represents Tasmania's oyster farmers — Australian-owned businesses that directly employ more than 320 Tasmanians, and that each year sustainably produce around \$40 million of oysters, a delicacy of which Tasmania can be proud.
- Oysters Tasmania recommends the approval of DA-2023-256.
- The property owner is Alex Doll, who regularly volunteers his time to serve our industry, including through participating in our oyster Industry and TasWater working group that seeks to reduce pollution in Kingborough and beyond.
- Alex's business is a small-scale, low-impact operation typical of our industry. The retrospective and prospective approvals being sought relate to the typical, practical elements of responsible oyster farming. Approval would facilitate continued oyster farming in Kingborough and the environmental, social, and economic benefits that this brings.

Out of time submissions

Two submissions were received out of time. The issues raised are mostly contained in the section above on representations received in time. One late submission was received from the Kettering Residents Group. The submission raised issues dealing with Strategic and Community Planning and has been referred to the Councils Senior Strategic Planner.

2.6 Other Matters

Best practice hygiene measures.

In accordance with clause 8.11.3 of the Planning Scheme, a condition should be included in any permit issued requiring implementation of best practice hygiene measures.

3. CONCLUSION

The proposal has been assessed against the requirements of the Scheme and has met the relevant acceptable solutions or adequately addressed the relevant performance criteria. It is recommended for approval with conditions.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for oyster farming and processing (resource development and resource processing) including retrospective approval for infrastructure and works (stormwater and power, concrete washdown, driveway and dock areas) at 110 Benbows Road, Oyster Cove and Crown Lease Agreement 132402 for Ireneinc Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA 2023-256 and Council Plan Reference No. P1 submitted on 20/07/2023, Council Plan Reference No. P2 submitted on 08/09/2023, and Council Plan Reference No. P4 submitted on 17/11/2023.

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

2. The permanent storage of oyster baskets is not to occur in the Crown Lease area and must be contained on 110 Benbows Road. The oyster baskets may be stored temporarily in the Crown lease area during loading and unloading from the oyster boat.

The storage of oyster baskets and associated equipment must not occur in areas containing native vegetation or under native trees and their root zones to the satisfaction of the Manager Development Services. The areas for storage of the oyster baskets must be marked on the endorsed site plan and submitted for the approval by the Manager Development Services within 1 month of the date of the Permit. When endorsed, the plan will then form part of this permit and must be implemented to the satisfaction of the Manager Development Services.

3. A. Approved tree removal:
 - (i) must not occur prior to securing the conservation offset and approval of an 'Application for Approval of Planning Start of Works Notice'; and
 - (ii) is limited to four (4) trees numbered 28, 29, 34 and 35 and as shown in Council Plan Reference P4 (17 November 2023) and the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023); and
 - (iii) must be undertaken by a minimum AQF Level 3 Arborist, and in accordance with Minimum Industry Standards for Safe Tree Work (MIS300) and Tree Dismantling (MIS303).

- B. Approved native vegetation modification is limited to:
- (i) the retrospective removal of understorey vegetation within the concrete paved access (retrospective); and
 - (ii) within the footprint of the 5000L detention tank as shown in Council Plan Reference P4 (17 November 2023) and the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023).
4. No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Planning Scheme or otherwise in accordance with law.
5. To offset the loss of two (2) trees of high conservation value (Eucalyptus trees with a DBH >70cm) a financial contribution of \$500/tree must be paid into Council's Environmental Fund, to be used to manage and conserve hollow dwelling habitat in the vicinity of Oyster Cove.

This offset must be paid prior to approval of an 'Application for Approval of Planning Start of Works Notice' and removal of the trees.

6. Within six (6) months of the date of this permit, five (5) Eucalyptus globulus trees must be planted to the satisfaction of the Manager Development Services. The planting location, timing, maintenance, replacement and monitoring must be detailed in a planting plan and submitted for the approval by the Manager Development Services within 1 month of the date of the Permit. When endorsed, the plan will then form part of this permit and must be implemented to the satisfaction of the Manager Development Services.
7. All remaining individual trees identified for retention in Council Plan Reference P4 (17 November 2023) must be appropriately protected during and after construction in accordance with all the recommendations in the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023). This includes, but is not limited to implementation of the following measures:
- A. Prior to the commencement of on-site works (including but not limited to demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings):
- (i) appointing a Project Arborist;
 - (ii) undertaking a tree assessment in accordance with Table 2 of the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023);
 - (iii) removal of trees in accordance with Condition 3;
 - (iv) implementing ground protection measures through application of mulch in the tree protection zones identified in Appendix C – Tree Protection Plan in accordance with Section 5 of the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023);
 - (v) installing tree protection fencing around the recommended tree protection zones in accordance with the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023) and Condition 8; and
 - (vi) undertaking site induction.

A copy of the tree assessment and written certification by the Project Arborist of satisfactory implementation of these tree protection measures must be provided to the Manager Development Services prior to the commencement of on-site works.

B. During construction:

- (i) ground and tree protection measures required under Condition 7 and A above must be maintained for the duration of construction;
- (ii) construction of the crushed rock pad and installation of the water tank must:
 - (a) be completed under the supervision of the Project Arborist;
 - (b) use non-invasive, root-sensitive methods must be employed for this construction, including but not limited to using a large aggregate crush rock that is installed above-ground;
- (iii) pipework for the run-off and connection to the tank must be installed above-ground above-ground were located within tree protection zones or areas of native vegetation, unless within the road surface and under the supervision of the Project Arborist; and
- (iv) if any tree damage occurs, the Project Arborist and Council must be notified immediately and rectification or mitigation work undertaken as recommended by the Project Arborist and directed by Council.

Written certification by the Project Arborist of satisfactory implementation of these measures must be provided to the Manager Development Services upon completion of construction.

C. Following construction, the following tree management measures must be adhered to following construction for all areas within the Tree Protection Zone but outside the footprint of the approved works:

- (i) the existing soil level must not be altered around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
- (ii) the Tree Protection Zone must be free from the storage of fill, contaminants or other materials;
- (iii) machinery and vehicles are not permitted to access the Tree Protection Zone; and
- (iv) development and associated works are not permitted unless otherwise approved by Council in writing development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.

8. Tree/vegetation protection fencing required under Condition 7 must:

- (a) be located on the edge of the tree protection zone, unless the outer edge of works as shown on the endorsed plan are closer, in which case this tree/vegetation protection fencing may be reduced to the minimum amount necessary to allow the works to be completed;
- (b) exclude:
 - (i) Machine excavation including trenching;

- (ii) Excavation for silt fencing;
 - (iii) Cultivation;
 - (iv) Storage;
 - (v) Preparation of chemicals, including preparation of cement products;
 - (vi) Parking of vehicles and plant;
 - (vii) Refuelling;
 - (viii) Dumping of waste;
 - (ix) Wash down and cleaning of equipment;
 - (x) Placement of fill;
 - (xi) Lighting of fires;
 - (xii) Soil level changes;
 - (xiii) Temporary or permanent installation of utilities and signs; and
 - (xiv) Physical damage to the tree(s).
- (c) be constructed to the following requirements:
- (i) utilise barrier mesh and star pickets fencing unless otherwise approved in writing;
 - (ii) form a visual and physical barrier;
 - (iii) be a minimum height of 1.5 metres above ground level, and
 - (iv) include signage clearly marked “Tree Protection Zone – No Entry” on all sides.
9. The stormwater runoff from all concrete, paved, or otherwise sealed areas must be contained within the property or discharged to a Council approved discharge point. All works in relation to the discharge of stormwater must be completed to the satisfaction and approval of the Director Engineering Services.
 10. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.
 11. Works within the Waterway and Coastal Protection Area and Environmental Management Zone are limited to those shown in Council Plan Reference P4 (17 November 2023) and being retrospectively approved as part of this permit.
 12. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.

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

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

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

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

14. Prior to the commencement of the use on site, all water disposal infrastructure must be installed and operational in accordance with the On-Site Processing and Washdown Water Assessment (GES, September 2022, updated November 2022, updated August 2023), Council Plan Reference P4 (17 November 2023) and the Arboricultural Impact Assessment and Tree Protection Plan (Rebecca Barnes, 26 August 2023), including:

- (a) decommissioning the stormwater pit in the existing shed;
- (b) re-direction of water from the water grader to a new 350m² irrigation area;
- (c) installation of drainage from the washdown area to the new 500m² irrigation area, with all pipework for the run-off and connection to the tank to be installed above-ground were located within tree protection zones or areas of native vegetation.

For Advice: Documentation submitted for plumbing approval must demonstrate compliance with these requirements.

15. Within six months of commencement of the proposed development/use the applicant must submit to Council a report from a suitably qualified acoustic consultant demonstrating that noise emissions from the site do not exceed 40dB(A) (LAeq) and 65dB(A) (LAm_{ax}) when measured at the boundary of the site.

If noise emissions from the site exceed 40dB(A) (LAeq) or 65dB(A) (LAm_{ax}), then operation of the site must cease until noise emissions are reduced to below the respective limits to the satisfaction of Council.. This may include amendments to the hours of operation, frequency and types of vehicles used, and the installation of noise attenuation measures.

16. The hours of operation of the use and development must be within:

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;
- (b) Nil on Saturdays, Sundays and Public Holidays;

except for office and administrative tasks. However the starting time may occur prior to 7am Mondays to Fridays when required by the tide times. No unloading of oysters or equipment is to occur before 7am.

17. Commercial vehicle movements, to or from the site, must be limited to a maximum of 4 vehicle movements per day (i.e. 2 vehicles per day to collect the oysters for distribution off the site) and be within the hours of:

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;
- (b) nil on Saturdays, Sundays and Public Holidays.

Any additional Commercial vehicle movements may only be allowed with the written consent of the Manager Development Services.

- 18. The number of full time employees is limited to 3, including the property owner, with the exception of the high season when up to 3 additional casual staff may be employed. Any additional full time or casual employees may only be employed with the written consent of the Manager Development Services.
- 19. The sediments collected on site from water grader (SED water grader) and the wash down water through the stormwater pit are to be taken for disposal at the Baretta Waste Station or another lawful waste disposal facility and not disposed of on the site.
- 20. Retail selling of oysters must not occur from the subject property.
- 21. The premises including the jetty and Crown Lease area are to be kept in a neat and tidy condition at all times.

ADVICE

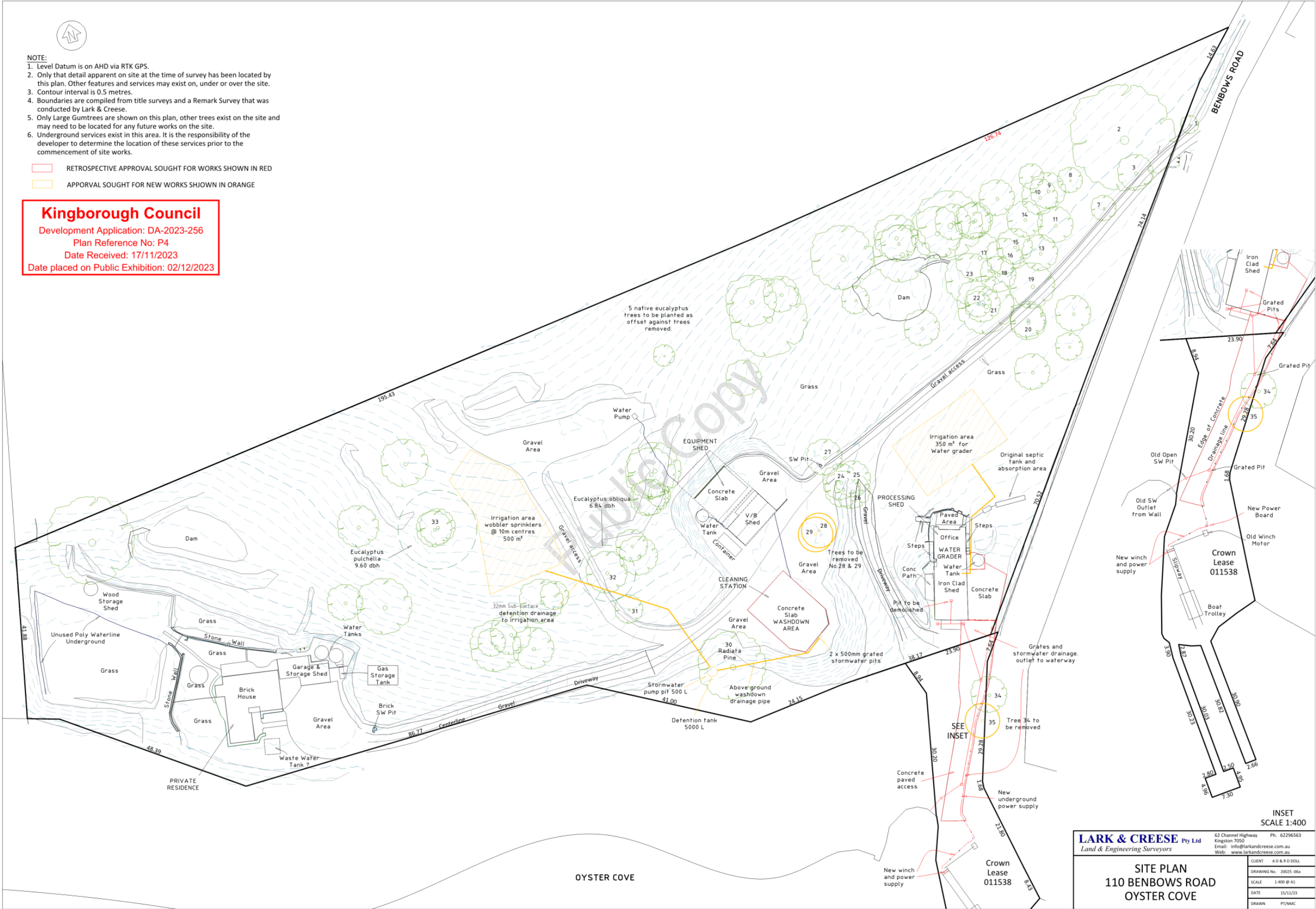
- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval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

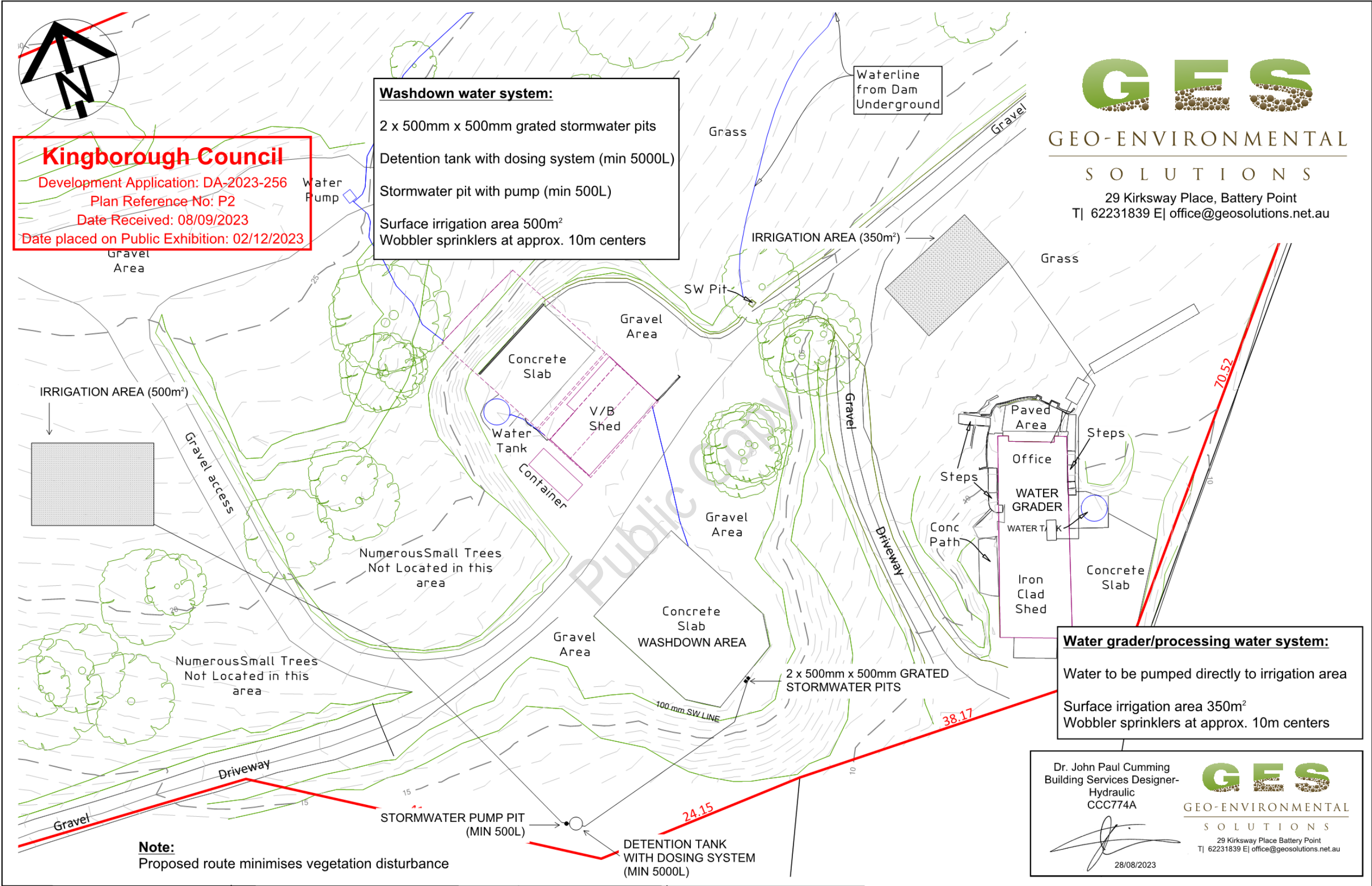
If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval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

- C. Note is made that there is a current Crown Lease Agreement 132402 (Cadastral ID 1526884), that includes the existing jetty and slipway, for the use of the crown lease area in association with the Resource Development (Oyster Farming). In the event that the Crown Lease Agreement is amended, no longer applies, lapses or is cancelled the approved use in this Permit will need review to ascertain if it can continue in accordance with the conditions in the Permit or whether further approvals are required under the Planning Scheme in force at the time.
- C. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system.
- D. The developer should obtain a Plumbing Permit for the development prior to commencing construction.

ATTACHMENTS

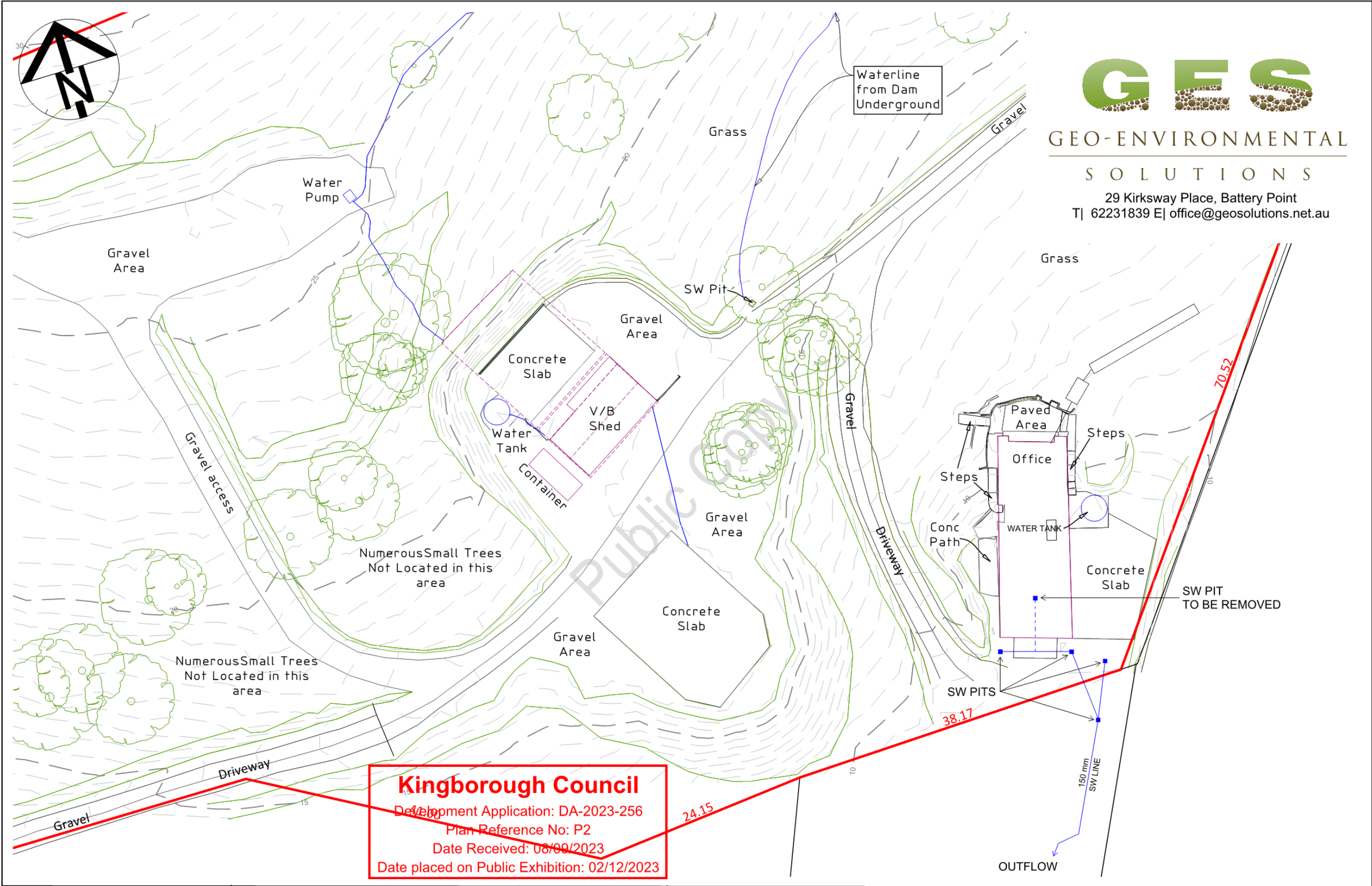
- 1. Development Plans
- 2. Assessment Checklist





Do not scale from these drawings. Dimensions to take precedence over scale.	Client Name and Address: Bruny Island Oyster Co 110 Benbows Road, OYSTER COVE 7150	C.T.: 7458/5 PID: 5773301	Date: 30/09/2022 v2: 23/11/2022 v3: 28/08/2023	On-Site Processing and Washdown Water Management Plan	1:750 @ A3	Sheet 1 of 1 Drawn by: EF
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Document Set ID: 4336938
Version: 1, Version Date: 11/09/2023



Do not scale from these drawings. Dimensions to take precedence over scale.	Client Name and Address: Bruny Island Oyster Co 110 Benbows Road, OYSTER COVE 7150	C.T.: 7458/5 PID: 5773301	Date: 30/09/2022 v2: 22/08/2023	Existing Stormwater Infrastructure	1:750 @ A3	Sheet 1 of 1 Drawn by: EF
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Document Set ID: 4336938
Version: 1, Version Date: 11/09/2023

Kingborough Council

Development Application: DA-2023-256

Plan Reference No: P1

Date Received: 20/07/2023

Date placed on Public Exhibition: 02/12/2023

Attachment: Plan

**MAP OF SUBJECT AREA
LOCALITY: Benbows Road, Oyster Cove**



**PLAN IS FOR ILLUSTRATION
PURPOSES ONLY**

**Lessee: Alexander Damien Doll &
Rebecca Ann Doll**

Freehold Titles

Lease area

Locality Point

File Number: 011538

PID: 5773328

Area: $\pm 1329 \text{ m}^2$

Locality Plan



Annexure A: Plan showing Premises

NEW MAP OF SUBJECT AREA LOCALITY: Benbows Road, Oyster Cove



PLAN IS FOR ILLUSTRATION
PURPOSES ONLY

Lessee: Alexander Damien Doll &
Rebecca Ann Doll

Existing lease area 1329 m²

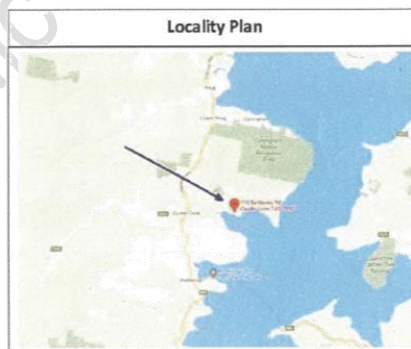
Additional Lease area 88m²

Locality Point

File Number: 011538

PID: 5773328

Area: ± 1417 m²



Kingborough Council

Development Application: DA-2023-256

Plan Reference No: P1

Date Received: 20/07/2023

Date placed on Public Exhibition: 02/12/2023

Assessment Checklist for Development Applications for Use and/or Development within the Rural Resource Zone

Application No: DA-2023-256	Description: Partial change of use to Resource Development and Resource Processing
Applicant: Ireneinc Planning	Owner: Mr A D Doll and Mrs R A Doll
Location: 110 Benbows Road, Oyster Cove and Crown Lease Agreement 132402 (CT 7458/5).	

Use Status

Use Class	Resource Development and Resource Processing
Use Status	Discretionary

Rural Resource Zone Provisions (use and/or development)

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

Clause	Compliance/Comments
26.3 Use Standards	
Clause 26.3.1 – Sensitive Use (including residential use) A1 – A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling, or for home-based childcare in accordance with a licence under the Childcare Act 2001.	A1 – NA – Not a Sensitive Use [Sensitive Use - means a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.]
Clause 26.3.2 – Visitor Accommodation A1 – Visitor accommodation must comply with all of the following: <ul style="list-style-type: none"> (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m². 	A1(a) – NA A1(b) – NA A1(c) – NA
Clause 26.3.3 – Discretionary Use A1 – No acceptable solution.	A1 – Not Complying - No acceptable solution. Requires assessment against the Performance Criteria. The proposed discretionary use in the Rural Resource Zone includes washing, grading and packing of oysters for dispatch to processors. As the proposal involves a discretionary use (resource processing), an assessment is required against P1.

Clause	Compliance/Comments
26.4 Development Standards for Buildings and Works	
<p>Clause 26.4.1 – Building Height</p> <p>A1 – Building height must be no more than:</p> <p>8.5 m if for a residential use.</p> <p>10 m otherwise.</p>	<p>A1 – Complies – there are no new buildings and existing buildings and structures are being utilised.</p>
<p>Clause 26.4.2 – Setback</p> <p>A1 – Building setback from frontage must be no less than:</p> <p>20 m.</p> <p>A2 – Building setback from side and rear boundaries must be no less than:</p> <p>50 m.</p>	<p>A1 – Complies - there are no new buildings and existing buildings and structures are being utilised.</p> <p>A2 – NA – There are no new buildings proposed – the existing shed is to be used.</p>
<p>A3 – Building setback for buildings for sensitive use must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from a plantation forest, Private Timber Reserve or State Forest of 100 m;</p> <p>(b) be sufficient to provide a separation distance from land zoned Significant Agriculture of 200 m.</p>	<p>A3 – NA</p>
<p>A4 – Buildings and works must be setback from land zoned Environmental Management no less than:</p> <p>100 m.</p>	<p>A4 – Not Complying</p> <p>The works are between 0 and 10m from the environmental management zone.</p> <p>With the exception of a small area of native vegetation in the north east corner, all of CT 7458/5 is within 100m of the Environmental Management Zone. Therefore, all works within the Rural Resource zone require assessment against the performance criteria P4. These works include:</p> <ul style="list-style-type: none"> • service trenches; • sealing and widening of driveway by approximately 1m; • the hardstand washdown area; • the sealed area around the eastern shed; • the water runoff infrastructure and irrigation areas; • storage areas;

Clause	Compliance/Comments
	<ul style="list-style-type: none"> • tree removal and management; and • a portion of the stormwater piping and grates.
<p>Clause 26.4.3 – Design</p> <p>A1 – The location of buildings and works must comply with any of the following:</p> <p>(a) be located within a building area, if provided on the title;</p> <p>(b) be an addition or alteration to an existing building;</p> <p>(c) be located in an area that does not require the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>A1(a) –</p> <p>A1(b) –</p> <p>A1(c) – Not complying</p> <p>The proposal includes the removal of native sedges for installation of a 5000L detention tank and the removal of two (2) individual trees. As the works are not located in a building area and involved some vegetation removal, the proposal must be assessed against the performance criteria 26.4.3 P1</p>
<p>A2 - Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>A2 – NA – no new buildings proposed.</p>
<p>A3 – The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>A3 – Complies</p> <p>No fill or excavation greater than 2m was required for the retrospective works associated with the stormwater or the hardstand area which was levelled and gravelled prior to the purchase by the current owner and prior to the sealing of it. The applicant advises that it is anticipated that this occurred at the same time as the construction of the western shed. The works comply with A3.</p>
<p>Clause 26.4.4 – Plantation Forestry</p> <p>A1 – Plantation forestry, including establishment and harvesting, must comply with a certified Forest Practices Plan.</p>	<p>A1 – NA</p>

Environmental Management Zone Provisions (use and/or development)

Clause	Compliance/Comments
29.3 Standards	
<p>Clause 29.3.1 – Use Standards for Reserved Land</p> <p>A1 – Use is undertaken in accordance with a reserve management plan.</p>	<p>A1 – Not complying</p> <p>The proposal involves the use of an existing jetty and slip located in the Environmental Management Zone on Crown land for offloading oysters, which are then transported by a small ute or tractor across a Public Reserve under the <i>Crown Lands Act 1976</i> to adjacent land zoned Rural Resource. This use is proposed to occur 1-2 times per day during business hours from Monday-Friday. No washing or processing of oysters or storing of boats and equipment are proposed within the Environmental Management Zone, apart from some temporary storage of oyster baskets.</p> <p>While the jetty and slip are located outside the reserved land, access to the slip and jetty, transport of oysters and temporary storage of oysters occur within the Public Reserve.</p> <p>As no reserve management plan exists for the site, the change of use must demonstrate compliance with the performance criteria P1</p> <p>The use does not prevent, fetter or conflict recreational activities or natural and cultural values management, and is considered complementary to those uses due to the small scale of activities occurring in the reserve.</p> <p>The average daily commercial vehicle movements are a maximum of 4 within the leased area, with a roundtrip to pick up and deliver the oysters to 110 Benbows Road. Commercial boats have been excluded as they moor outside the reserve.</p> <p>No lighting is proposed or exists as the activities occur during daylight.</p> <p>The noise emissions are not considered significant in accordance with the Noise Impact Assessment by NVC. The proposed use is considered consistent with the use of the public reserve and approved lease under the <i>Crown Lands Act 1976</i>.</p>
29.4 Development Standards for Buildings and Works	

Clause	Compliance/Comments
<p>Clause 29.4.1 – Building Height</p> <p>A1 – Building height comply with any of the following:</p> <p>(a) as proscribed in an applicable reserve management plan;</p> <p>(b) be no more than 7.5 m.</p>	<p>A1 – Complies.</p> <p>There are no new buildings proposed – all works are less than 7.5m in height.</p>
<p>Clause 29.4.2 Setback</p> <p>A1 Building setback from frontage must comply with any of the following:</p> <p>(a) as proscribed in an applicable reserve management plan;</p> <p>(b) be no less than 30 m.</p> <p>A2 - Building setback from side and rear boundaries must comply with any of the following:</p> <p>(a) as proscribed in an applicable reserve management plan; P2 Building setback from side and rear boundaries must satisfy all of the following:</p> <p>(b) be no less than 30 m.</p> <p>A3 - Buildings and works must be setback from land zoned Environmental Living no less than 30 m.</p> <p>A4 - Building setback for buildings for sensitive use (including residential use) must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m;</p> <p>(b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.</p>	<p>A1 – NA – no building works in zone</p> <p>A2 - NA – no building in zone</p> <p>A3 – Complies- The nearest environmental living zone is located some 180m to the southwest.</p> <p>A4 - NA – no building works in zone.</p>
<p>Clause 29.4.3 Design</p> <p>A1 - The location of buildings and works must comply with any of the following:</p> <p>(a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline;</p> <p>(b) be located within a building area, if provided on the title;</p> <p>(c) be an addition or alteration to an existing building;</p> <p>(d) as prescribed in an applicable reserve management plan.</p> <p>A2 - Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>A1 – Not Complying</p> <p>As the proposal includes the removal of two (2) native trees within the Environmental Management Zone and therefore must be assessed against performance criteria for design for Clause 29.4.3 P1(a).</p> <p>A2 - NA</p> <p>No new Exterior building surfaces.</p> <p>A3 – Not Complying</p> <p>The proposal includes retrospective approval for minor trench works associated with the upgrade of the stormwater system and the laying of cabling for the winch and pulley system. While this excavation was at a depth of less than 1m and then backfilled, it was not limited to the area required for the construction of buildings and vehicular</p>

Clause	Compliance/Comments
<p>A3 - Fill and excavation must comply with all of the following:</p> <p>(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</p> <p>(b) extent is limited to the area required for the construction of buildings and vehicular access</p>	<p>access but rather related to services. Therefore, while the planning report (IreneInc, 20 January 2023, amended 19 October 2023), the excavation requires assessment against the performance criteria P3.</p> <p>.</p>

Code Provisions

Clause	Compliance/Comments
<p>E1.0 Bushfire-Prone Areas Code</p> <p>While the proposed development is located within a Bushfire Prone Area, the Bushfire Prone Areas Code does not apply to the resource development and resource processing use classes, the proposed development does not involve a hazardous or vulnerable use and there are no bushfire hazard requirements associated with any building approvals (if required).</p>	
<p>E3.0 Landslide Code (Low)</p>	
<p>Clause E3.7.1 - Buildings and works, other than minor extensions</p> <p>(see definition)</p> <p>A1 – No acceptable solution (requires assessment against performance criteria).</p>	<p>A1 - Approximately 190m² of the proposed irrigation area for the washdown facility is located within a Landslide Hazard Area (Low). While minimal works are required in the Landslide Hazard Area to install this system, works are nonetheless proposed within the Landslide Hazard Area (low). Therefore, the proposal requires assessment against the performance criterion P1.</p>
<p>E5.0 Road and Railway Assets Code</p>	
<p>Clause E5.5.1 – Existing road accesses and junctions</p> <p>A1 – The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>A1 – NA</p>
<p>A2 – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>A2 – Not Complying - annual average daily traffic is increasing by more than 10% or 10 vehicle movements per day.</p>
<p>A3 – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or</p>	<p>A3 - NA</p>

Clause	Compliance/Comments
less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	
E5.5.2 Exiting level crossings A1 – Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	A1 – NA
Clause E5.6.1 - Development adjacent to roads and railways A1.1 – Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	A1.1 – NA
A1.2 – Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	A1.2 – NA
Clause E5.6.2 - Road access and junctions A1 – No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	A1 – NA
A2 – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	A2 – Complies – Existing access to the property is to be used.
Clause E5.6.3 – New level crossings A1 – No acceptable solution (requires assessment against performance criteria)	A1 – NA
Clause E5.6.4 - Sight distance at accesses, junctions and level crossings A1 – Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic	A1 – NA

Clause	Compliance/Comments
control devices - Railway crossings, Standards Association of Australia.	
E6.0 Parking and Access Code	
<p>Clause E6.6.1 - Number of car parking spaces</p> <p>A1 - The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p>A1 – Complies</p> <p>Resource Development does not have any a required parking ratio in Table E6.1.</p> <p>The Resource Processing use class requires 1 care space per 50m2. This results in requirement of 6 parking spaces and these are available adjacent to the processing sheds.</p> <p>The Parking is provided northwest of the processing shed and parallel to the western shed.</p>
<p>Clause E6.6.2 – Number of Accessible Car Parking Spaces for People with a Disability</p> <p>A1 - Car parking spaces provided for people with a disability must:</p> <p>(a) satisfy the relevant provisions of the Building Code of Australia;</p> <p>(b) be incorporated into the overall car park design;</p> <p>(c) be located as close as practicable to the building entrance.</p>	<p>A1 – NA</p>
<p>Clause E6.6.3 – Number of Motorcycle Parking Spaces</p> <p>A1 - The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.</p>	<p>A1 – NA</p>
<p>Clause E6.6.4 – Number of Bicycle Parking Spaces</p> <p>A1 - The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.</p>	<p>A1 – NA</p>
<p>Clause E6.7.1 - Number of vehicular accesses</p> <p>A1 – The number of vehicle access points provided for each road frontage must be no</p>	<p>A1 – Complies – existing access.</p>

Clause	Compliance/Comments
more than 1 or the existing number of vehicle access points, whichever is the greater.	
<p>Clause E6.7.2 - Design of vehicular accesses</p> <p>A1 – Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</p>	A1 – Complies
<p>Clause E6.7.3 - Vehicular passing areas along an access</p> <p>A1 – Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <p>(i) it serves more than 5 car parking spaces;</p> <p>(ii) is more than 30 m long;</p> <p>(iii) it meets a road serving more than 6000 vehicles per day</p> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</p> <p>(c) it meets a road serving more than 6000 vehicles per day;</p> <p>(d) have the first passing area constructed at the kerb;</p> <p>(e) be at intervals of no more than 30 m along the access.</p>	A1 – Complies
<p>Clause E6.7.4 - On-site turning</p> <p>A1 – On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</p> <p>(a) it serves no more than two dwelling units;</p>	A1 – Complies
Clause E6.7.5 - Layout of parking areas	A1 – Complies

Clause	Compliance/Comments
<p>A1 – The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</p>	
<p>Clause E6.7.6 - Surface treatment of parking areas</p> <p>A1 – Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system,</p> <p>unless the road from which access is provided to the property is unsealed.</p>	<p>A1 – Complies</p>
<p>Clause E6.7.7 - Lighting of parking areas</p> <p>A1 – Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>	<p>A1 – Complies</p>
<p>Clause E6.7.8 - Landscaping of parking areas</p> <p>A1 – Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.</p>	<p>A1 – NA</p>
<p>Clause E6.7.9 – Design of motorcycle parking areas</p> <p>A1 - The design of motorcycle parking areas must comply with all of the following:</p> <p>(a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) be located within 30 m of the main entrance to the building.</p>	<p>A1 – NA</p>

Clause	Compliance/Comments
<p>Clause E6.7.10 – Design of bicycle parking facilities</p> <p>A1 - The design of bicycle parking facilities must comply with all the following;</p> <ul style="list-style-type: none"> (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building. 	A1 – NA
<p>A2 - The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard. R1</p>	A2 – NA
<p>Clause E6.7.11 – Bicycle end of trip facilities</p> <p>A1 - For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.</p>	A1 – NA
<p>Clause E6.7.12 – Siting of car parking</p> <p>A1 - Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.</p>	A1 – NA
<p>Clause E6.7.13 – Facilities for commercial vehicles</p> <p>A1 - Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:</p> <ul style="list-style-type: none"> (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site. 	A1 – NA
<p>Clause E6.7.14 - Access to a road</p>	A1 – Complies – existing access.

Clause	Compliance/Comments
A1 – Access to a road must be in accordance with the requirements of the road authority.	
E7.0 Stormwater Management Code	
Clause E7.7.1 - Stormwater drainage and disposal A1 – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	A1 – Not Complying Stormwater from new impervious surfaces is disposed of on site.
A2 – A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	A2 – Complies. Washdown area water and water grader processing water are captured and filtered on site. Collected solids are stored on site and disposed to Baretta Waste Station. The collected water is pumped to irrigation areas as indicated on the plans and outlined in the water assessment report.
A3 – A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	A3 – Complies
A4 – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	A4 – NA
E10.0 Biodiversity Code	
Clause E10.7.1 - Buildings and works A1 – Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.	A1 – Not Complying - There is no Building Area on a plan of subdivision approved under this planning scheme.
E11.0 Waterway and Coastal Protection Code	
Clause E11.7.1 - Buildings and works A1 - Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	A1 – Not Complying There is no building area on a plan of subdivision approved under this planning scheme. The site contains two native vegetation communities, being:

Clause	Compliance/Comments
	<ul style="list-style-type: none"> • <i>Eucalyptus globulus</i> dry forest and woodland (DGL), a threatened native vegetation community and a high priority biodiversity value; and • <i>Eucalyptus obliqua</i> dry forest and woodland (DOB), a non-threatened native vegetation community and a low priority biodiversity value. <p>This vegetation also contains habitat for a number of threatened species, including:</p> <ul style="list-style-type: none"> • foraging habitat for the swift parrot, a moderate priority biodiversity value; • potential habitat for the forty-spotted pardalote, a moderate priority biodiversity value; • individual high conservation value trees providing potential hollows, a moderate priority biodiversity value; and • habitat for the eastern barred bandicoot and Tasmanian devil. <p>The proposal involves the removal of four (4) trees, with:</p> <ul style="list-style-type: none"> • two (2) trees (28 and 29) not located within a native vegetation community but meeting the threshold for of a very high conservation value tree (DBH >70cm); and • two (2) trees (34 and 35) of low conservation value located on the edge of the concrete access on the edge of an area identified as DOB. <p>While a small area of native sedges will be impacted for the proposed detention tank, this vegetation is within a modified area and does not meet the definition of priority biodiversity values in Table E10.1 and therefore does not require assessment against Code E10.0. Similarly, while drainage pipes are located in an area containing native vegetation, these pipes are located above ground and will not impact on priority biodiversity values.</p> <p>Therefore, the proposal will impact on low-moderate biodiversity values, being disturbance of a non-threatened native vegetation community DOB through the removal of two (2) trees and the removal of two (2) trees of very high conservation value.</p> <p>The proposal is unable to meet A1 as there is no such building area on the title.</p>
A2 – Building and works within a Future Coastal Refugia Area must be within a	A2 – NA

Clause	Compliance/Comments
building area on a plan of subdivision approved under this planning scheme.	
A3 – Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme.	A3 – NA
A4 – Development must involve no new stormwater point discharge into a watercourse, wetland or lake.	A4 – Not Complying The proposal includes the retrospective assessment of a new stormwater discharge point. Therefore, the proposal is unable to comply with A4 and requires assessment against the performance criteria.
Clause E11.7.2 – Buildings and Works Dependent on a Coastal Location A1 - An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	A1 – Complies The proposal involves an extension to an existing coastal dependent facility, including a boat ramp and jetty. As the works are no more than 20% of the size of the facility, the proposal complies with the acceptable solution.
A2 - No Acceptable Solution for dredging and reclamation.	A2 – NA
A3 - No Acceptable Solution for coastal protection works initiated by the private sector.	A3 – NA
E15.0 Inundation Prone Areas Code The site is within a Coastal Inundation Hazard Area (Medium). As some of the works are located in this area, the proposal requires assessment against Code E15.0.	
Clause E15.6 - Use standards A1 – Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following: (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding.	A1 – NA
Clause E15.7.1 - Coastal inundation high hazard areas A1 – For a habitable building, including extensions to existing habitable buildings, there is no Acceptable Solution (requires assessment against performance criteria).	A1 – NA
A2 – For a non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, there is no	A2 – NA

Clause	Compliance/Comments
Acceptable Solution (requires assessment against performance criteria).	
Clause E15.7.2 - Coastal inundation medium hazard areas A1 – For a new habitable building there is no Acceptable Solution (requires assessment against performance criteria).	A1 – NA
A2 – Except for new rooms associated with habitable buildings other than dwellings, for which there is no acceptable solution, an extension to an existing habitable building must comply with one of the following: (a) new habitable rooms must comply with both of the following: (i) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, (ii) floor area of the extension no more than 40 m ² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor.	A2 – NA
A3 – A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40 m ² .	A3 – NA
Clause E15.7.3 - Coastal inundation low hazard areas A1 – A new habitable building must comply with the following: (a) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;	A1 – NA
A2 – An extension to a habitable building must comply with either of the following: (a) floor level of habitable rooms is no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor area is no more than 60 m ² .	A2 – NA
A3 – A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 60 m ² .	A3 – NA
Clause E15.7.4 - Riverine inundation hazard areas	A1 – NA

Clause	Compliance/Comments
A1 - A new habitable building must have a floor level no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.	
A2 – An extension to an existing habitable building must comply with one of the following: (a) floor level of habitable rooms is no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm; (b) floor area of the extension no more than 60 m ² as at the date of commencement of this planning scheme.	A2 – NA
A3 – The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60m ² .	A3 – NA
Clause E15.7.5 - Riverine, coastal investigation area, low, medium high inundation hazard area A1 – For landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution (requires assessment against performance criteria).	A1 – NA
A2 – No acceptable solution (requires assessment against performance criteria)	A2 – N/A as no mitigation measures are required.
A3 – A land application area for onsite wastewater management must comply with all of the following: (a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must be no less than 100 m; (b) vertical separation distance from the water table must be no less than 1.5m.	A3 – NA
Clause E15.7.6 - Development Dependent on a Coastal Location A1 - An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	A1 – Complies – as the works are no more than 20% of the size of the facility.
A2 - No acceptable solution (requires assessment against performance criteria).	A2 – NA (no dredging or reclamation proposed).
A3 - No Acceptable Solution for coastal protection works initiated by the private sector (requires assessment against performance criteria).	A3 – N/A as no coastal protection works involved.
E16.0 Coastal Erosion Hazard Code	

Clause	Compliance/Comments
Clause E16.6 - Use standards A1 – No acceptable solution (requires assessment against performance criteria)	A1 – NA – there is no change of use involving habitable buildings and/or habitable rooms.
Clause E16.7.1 - Buildings and works A1 – No acceptable solution (requires assessment against performance criteria)	A1 – No acceptable solution (requires assessment against performance criteria)
Clause E16.7.2 - Development Dependent on a Coastal Location A1 - An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	A1 – Complies, as the works are no more than 20% of the size of the facility.
A2 - No acceptable solution (requires assessment against performance criteria)	A2 – N/A as no dredging or reclamation proposed
A3 - No Acceptable Solution for coastal protection works initiated by the private sector (requires assessment against performance criteria).	A3 – N/A as no coastal protection works proposed.
A2 - No acceptable solution (requires assessment against performance criteria)	A2 –
E23.0 On-Site Wastewater Management Code The proposal is exempt under cl. E23.4.1 of the Code as the property is over 5,000 m².	
E25.0 Local Development Code	
Clause E25.7.1 Building height in the coastal proximity A1 – Building height must be no more than 5 metres.	A1 – Complies No new building, all works less than 5m in height.

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

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

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

16 OFFICERS REPORTS TO COUNCIL

16.1 DELEGATED AUTHORITY POLICY

File Number: 12.71

Author: David Rosen, Legal Officer

Authoriser: Scott Basham, Manager Legal & Property

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

1.1 The purpose of this report is to review Council Policy 1.1 – Delegated Authority.

2. BACKGROUND

2.1 Section 22 of the *Local Government Act 1993* (TAS) allows Council to delegate legislated functions or powers to the General Manager.

3. STATUTORY REQUIREMENTS

3.1 Section 22 of the *Local Government Act 1993* (TAS) states:

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–

(a) this power of delegation, unless authorised by the council; and

(b) the powers referred to in subsection (3).

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

- (a) the collection of rates and charges under Part 9;*
- (ab) the postponement of rates and charges;*
- (b) the remission or rebate of rates and charges;*
- (ba) the writing off of any debts owed to the council;*
- (c) the making of grants or the provision of benefits.*

(3) A council must not delegate any of its powers relating to the following:

- (a) the borrowing of money or other financial accommodation;*
- (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
- (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
- (d) the revision of the budget or financial estimates of the council;*
- (e) the revision of the strategic plan and the annual plan of the council;*
- (f) the appointment of the general manager;*
- (fa) the sale, donation, exchange or other disposal of land or public land;*
- (fb) the decision to exercise any power under section 21(1);*
- (g) the making of by-laws;*
- (h) the making of rates and charges under Part 9;*
- (i) any other prescribed power.*

(4) The general manager is to –

- (a) keep a register of any delegation; and*
- (b) make the register available for inspection at a public office.*

3.2 Section 64 of the Local Government Act 1993 (TAS) states:

(1) The general manager, in writing, may delegate to an employee of the council –

- (a) any functions or powers under this or any other Act, other than this power of delegation; and*
- (b) any functions or powers delegated by the council which the council authorised the general manager to delegate.*

(2) The general manager is to –

- (a) keep a register of any delegation; and*
- (b) make the register available for inspection at a public office of the council.*

- 3.3 The delegation by Council to individual officers under the *Land Use Planning and Approvals Act 1993* is covered by Council Policy 1.1A.

4. DISCUSSION

- 4.1 There are numerous pieces of legislation that grant powers and functions to Council and it is a standard practice to delegate these powers to the General Manager to enable operational and administrative matters to be resolved in a timely manner.
- 4.2 The Local Government Association of Tasmania has previously compiled a comprehensive register of all sections of legislation that reference the functions or powers relevant to Tasmanian Councils. The register has been updated and used to form the basis of the review of Council's existing policy (see attached with track changes.)
- 4.3 It should be noted that the General Manager will use discretion in the use of delegated authority and may opt to refer a matter to Council for a decision, irrespective of a delegation existing.
- 4.4 Furthermore, this delegated authority will be applicable to Council's new Chief Executive Officer, who will occupy the statutory position of General Manager pursuant to section 61 of the *Local Government Act 1993* (TAS).

5. FINANCE

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

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 In accordance with the provisions of the *Local Government Act 1993* (TAS), a register of all delegations provided to the General Manager and staff is maintained and made available on the Council's website.

8. RISK

- 8.1 There is a risk that if appropriate delegations are not in place, then any actions undertaken by the General Manager or staff to exercise powers under legislation may be invalid and subject to a legal challenge.

9. CONCLUSION

- 9.1 Council's Delegated Authority Policy – 1.1 has been reviewed and updated.

10. RECOMMENDATION

That Council endorse the Delegated Authority Policy 1.1 as attached to this report.

ATTACHMENTS

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

EXISTING POLICY WITH TRACKED CHANGES



Delegated Authority Policy

Policy No:	1.1
Approved by Council:	April 2022 February 2024
New Review Date:	April 2023 February 2025
Minute No:	TBAC207/8-2022
ECM File No:	12.71
Version:	54.1
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages



Delegated Authority Policy 1.1

1. POLICY STATEMENTS

- 1.1 Council is committed to the provision of delegations to the General Manager (and sub-delegations to officers) to enhance the operational efficiency of the organisation.

2. DEFINITIONS

- 2.1 'Act' means the Local Government Act 1993 (Tas) as may be amended, varied or replaced from time to time.
- 2.2 'Council' means the Kingborough Council established pursuant to S.18 of the Act.
- 2.3 'General Manager' means the person appointed to the position of general manager of the Council pursuant to S.61 of the Act.
- 2.4 'Instrument of Delegation' means a document signed by the Mayor under common seal detailing the approved list of delegations provided to the General Manager or any officer acting in that position.
- 2.5 'Officer' means a person who is employed by Council.

3. OBJECTIVE

- 3.1 The objective of this policy is to provide information in relation to the authorised delegations provided to the General Manager.

4. SCOPE

- 4.1 The delegations are limited by the authority provided in Section 22 of the *Local Government Act, 1993*.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Pursuant to Section 22(1) of the *Local Government Act 1993*, Council delegates the following powers and functions (see attached table) to the General Manager (or any officer acting in that capacity), and unless prohibited by Section 22(2) of the *Local Government Act, 1993* or otherwise prohibited, authorises that those powers and functions may be sub-delegated by the General Manager pursuant to Section 64 of the Act.
- 5.2 This policy will be reviewed annually, following the release of the legislative audit undertaken by the Local Government Association of Tasmania each year.
- 5.3 The approved delegations contained within the attached table will form the basis of the Instrument of Delegation provided to the General Manager.

6. GUIDELINES

- 6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.

7. COMMUNICATION

- 7.1 In accordance with the provisions of the *Local Government Act 1993*, a register of all delegations provided to the General Manager and staff is to be made available on Council's website.

8. LEGISLATION

- 8.1 *Local Government Act 1993*



Delegated Authority Policy 1.1

9. RELATED DOCUMENTS

9.1 Council policies

9.2 Council By-Laws

10. AUDIENCE

10.1 All Councillors and staff

Public Copy



Delegated Authority Policy 1.1

Kingborough Council Delegations to General Manager

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
Archives Act 1993		
S 10(1)	Preservation of State records Council is to keep proper records of the business of the local authority for which that relevant authority is responsible.	
S 11	Transfer of State records to Archives office Council is to transfer state records to archives office.	
S 15(3)	Conditions may be imposed on the making of State archives available for public inspection.	
<u>Archives Regulations 2014</u>	<u>Records of State & Local Authorities – Reg 8 –if the Council is abolished or amalgamated – to give the State Archivist notice</u>	
<u>Biosecurity Act 2019</u>	<u>S31(1) The secretary of the Department of Primary Industries, Parks, Water & Environment can appoint persons to be an “authorised officer” under the Act, including the appointment of an employee from the Council.</u>	
<u>Biosecurity Regulations 2022</u>	<u>Regulation 25 - Any payments made in respect of an infringement notice are payable to the Council if the notice was served by an authorised officer from the Council. A Council can charge a person a fee for any information requested by that person to the Council under the Act and also for the carrying out by the Council of any inspection, analysis or other function under the Act by an authorised officer who is an employee of the Council.</u>	
Building Act 2016		
<u>s.27(2)(3) & (4)</u>	Records of permit authority A council must maintain records set out in Schedule 1 for at least 10 years after the record is made or until the record is no longer relevant in respect of those premises.	
<u>s.41(1)</u>	Councils Take steps to (a) ensure that the owners of property are informed of their duties under this Act – (i) in relation to any building work, plumbing work or demolition work; and	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(ii) in maintaining and using a building; and (b) make itself aware of – (i) building work, plumbing work or demolition work being performed in the municipal area; and (ii) the use and occupation of buildings in its municipal area; and (c) if applicable, ensure proceedings are instituted against any person or body failing to comply with this Act; and (d) enforce an order issued by a building surveyor, if appropriate to do so.	
<u>s.251</u>	Court orders Apply to a court for an order in relation to a contravention or likely contravention of the Act or a notice, order or determination – The Act provides the GM with the authority to make an application to the Court for a contravention of the Act, so no delegation power is required	
<u>s.265(2)(3) & (4)</u>	Failure to comply with emergency, building or plumbing order Perform works where there has been failure to comply with an emergency, building or plumbing order	
<u>s.266(1)</u>	Possession of building Proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to s.265.	
<u>s.267(1) & (2)</u>	Demolition order Council may serve an order to demolish building work	
<u>s.267(3)</u>	Demolition order Council may enter onto land and demolish any building work in respect of an order to demolish building work.	
<u>s.269(1)</u>	Recovery of performance costs If a person fails to perform the work required by an order, council may enter land or a building and perform the required work.	
<u>s.269(2)</u>	Recovery of performance costs Make an application to recover the cost of performing any work, and to impose a charge on land.	
<u>S270</u>	The Council can seek to recover their reasonable costs and expenses incurred as a result of the issuing of a non-compliance Notice	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
s.271(1)	Purchasing buildings and materials Councils may sell a building for removal or after demolishing a building, sell the materials on the premises for removal.	
s.271(2)	Purchasing buildings and materials Grant the purchaser of a building sold pursuant to s.271(1) all of the powers Council has under s.265.	
s.271(6)	Purchasing buildings and materials Authority to pay, on behalf of the Council, the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it.	
S275(3)	A person who performs work in accordance with a plumbing order must comply with the <i>Building Act 2016</i> unless the Council otherwise directs	

Building Regulations 2016

r.43(1)	Plumbing work involving network utility operator's stormwater drainage systems A person must not perform plumbing work unless written consent to do so has been obtained from the relevant network utility operator.	-
r.43(3)	Plumbing work involving network utility operator's stormwater drainage systems If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary.	
r.43(5)(a)	Plumbing work involving network utility operator's stormwater drainage systems Recover costs as a charge under the <i>Local Government Act 1993</i> .	
r.53	Riverine inundation Assessment of land as having a reasonable probability of flooding.	
r.78(3)	Permit authorities may perform maintenance work Recover costs as a charge under the <i>Local Government Act 1993</i> .	

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Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<i>Burial and Cremation Act 2019</i>		
<u>34(2)</u>	Duties and powers of cemetery managers Ensure that as far as reasonably practicable the cemetery is maintained to prevent it from falling into disrepair, or from being defaced or damaged. Rectify any disrepair or defacement as soon as possible	
<u>34(4)</u>	Duties and powers of cemetery managers Keep all prescribed records (as per 2002 Act - see Sch 1 part 2)	
<u>34(5)</u>	Duties and powers of cemetery managers Permit any person access free of charge at any reasonable time	
<u>34(7)</u>	Duties and powers of cemetery managers A cemetery manager may (a) improve, embellish and enlarge a cemetery under the management of that manager; and (b) restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial; and (c) take any other action as may be required for the reasonable management and maintenance of the cemetery	
<u>39(1)</u>	Monuments, &c. The cemetery manager may permit any vault or grave to be made or dug, and any monument to be erected or placed, in any portion of the cemetery on payment of the fee which has been fixed for doing so	
<u>39(2)</u>	Monuments, &c. The cemetery manager may determine the position of any monument to be erected or placed according to its description, size and character and having regard to the general plan for ornamenting the cemetery in an appropriate manner	
<u>39(3)</u>	Monuments, &c. The cemetery manager may enter into an agreement for the maintenance of a vault, grave or monument.	
<u>40(1)</u>	Requirement to remove monuments The cemetery manager may provide notice to require a person to take down or remove a monument or to render it safe, if a monument has been erected or placed contrary to the terms and conditions on which the permission to erect or place it was granted or, in the opinion of the cemetery manager, it is unsafe.	

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Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>41(2)</u>	Exclusive right of burial Grant an exclusive right of burial. Note: The cemetery manager must issue a certificate of exclusive right under the <i>Burial and Cremation Regulations 2015</i> R37.	
<u>52(1)(b)</u>	Sale of Cemetery - Notice to Exclusive right holders Cemetery manager must notify in writing each person who holds exclusive right of burial or other exclusive write of intention to sell cemetery.	
<u>52(1)(c)</u>	Sale of Cemetery - Certificate of Compliance Cemetery manager must apply for certificate of compliance in respect of proposed sale.	
<u>53</u>	Sale of Cemetery – Audit Cemetery manager must ensure audit undertaken within 6 months of issue of notice of intention to sell.	
<u>57</u>	Notification of decision to not sell cemetery If cemetery manager, having given notice, decides not to sell cemetery they must notify regulator.	
<u>58(1)</u>	Cemetery disclosure document Cemetery manager must provide disclosure document to proposed purchaser.	
<u>61</u>	Notification to purchase of cemetery If Council purchases a cemetery it must give notice to the regulator of the transfer with 30 days of it occurring.	
<u>64</u>	Intention to close (no internments for 50 yrs+) - notice/appln The cemetery manager must give notice of intention to close and apply to regulator for approval.	
<u>65(1)(a)</u>	Intention to close cemetery (no internments for 50 yrs+) If the regulator approves the closure the cemetery manager must notify the holder of exclusive rights.	
<u>65(1)(b)</u>	Close cemetery (no internments for 50 yrs+) On receipt of notification from the regulator of approval to close the cemetery manager may close the cemetery.	
<u>66</u>	Effect of closure of cemetery Cemetery manager must forward all records to the State archivist and may take steps in relation to altering or moving tombstones in accordance with this section.	

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Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>67</u>	Exclusive rights of burial in closed cemetery Cemetery manager must enter into an agreement with a person who holds an exclusive right of burial in a closed cemetery, and take action as agreed and prescribed in this section.	
<u>68</u>	Actions by cemetery manager in closed cemeteries The cemetery manager may apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps.	
<u>70</u>	Removal of grave etc or human remains in closed cemeteries A cemetery manager must not remove a grave etc or human remains from a closed cemetery without giving public notice and preparing the statement prescribed in this section.	
<u>71</u>	Application to reduce time to take action in closed cemetery A cemetery manager may apply to take action under ss 66 or 68 even though 100 years has not passed.	
<u>72</u>	When land ceases to be cemetery Council can sell land that has ceased to be a cemetery but must comply with this section in relation to persons who hold an exclusive right of burial.	In accordance with Council's Sale of Land Policy.
<u>72(6)</u>	When land ceases to be cemetery A cemetery manager must notify regulator after dealing with land under this section	
<u>73</u>	Declaration land is not a cemetery If Council intends to sell land subject to a declaration under this section it must notify the prospective purchaser of matters specified in this section	

Burial and Cremations Regulations 2015

<u>27</u>	Issue of certificate of exclusive right of burial The cemetery manager must issue a certificate of exclusive right of burial.	
<u>28</u>	Amendment of certificate of exclusive right of burial The cemetery manager may amend a certificate of exclusive right of burial.	
<u>29</u>	Cancellation or transfer of certificate of exclusive right of burial The cemetery manager may cancel or transfer a certificate of exclusive right of burial.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>30(3)</u>	Permission to inter human remains A cemetery manager may grant or refuse permission to inter human remains in a cemetery. The permission may be subject to conditions. Notice of the grant or refusal of permission is to be given.	
<u>39</u>	Plan of cemetery A cemetery manager must keep a plan of the cemetery showing the graves and plots set aside in respect of an exclusive right of burial.	
<u>40</u>	Register of Instruments A cemetery manager must keep a register of instruments as set out in this section.	
<u>42</u>	Driving in cemeteries A cemetery manager can give reasonable directions to a driver which it is an offence not to obey.	
<u>44</u>	Power of cemetery manager in relation to graves and plots A cemetery manager may take certain action in cemeteries in relation to the appearance of the cemetery and public health and safety.	
<u>45</u>	Power of cemetery manager to approve permanent items A cemetery manager may approve certain items or classes of items that may be permanently affixed to or next to a grave or plot.	
<u>46(1)</u>	Power of cemetery manager to remove persons A cemetery manager may require a person to leave and not re-enter a cemetery as set out in this section.	
<u>46(3)</u>	Power of cemetery manager to remove persons A cemetery manager may use reasonable force to remove from a cemetery or prevent the entry of a person into a cemetery in contravention of a requirement under section 46(1).	
<u>47</u>	Duty of cemetery manager on removal of monument A cemetery manager must take photos as prescribed if removing a monument and provide the photos to the Heritage Council.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Cat Management Act 2009</u>		
<u>19</u>	<u>A council may declare an area of land within the authority of the council to be an area where cats are prohibited.</u>	
<u>20</u>	<u>Declaration of cat management area.</u>	
<u>21(1) & (4)</u>	<u>If a declaration is made under s19 or 20 of the Act, the council is to publish a Notice and to consider any submissions made.</u>	
<u>21A(3)</u>	<u>The council can amend or revoke a declaration made under s19 or 20.</u>	
<u>34</u>	<u>The council can recover reasonable costs of detaining a cat under the Act.</u>	
<u>43</u>	<u>The council can make By-Laws under the Local Government Act 1993 (TAS)</u>	
<u>Child and Youth Safe Organisations Act 2023</u>		
	<u>Obligation on the Council from 1 January 2024 to comply with the Acts reportable conduct scheme - s7 & Schedule 3</u>	
<u>Dog Control Act 2000</u>		
<u>7</u>	Dog Management Policy (1) A council is to develop, make and implement a policy relating to dog management in its municipal area. (2) A council is to invite public submissions relating to a proposed dog management policy or an amendment of the policy; and consult with any appropriate body or organisation; and consider any submissions and results of any consultation before making the policy or the amendment. (3) A council is to review its dog management policy at least once every 5 years.	Council to endorse draft policy prior to public release and approve final policy
<u>20</u>	Exercise areas A council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration.	Following endorsement by Council
<u>21</u>	Training areas A council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration.	Following endorsement by Council

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>22</u>	Prohibited areas A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.	Following endorsement by Council
<u>23</u>	Restricted areas A council may declare an area to be an area where dogs are restricted from entering (a) during specified hours, days or seasons; or (b) during specified hours, days or seasons unless they are on a lead; or (c) at all times.	Following endorsement by Council
<u>24</u>	Public notice of intention to declare areas	
<u>25</u>	Date and period of declaration	
<u>26</u>	Review of declaration	
<u>27</u>	Signs A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.	

Environmental Management and Pollution Control Act 1994		
<u>Sec 20A</u>	Duty of council to prevent or control pollution In relation to activities other than prescribed activities, a council must use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution.	
<u>Sec 20B</u>	Council may ask Board to exercise powers A council may ask the Board, in respect of an activity that is not a level 2 activity or a level 3 activity, to exercise any of the Board's powers relating to the following: an environmental audit, an environmental improvement programme, an environmental agreement and lodgment of financial assurance.	
<u>Sec 21</u>	Council officers A council may appoint an employee of the council to be a council officer.	
<u>Sec 22 (1A)</u>	Registers of environmental management and enforcement instruments A council must keep a register containing particulars of any environment protection noise issues and any amendment or revocation of any notice.	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 23 (1) (2)</u>	Trade secrets If it appears to the Board or a council that – (a) any information that could be kept as a trade secret would be available to the public; and (b) the release of that information would be likely to cause financial loss to any person – the Board or council must consult with that person before including the information on any register kept under this Act.	
<u>Sec 24 (1)</u>	Assessment of permissible level 1 activities Council must refer application to the Board if directed to do so.	
<u>S 25(1)(b)</u>	Assessment of permissible level 2 activities Planning Authority to refer the application to the board as soon as practicable, but any case within 21 days, after the date of lodgement of the application.	
<u>Sec 25A (1D)(a)</u>	Assessment of applications for permits that are combined with applications for planning scheme amendments	
<u>Sec 27AC (5)</u>	Directions in relation to permits in respect of EL activities Notify the Board of the grant of the permit and provide to the Board a copy of the permit.	
<u>Sec 27AD</u>	Minor variations of planning permit in relation to EL activities Application to the Board for approval to amend a planning permit.	
<u>Sec 43</u>	Power to require information Notify the Director, EPA of the issue of an emergency order and provide a copy of the order.	
<u>Sec 44 (4)</u>	Environment protection notices Where an EPN is issued by a council officer, the council must, as soon as practicable and in any event within 7 days, advise the Director in writing of that fact and of any amendment or revocation of the notice.	
<u>Sec 47(1)</u>	Action on non-compliance with environment protection notice The Director or, in the case of an environment protection notice served by a council officer, the council may take any action required by an environment protection notice if the requirements of the notice are not complied with.	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 47 (3) (4)</u>	Action on non-compliance with environment protection notice The reasonable costs and expenses incurred by the Director or a council in taking action under this section may be recovered by the Director or the council as a debt from the person who failed to comply with the requirements of the environment protection notice. Where an amount is recoverable from a person under this section, the Director or the council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
<u>Sec 48 (1)</u>	Civil enforcement proceedings Where – (a) a person has engaged, is engaging or is proposing to engage in conduct in contravention of this Act; or (b) a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this Act; or (c) a person has caused environmental harm by contravention of this Act, any other Act or the repealed Act – the Director, a council or a person who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.	
<u>Sec 61</u>	Reports in respect of alleged contraventions Where a person reports to the Director or a council an alleged contravention of this Act, the Director or the council must, at the request of the person, advise the person as soon as practicable of the action (if any) taken or proposed to be taken by the Director or the council in respect of the allegation.	
<u>Sec 64</u>	Recovery of technical costs associated with prosecutions Where a person is convicted of an offence against this Act, the court may, on application by the Director or a council, order the convicted person to pay to the Director or the council the reasonable costs and expenses incurred by the Director or the council in the taking of any samples or the conduct of tests, examinations or analyses in the course of the investigation and prosecution of the offence.	
<u>Sec 94(3)</u>	Provisions relating to seizure Where a thing has been seized or made subject to a seizure order under this Division, the thing must, if it has been seized, be held pending proceedings for an offence against this Act related to the thing seized unless the Director, Commissioner or the council, as the case may require, on application, authorises its	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	release to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure.	
<u>Sec 103</u>	Fees imposed by councils In accordance with the provisions of the Local Government Act 1993, a council may impose fees in relation to any function or service carried out by the council under this Act.	

Food Act 2003		
<u>Sec 33</u>	Making of order An order may be made by a relevant authority to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	
<u>Sec 34 (2)</u>	Nature of order An order may be varied or revoked by the relevant authority who made the order.	
<u>Sec 37(2) & (3) & (4)</u>	<u>The Council to consider and if accepted, to pay compensation if established that there were insufficient grounds for making an order</u>	
<u>Sec 50 (2)</u>	Forfeiture of item Items forfeited under this section may be destroyed, sold or otherwise disposed of.	
<u>Sec 52 (1)</u>	Return of forfeited item	
<u>Sec 53 (4) (2) (3)</u>	Compensation to be paid in certain circumstances The enforcement agency is to pay such compensation as is just and reasonable in relation to any item seized under this Part by an authorised officer appointed by it.	
<u>Sec 55</u>	Enforcement agency entitled to answer application The enforcement agency is entitled to appear as respondent at the hearing of an application made under Section 54.	
<u>Sec 68 (2) (3)</u>	Compensation If there were no grounds for the issuing of an order, the enforcement agency that issued the order is to pay such compensation as is just and reasonable.	
<u>Sec 83H</u>	Priority classification system and frequency of auditing	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 87 (1) (5) (6) (7)</u>	Registration of food business The Council may register a food business which is located within its municipal area. If the council grants an application for registration, it must issue the applicant with a certificate of registration that sets out the conditions, if any, to which the registration is subject. If the council refuses an application for registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.	
<u>Sec 89 (3) (5)</u>	Renewal of registration The council may, after considering an application for renewal of registration grant the application, with or without conditions; or refuse the application. If the council refuses an application for renewal of registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.	
<u>Sec 91</u>	Variation of conditions, or suspension or cancellation, of registration of food businesses The council of the municipal area in which the food business is registered may vary the conditions of, or suspend or cancel, the registration of a food business under this Part.	
<u>Sec 94</u>	Register of food businesses to be maintained The Council is required to prepare and maintain a list which contains notified food businesses, registered food businesses, and food businesses whose registration is renewed.	
<u>Sec 97</u>	Functions of councils A council is to – (a) take adequate measures to ensure that the provisions of this Act are complied with; and (b) carry out any other function the Minister or Director of Public Health determines.	
<u>Sec 98 (4)</u>	Power of Director of Public Health to order council to perform functions A council may request the Director of Public Health to exercise any of its powers or perform any of its functions at the council's expense.	
<u>Sec 100 (1) & (2)</u>	Reports by councils The council is to report to the Director of Public Health on the performance of functions under this Act. In addition, the council is to forward to the Director of Public Health details of any proceedings for an offence under this Act taken by an officer, employee or agent of the council.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
Sec 102(2)	Council to provide authorised office with a certificate of authority	
Sec 104(1)	Institution of proceedings Proceedings for an offence under this Act may only be instituted by the Minister, an authorised officer, council, or Director of Public Health. They may only be instituted within 3 years after the date on which the offence is alleged to have been committed or within 120 days after the date on which a sample is obtained.	
Sec 118 (1)	Infringement notices An authorised officer or council may serve an infringement notice on a person, other than a person under the age of 16 years, if of the opinion that the person has committed a prescribed offence.	

Historic Cultural Heritage Act		
S 36(2)	Permit application to be sent to and considered by Heritage Council The relevant planning authority must give a copy of the permit application to the heritage council as soon as practicable after the application day.	
S 37	Procedure if Heritage Council requires additional information to consider permit application Planning authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council.	
S 38	Procedure if Heritage Council has no interest in permit application Planning authority determination of permits applications. Notifying the Heritage Council and applicants of determinations and representations.	
S 39	Procedure if the heritage council wishes to be involved in determining discretionary permit application Determining discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
S 39A	Procedure if Heritage Council wishes to be involved in determining combined permit application Determining combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 39B</u>	Provision of further information to Heritage Council Provide any further information received from permit applicant to Heritage Council.	
<u>S 50</u>	Notification of Recorder of Titles Planning authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement.	
<u>S 89</u>	Assistance to Heritage Council A planning authority is to give all reasonable assistance to the Heritage Council to enable it to perform its functions and exercise its powers.	

Heavy Vehicle National Law (Tasmania) Act 2013

<u>118(1)(b)</u>	Granting consent for exemption on mass or dimension restriction. <u>Regulator may grant a mass or dimension exemption notice for a category of heavy vehicles</u>	<u>Each relevant road manager must have given their consent. For a Council owned road, the road manager is the Council.-</u>
<u>124(1)(b)</u>	Granting consent for exemption (permit) on a mass or dimension restriction.	<u>as above</u>
<u>145(1)(b)</u>	Granting consent for a class 2 heavy vehicle authorisation <u>permit</u>	<u>as above</u>
<u>156(2)</u>	Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority.	
<u>156A</u>	Decide whether to grant consent, after considering the specific matters in s.156A & provide written reasons to the Regulator for the decision in relation to consent.	
<u>158</u>	Deal with a request for consent and decide to give or not give consent for a mass or dimension authority.	
<u>159(2)</u>	Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable.	
<u>160(1)</u>	Specifying road condition(s) to which the granting of consent is subject.	
<u>160(2)</u>	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>161(1)</u>	Specifying travel condition(s) to which the granting of consent is subject.	
<u>161(2)</u>	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	
<u>162(2)</u>	Requesting specified vehicle condition(s) be imposed on the mass or dimension authority.	
<u>167(2)(b)</u>	Giving notice to the Regulator of objection to the application of this section.	
<u>169</u>	Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months.	
<u>170 (3)</u>	Provide the Regulator with a written objection to a renewal of a mass or dimension authority.	
<u>174(2)</u>	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	
<u>176 (4)(c)</u>	Provide consent to an amendment of a permit for a mass or dimension authority.	
<u>178(2)</u>	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	
<u>645</u>	Decide a review of a reviewable decision under the Act.	

Land Use Planning and Approvals Act 1993		
<u>PART 2A s6</u>	<u>TASMANIAN PLANNING POLICIES Delegation – A planning authority may by resolution, delegate any of its functions or powers under the Act other than this power of delegation.</u>	
<u>PART 2A</u>	<u>TASMANIAN PLANNING POLICIES</u>	
<u>S.12C</u>	Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the planning authority.	
PART 3	PLANNING SCHEMES	
<u>Part 3 Generally</u>	As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment: i) authority to give such advice, consultation, referral or notification as required under this Part; ii) authority to initiate public notification of a draft scheme or draft amendment;	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	iii) authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period; iv) authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction; v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.	
PART 3A	LOCAL PLANNING SCHEDULE (LPS)	
<u>Part 3A</u> <u>Generally</u>	In accordance with a decision of the planning authority (or a requirement of the Minister) to – a) prepare a draft LPS under s35; b) indicate its views and opinions in relation to each representation received on a draft LPS; c) indicate its satisfaction that a draft LPS meets the criteria in s34; d) make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and e) conduct and respond on a review of the LPS	
<i>Continued</i>	The following functions and powers of the planning authority are delegated – a) prepare the required documentation for a draft LPS; b) submit the draft LPS to the Tasmanian Planning Commission (TPC) under s35(1); c) make any modifications to the draft LPS which may be instructed by the TPC under s35(5)(b); d) give notice under s35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under s35B; e) undertake exhibition of the draft LPS in accordance with s35D. f) provide a report to the TPC pursuant to s35F; g) prepare and submit any modifications required by the TPC to a draft LPS in accordance with s35K; h) give notice in accordance with s35M(2) of the approval of the LPS; i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O, including provide notice of the review and receive comments from the public pursuant to s35P	
<u>Division 7</u>	Special local provisions schedules	Delegation & authority to delegate

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
PART 3B	AMENDMENT OF THE LPS	
<u>General</u>	<p>In accordance with a decision of the planning authority in relation to –</p> <ol style="list-style-type: none"> preparation of a draft amendment to the LPS under s38 or 40D; preparation of a draft amendment under s38 and a draft permit under s40Y; its views and opinions in relation to each representation received on a draft LPS and on any draft permit; its satisfaction that the draft LPS meets the criteria in s34; and recommendations in relation to how the draft LPS should be determined in accordance with s35F. <p>The following functions and powers of the planning authority are delegated –</p> <ol style="list-style-type: none"> give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS; give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS; request additional information under s40 and s40U; provide any material requested by the TPC in accordance with s40A, 40B, or 40V; prepare the draft LPS amendment documents; certify a draft amendment to the LPS in accordance with s40F; give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z; undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y; provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T; provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's – <ol style="list-style-type: none"> views and opinions on each representation received during the exhibition period; compliance to s34; and its recommendations on how the draft LPS or the permit application under 40T should be determined; make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P; 	Delegation & authority to delegate

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P; m) give notice of an approved amendment to the LPS in accordance with s40S; n) grant an extension of time under s42C for a permit granted under s42B; o) correct a mistake under s42D in a permit granted under s42B; and p) make minor amendments in accordance with s43 to a permit granted under s42B	
PART 4	ENFORCEMENT OF PLANNING CONTROL	
<u>Part 4 Generally</u>	Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including – a) to give such advice, consultation, referral or notification as required under this Part; b) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit; c) to initiate legal proceedings for any use of land, development or act if:- – contrary to a State Policy, planning scheme or special planning scheme; – an obstruction of a planning scheme or special planning scheme; or – a breach of a condition or restriction of a planning permit.	
<u>S.30C(4)</u>	Terms of reference in relation to draft amendment of the SPS A planning authority or another person may request the Minister to consider preparing terms of reference in relation to a draft amendment of the SPPs.	
<u>S.35</u>	Draft LPS to be provided to Commission A planning authority may prepare and submit to the Commission a draft LPS that applies to the municipal area of the planning authority.	
<u>S.35C</u>	Notice of exhibition of draft LPS	
<u>S.35E</u>	Report by planning authority to Commission about exhibition	
<u>S.35G</u>	Planning authority may notify Minister as to whether amendment of SPPs is required	
<u>S.35I</u>	Withdrawal of draft LPS	
<u>S.35M</u>	Notice of approval of Local Provisions Schedules	
<u>S.35P</u>	Conduct of review (of an LPS or a part of an LPS)	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S40G</u>	Notice of exhibition A planning authority, as soon as practicable after providing to the Commission under section 40F(4) a copy of a draft amendment of an LPS or receiving under section 35KB(4)(b)(i) a notice in relation to a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section, unless the planning authority receives a notice under section 40I(1) in relation to the draft amendment.	
<u>S.40U</u>	Additional information A planning authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the planning authority additional information before it considers the application.	
<u>S.40W</u>	Determination of amendment where concurrent permit application sought	
<u>S.43(2)</u>	Minor amendment of permit The planning authority may amend or refuse to amend the permit.	
<u>S.43(6)</u>	Minor amendment of permit If the planning authority amends a permit, it must, by notice in writing served on the following persons, notify them of the amendment: (a) the applicant for the amendment; (b) the owner of the land; (c) any person or body who or that made a representation; (d) the owner or occupier of any property which adjoins the land to which the permit relates.	
<u>S.43(7)</u>	Minor amendment of permit If the planning authority amends a permit that contains a condition or restriction that the Board of the Environment Protection Authority has required under section 25(5) of the Environmental Management and Pollution Control Act 1994, the planning authority must, by notice in writing served on the Board, notify it of the amendment.	
<u>S.43(9)</u>	Minor amendment of permit If the planning authority amends a permit in respect of which the Commission has modified, deleted or added conditions or restrictions, the planning authority must, by notice in writing served on the Commission, notify it of the amendments made to the permit.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.43(10)</u>	Minor amendment of permit If the planning authority amends a permit containing a condition or restriction which the Heritage Council has specified, the planning authority must, by notice in writing served on the Heritage Council, notify the Council of the amendment.	
S.48AA	Enforcement of major project permits A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject.	
<u>S.48A</u>	Notice to remove signs	
<u>S.51</u>	Permits A person must not commence any use or development which requires a permit unless the planning authority which administers the scheme, the Commission, or the Tribunal, has granted a permit in respect of that use or development and the permit is in effect or a major project permit has been granted in respect of that use or the development and the permit is in effect.	
<u>S.52(1B)</u>	What if applicant is not the owner? If land in respect of which an application for a permit is required is Crown land, is owned by a council or is administered or owned by the Crown or a council and a planning scheme does not provide otherwise, the application must – (a) be signed by the Minister of the Crown responsible for the administration of the land or by the general manager of the council; and (b) be accompanied by the written permission of that Minister or general manager to the making of the application.	
<u>S.53(5A)</u>	When does a permit take effect? Where a planning authority grants a permit, the permit takes effect on the day on which it is granted by the authority or, where there is a right of appeal against the granting of the permit, at the expiration of 14 days from the day on which the notice of the granting of the permit was served on the person who has the right of appeal.	
<u>S.54</u>	Additional information	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	A planning authority that receives an application for a permit (other than a permit referred to in section 40T) may require the applicant to provide it with additional information before it considers the application.	
<u>S.55</u>	Correction of mistakes A planning authority may correct a permit granted by it if the permit contains – (a) a clerical mistake or an error arising from any accidental slip or omission; or (b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the approval.	
<u>S.56</u>	Minor amendments of permits issued by a planning authority s 56(1A): planning authority that receives a request under ss(1) for amendment to permits, (a) within 28 days after the request was received, amend, or refuse to amend the permit and (b) must within 7 days (i) after amending the permit or (ii) after refusing to amend the permit, give notice of the refusal to the person who made the request.	
<u>S.57(2)</u>	Applications for discretionary permits The planning authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit.	Only in instances where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
<u>S.57(3)</u>	Applications for discretionary permits Unless the planning authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.	
<u>S.57(5)</u>	Applications for discretionary permits Any person may make representations relating to the application during the period of 14 days commencing on the date on which notice of the application is given or such further period not exceeding 14 days as the planning authority may allow.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.57(6)</u>	Applications for discretionary permits Grant a discretionary permit with or without conditions	Subject to: a) No fewer More than two opposing representations having been received; or b) When there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time; or c) Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated.
<u>S.57(6A)</u>	Applications for discretionary permits A further period agreed to by a planning authority and an applicant may be extended or further extended by agreement, in writing, between the planning authority and applicant at any time before the expiration of the period to be extended and, when so extended, is taken to be the further period referred to in that subsection.	
<u>S.57A</u>	Mediation	
<u>S.58</u>	Application for other permits This section applies to an application for a permit in respect of a use or development for which, under the provisions of a planning scheme, a planning authority is bound to grant a permit either unconditionally or subject to conditions or restrictions.	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.59</u>	Failure to determine an application for a permit Notwithstanding the provisions of this Division, a planning authority may make a decision on an application for a permit to which section 57 or 58 applies at any time before the lodging of an application.	
<u>S.60</u>	Council responding and issuing notices relating to compliance with certain permit conditions	
<u>S.60H(3)</u>	Minister may request information from council or relevant state entity	
<u>S.60I(3)</u>	Council to give notice in relation to eligibility of major project proposals	
<u>S.60S(4)(b)</u>	Refund of ordinary permit where declaration of major project is made	
<u>S.60ZX(1)</u>	Provision to Panel of further information A person to whom a request is made under section 60ZW(1) is to take all reasonable steps to provide to the Panel, as soon as practicable the information specified in the request.	
<u>S.61</u>	Appeals against planning decisions	To represent the Council in any appeals lodged against permit decisions, including instructing internal or external planners to appear on Council's behalf.
<u>S.63</u>	Obstruction of sealed schemes Initiate legal proceedings for obstruction of a planning scheme	
<u>S.63A</u>	Enforcing compliance with planning schemes	
<u>S.63B(3)</u>	Notice of suspected contravention, &c., may be given	
<u>S.64</u>	Civil enforcement proceedings Where a person contravenes or fails or is likely to contravene or fail to comply with a provision of this Part, a person, other than the Commission or a planning authority, who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.	
<u>S. 65B(5)</u>	Notice of intention to issue enforcement notice The planning authority must notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1) , if the person on whom the notice is served is not the owner of the land.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.65G</u>	Cancellation of permits A planning authority may cancel a permit in relation to land in the municipal area of the authority by issuing and serving a notice.	
<u>S. 65I(2)</u>	Authorised officers Removed on the basis that the Act provides the GM directly with the authority to act so delegation from the Council to the GM is not required - A general manager of a council may authorise a person to be, for the purposes of this Act, an authorised officer in respect of the municipal area of the council.	
<u>Part 4 Generally</u>	Enforcement of planning control Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.	
PART 5	AGREEMENTS	
<u>S.71</u>	Planning authority may enter into agreements	
<u>S.74(3)</u>	Duration of agreement An agreement may be ended by the planning authority with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement.	
<u>S.75</u>	Amendment of agreements	
<u>S.76</u>	Agreement to be lodged with Commission	
<u>S.78</u>	Registration of agreements, &c.	
<u>S.80</u>	Application to Appeal Tribunal An owner of land may apply to the Appeal Tribunal for an amendment to a proposed agreement if (a) under a planning scheme, use or development for specified purposes is conditional upon an agreement being entered into and (b) the owner objects to any provision of the agreement.	
<u>S.82</u>	Evidentiary Provision Provision of evidence of a planning scheme, special planning order, permit or special permit to a court, tribunal or person acting judicially.	Authority to: a) Certify a true copy of a planning scheme, special planning order, permit or special permit for

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
		tendering to court, tribunal or person acting judicially; and b) To authorise a person in writing to certify a true copy of a planning scheme, special planning order, permit or special permit for tendering to a court, tribunal or any person acting judicially.
<u>S.84</u>	Service of notices or other documents A notice or other document is effectively served under this Act if it is – (i) given to the person; or (ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the server of the notice or other document; or (iii) sent by way of facsimile to the person's facsimile number	
<u>Schedule 6</u>	Savings and Transitional Provisions - Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015	NOTE 1: The transitional provisions in Schedule 6 provide for the transition from the current process under LUPAA and the current schemes to the Tasmanian Planning Scheme and the processes in the <i>new</i> LUPAA
AMENDMENT OF SCHEMES AND INTERIM SCHEMES		
Provisions of the LUPAA (pre-Tasmanian Scheme amendments) which apply under Schedule 6 of the amended LUPAA		
34(1)	Initiate amendment of planning scheme	
34(3)	Withdrawal of amendment of planning scheme	
34(4)	Notice of Withdrawal of amendment of planning scheme	
38(1)	Public exhibition of draft amendment	
39(2)	Representations to be provided to Commission in respect of draft amendments	Subject to:

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
		<p>a) No representations having been received other than from TasWater and</p> <p>b) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections.</p>
43J	Correction of mistake in permits referred to in s43H	
43K	Minor amendment of permits referred to in section 43H	

Land Use Planning and Approvals Regulations 2014

<u>Reg. 5</u>	Notice of approval of Local Provisions Schedule	
<u>Reg. 7</u>	Advertisement of exhibition of draft amendment, &c (to a planning scheme)	
<u>Reg. 8</u>	Notice of approval of draft amendment	
<u>Reg. 8A</u>	Notice of approval of Local Provisions Schedule	
<u>Reg. 9</u>	Notice of application for permit	

Litter Act 2007

<u>S 38</u>	Recovery of costs arising from litter abatement notices	
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Local Government Act 1993

<u>S.19</u>	Corporation of Councils	Attest the execution of a document sealed by Council.
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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>s.22</u>	Delegation (of functions or powers) by Council	Subject to <u>the provisions of s22(2), (3) & (4) Council's Rates and Charges Policy</u> . Not to be subdelegated.
<u>S.20A</u>	Powers of entry	Note - this is delegating the power to authorise entry
<u>S.28D</u>	Documents relating to agendas	As per the provisions of this section
<u>S.28T(7)</u>	Code of conduct A council is to review its code of conduct within 3 months after each ordinary election.	
<u>s.56B</u>	Gifts and donations register The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.	
<u>S.72</u>	Providing Annual report A council must prepare an annual report.	
<u>S.72B</u>	Notice of AGM A council must hold an Annual General Meeting on a date that is not later than 15 December in each year; and is not before 14 days after the date of the first publication of a notice under subsection (2). A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.	
<u>S.74</u>	Expenditure A council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82 .	In line with Council's adopted estimates and capital works program
<u>S.75</u>	Investments A council may invest any money – (a) in any manner in which a trustee is authorised by law to invest trust funds; and (b) in any investment the Treasurer approves.	In accordance with Council's investment policies as reviewed from time to time.
<u>S. 76</u>	Writing off bad debts A council may write off any debts owed to the council if there are no reasonable prospects of recovering the debt; or if the costs of recovery are likely to equal or exceed the amount to be recovered.	In accordance with Council's Sundry Debt Management Policy

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S. 77</u>	Grants and benefits A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.	In accordance with Council's Community Grants and Donations Policies
<u>S.81</u>	Authorised deposit-taking institution accounts A council may establish and maintain in its corporate name such authorised deposit-taking institution accounts as it considers necessary.	In accordance with Council's Treasury Management Policy
<u>S.124</u>	Instalment payments A Council may permit a ratepayer to pay in instalments. The Council may decide that any rates are payable by instalments.	In accordance with Council's Rates and Charges Policy
<u>S.126</u>	Conditions of postponement A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.	In accordance with Council's Rates and Charges Policy
<u>S.127</u>	Postponement ceases to operate A council may, at any time, revoke a postponement of payment of rates by giving 60 days notice in writing to the ratepayer of the date on which the postponement ceases to operate.	In accordance with Council's Rates and Charges Policy
<u>Div 10</u> <u>S.133-135</u>	Recovery A Council can recover debts due to unpaid rates.	In accordance with Council's Rates and Charges Policy
<u>S.175</u>	Purchase or lease of land A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.	<u>Subject to s 178 & s179 restrictions. Restricted to leasing of land to Council and for a maximum of three years; and does not include purchase of land.</u>
<u>S.176</u>	Acquisition of land A council may acquire land for prescribed purposes in accordance with the <i>Land Acquisition Act 1993</i> .	<u>Subject to the provisions of Regulation 37 of the Tasmanian Local Government (General) Regulations 2015. Restricted to the delegated provisions of S.37(d) (e) (ea) of the Local Government (General) Regulations 2005.</u>

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.189</u>	Closure of local highways (markets) A council in respect of land or premises under its control or management may allow any person to operate a market subject to any terms and conditions it determines or operate a market itself; and close a local highway or part of a local highway to general traffic for that purpose.	
<u>S.190(3)</u>	Objections A council is to consider any objection before closing a local highway or part of a local highway.	
<u>S.193</u>	Establishment of pounds A council may establish pounds for the detention of stray animals.	
<u>S.197</u>	Sale or destruction of unclaimed animals	
<u>S.207</u>	Remission of fees and charges A council may remit all or part of any fee or charge paid or payable under this Division.	In accordance with Council's Fee Exemptions and Reductions Policy
<u>S200(1)(1A)(2)</u>	<u>If Council is satisfied a Nuisance exists, an abatement notice must be served by the GM</u>	
<u>S201</u>	<u>Definitions as to what constitutes a nuisance</u>	
<u>S201(4) & (5)</u>	<u>Council can seek to recover costs</u>	
<u>S204(A)</u>	<u>Council can seek to recover monies owing</u>	
<u>S240(1) & (2)</u>	<u>Council can appear in Court by its GM, or any other person authorised by the Council or GM</u>	
<u>S.333A</u>	Tender A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.	In accordance with Council's Code for Tenders and Contracts

Local Government (Building and Miscellaneous Provisions) Act 1993

<u>S.83</u>	Approval of plan of subdivision	
<u>S.84</u>	Council not to approve subdivision If – (a) any proposed lot has not the qualities of a minimum lot; or (b) it includes any lot or other block of land smaller than is required or permitted by a finally approved planning scheme; or	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(c) the subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway	
<u>S.85</u>	Refusal of application for subdivision The council may refuse to approve a plan of subdivision if it is of the opinion the roads will not suit public convenience or the drainage of the roads will not be satisfactorily carried off amongst other things.	
<u>S.86</u>	Security for payment Before approving a plan of subdivision, the council may: (a) require security for payments and the execution of works; and (b) refuse to approve the application until such security is given.	
<u>S.89</u>	Approval of final plans The council has 20 (business) days from the lodgment of final plans to make a determination on whether they comply.	
<u>S.91 (3)</u>	Corrections to final plans The council or owner may object to the making of any correction within 7 days of receiving a notice under subsection (2).	
<u>S.92</u>	Amendments to final plans If the Recorder of Titles under section 89 (5) requires an amendment to a final plan, the council if it considers that the amendment should not be approved, is to withdraw the plan and return it to the owner; or in any other case, notify the Recorder and the owner that it does not oppose the amendment.	
<u>S.93</u>	Cancellation of final plans The council is to cancel its seal on a final plan if the plan is withdrawn from the Recorder of Titles; or the plan is rejected by the Recorder of Titles. The council is to return a plan cancelled under subsection (1) to the owner.	
<u>S.103</u>	Amendment of sealed plans When a plan has taken effect, it may be amended by the council of its own motion.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.104 (1)</u>	Hearing in respect of amendment of plans	
<u>S.105(2)</u>	Compensation in respect of amendments If compensation is payable under subsection (1) , the council may recover against the petitioner and any person heard or asking to be heard in support of the amendment to the extent to which they benefited by the amendment.	
<u>S.107</u>	Access orders If the council considers that work of a substantial nature is needed to provide access for vehicles from a highway onto the block, it may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.	
<u>S.109 (6)</u>	Minimum lots If land may be used only as a place of business the restriction on its use – (a) is to be set out above the council's seal on the final plan of the subdivision; and (b) is enforceable by the council	
<u>S.110</u>	Adhesion orders The council may make an adhesion order if a block (a) has the qualities of a minimum lot; and (b) comprises 2 parcels or more that may, without the approval of any plan by the council, lawfully be sold separately so as to create a block which (i) would not have the qualities of a minimum lot; and (ii) is, or in the opinion of the council is likely to be, built on or bought for building.	
<u>S.112</u>	Purposes for which plan approved The council is to state on the plan one of the following purposes for which the plan is approved: (i) for the purpose of enabling the approved lot to form a single parcel; (ii) for the purpose of enabling a purchaser to acquire all the sub-minimum lots which together form the minimum lot shown on the plan; (iii) for the purpose of enabling the portions of the approved lot to form a single parcel or for enabling a purchaser to acquire all the sub-minimum lots which together are to form the minimum lot, as well as for the purpose of giving effect to the subdivision	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.113(4)</u>	Bringing land under Land Titles Act 1980 If a plan of subdivision approved by the council and lodged in the office of the Recorder of Titles includes any adjoining land to be added that is not under the provisions of the Land Titles Act 1980, the Recorder is not to take any further action upon the plan until applications to bring the land under those provisions have been made under section 11 of that Act .	
<u>S.115</u>	Exemption Council may exempt a subdivision from the operation of this Part.	
<u>S.116</u>	Limitation on requirement for public open space If the council requires an owner to increase the area for public open space so that the value of the total area approved for open space in the final plan exceeds the value of the area provided for open space in the plan of subdivision; or having failed to approve a plan for subdivision on a ground that the layout should be altered to include or omit public open space, subsequently approves a fresh plan in which the value of the total area of land reserved for public open space exceeds the value of all such land in the original plan – and the value of the area reserved for open space in the plan also exceeds the value of one-twentieth of the whole area comprised in the plan of subdivision, the council must purchase the excess as provided in this section.	
<u>S.117</u>	Payment instead of increasing public open space Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount.	
<u>S.118</u>	Council schemes Before the council disposes of lands in circumstances in which, if the disposition were that of a private person the plan would require approval under this Part, it is to prepare a plan of subdivision that it would approve if it were a private person's plan.	
<u>241(1)</u>	Preservation orders A council, on the recommendation of the National Trust of Australia (Tasmania) may by order – (a) prohibit the demolition of a building that is by itself or with others of historical or architectural interest or of special beauty; and (b) prohibit the alteration of or adding to the building except as the council may approve; and (c) require the owner to keep the building in good and tenantable repair.	
<u>243</u>	Preservation order is enforceable A preservation order –	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(a) operates as a covenant between the owner and the council that the owner, executors, administrators and assigns will comply with the order; and (b) runs with the land in equity; and (c) is enforceable by the council as if it were owner of all other lands in the municipal area and the tenants were natural persons holding of the council for life.	
<u>S.244</u>	Registering preservation order On receipt of a sealed copy and certificate under subsection (1) the Recorder of Titles is to: (a) register the preservation order by entering a memorial on the folio of the Register identified by the certificate; and (b) endorse the memorial on the folio of the Register, under the Land Titles Act 1980 , for the land.	
<u>S.247</u>	Removal of advertising hoardings Council may issue or refuse a licence to any person.	

Local Government (General) Regulations 2015

<u>R.23 (2)(3)(4)(5)</u>	Public tenders A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.	Subject to Council's Code for Tenders and Contracts
<u>R.25</u>	Multiple use register A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.	Subject to Council's Code for Tenders and Contracts
<u>R.26 (1)</u>	Multi stage tender A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council.	Subject to Council's Code for Tenders and Contracts

Local Government (Highways) Act 1982

<u>S.6</u>	Making, widening, &c., of highways by corporations	
<u>S.7</u>	Limitation on opening of highways in cities and towns by private persons	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.8</u>	Maintenance of highways opened outside cities or towns by private persons	
<u>S.10</u>	Obligations on landowners opening highways	
<u>S.11</u>	Enforcement of obligations of landowners opening highways	
<u>S.14</u>	Closure and diversion of highways	
<u>S.15</u>	Dealing with sites of closed highways	
<u>S.17</u>	Definition of boundaries of highway	
<u>S.19</u>	Closure of local highways for public functions, &c.	In consultation with Commissioner of Police. Delegation excludes 19(1)(c)
<u>S.20</u>	Closure of parts of local highways for sale of goods, &c.	In consultation with Commissioner of Police & Transport Commission
<u>S.21</u>	General responsibility of corporations The corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.	
<u>S.24</u>	Highways on boundaries of municipalities Where 2 corporations would, apart from this subsection, each be liable to repair one side of a local highway that forms or follows the common boundary of the municipal districts of those corporations, they are jointly liable to repair the whole width of that highway.	
<u>S.25</u>	General supplementary provisions as to carrying out of highway works	
<u>S.26(4)</u>	Obtaining of materials for highway works	
<u>S.27</u>	Use of adjoining lands in carrying out highway works	
<u>S.28</u>	Shifting of apparatus, &c., in roads	
<u>S.30</u>	Improvement, &c., of highways	
<u>S.31</u>	Obstructions for prohibition or restriction of vehicular traffic	S. 31(1) requires approval from Transport Commission

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.32</u>	Lighting (of a local highway or public place)	
<u>S.33</u>	Lighting of private ways and courts	
<u>S.34</u>	Drainage works	
<u>S.35</u>	Crossings over footpaths, table-drains, and gutters Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified.	
<u>S.36</u>	Fencing of streets in towns	
<u>S.37</u>	Alterations, &c., of entrances to highways	
<u>S.38</u>	Removal of trees near highways	
<u>S.39</u>	Obligation of occupiers to cut back vegetation, &c.	
<u>S.40</u>	Animal barriers on highways	
<u>S.41</u>	Prohibition of traffic likely to cause damage to highways	
<u>S.42</u>	Closure of dangerous highways	
<u>S.44</u>	Protection of bridges from excessive loading	
<u>S.45(4)</u>	Removal and disposal of abandoned articles Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.	
<u>S. 45(5)(6)(7)(8)(9)(10)(12)</u>	Removal and disposal of abandoned articles Where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit.	
<u>S.46(2)</u>	Permission to carry out various works in relation to highways Subject to any directions given by the corporation, its powers to grant a permission may be exercised on its behalf by its mayor or by some other person authorised by it for that purpose.	Delegation excludes S. 46(2C)

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.46</u>	Permission to carry out various works in relation to highways A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things: (a) open or break up the soil or pavement of a local highway; (b) make a drain leading to a local highway; (c) put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation in or under a local highway; (d) make an excavation, vault or cellar in or under a local highway; (e) install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels; (f) erect a hoarding or scaffolding for building or any other purpose in or on a local highway.	
<u>S.50</u>	Management of local highways not maintainable by the corporation	
<u>S.51</u>	Making good of back roads, lanes, &c., at frontages' expense	
<u>S.52</u>	Projections on to highways, &c. At such time as is agreed with the occupier of a building, or after giving at least 30 days' notice of its intention to do so, the corporation may remove or alter an obstruction to which this section applies that has been erected or placed against or in front of the building.	
<u>S.53</u>	Low-lying land near highways	
<u>S.54</u>	Names of highways, &c. The corporation may cause to be put up or painted, on some conspicuous part of a building, fence, or wall, or on a post, at or near an end, corner, or entrance of a highway or other public place, the name by which it is known or to be known.	
<u>S.55</u>	Numbering of buildings, &c.	
<u>S.59</u>	Development of land in connection with highway improvements	
<u>S.60 (3)</u>	Restrictive covenants for benefit of highway A corporation may, at any time, by agreement with the person against whom there is enforceable a covenant, discharge the covenant or may agree to a variation of the covenant.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.62</u>	Special provisions as to acquisition for widening or other alteration A corporation may take land for the widening or other alteration of a highway. Land shall not be taken under this section, unless (a) every part of it is within 3 metres of the boundary of an existing highway; and (b) no building is situated wholly or partly on the land or within 3 metres of its boundary	
<u>S.63</u>	Letting of highways not presently used Where the corporation has acquired highway rights over any land, it may, if the land is not presently required to be opened as a highway, let that land to the owner of any adjoining land.	
<u>S.66</u>	Proof that street is subject to Part V The carriage-way of a street shall be deemed to have been well and sufficiently made only if it was made well enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making.	
<u>S.67 (2)</u>	Street works in streets not previously made up Where a street has not at any time been well and sufficiently made, the corporation may, in accordance with a scheme under this Part, carry out such street works as it considers necessary to put that street in a proper condition in substantial conformity with the standard requirements, recovering the cost of the works in the manner provided in this Part.	
<u>S.68</u>	Scheme of street construction Where the corporation intends to carry out street works in a street, it shall cause to be prepared a scheme for the carrying out of those works.	
<u>S.71</u>	Notice of preparation of scheme	
<u>S.72</u>	Objection by owners (to the scheme)	
<u>S.74</u>	Execution of scheme Where a scheme comes into effect, the corporation may carry out, in accordance with the scheme, the street works specified in it.	
<u>S.76</u>	Payments by frontages (under the scheme) When a scheme comes into effect, the corporation shall serve on each frontage written notice stating the sum for which he is liable under the scheme (exclusive of any additional costs and expenses charged to	



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	him under the scheme with his consent) and, subject to this section, the owner becomes liable to pay that sum to the corporation.	
<u>S.77</u>	State contribution Where a corporation has prepared a scheme for the carrying out of street works that comprise or include the construction of a carriage-way, the Minister for State Highways may, on the application of the corporation, undertake to make a contribution to the corporation of an amount equal to one-third of the cost of the construction of the carriage-way.	
<u>S.79</u>	Urgent works If it considers it urgently necessary to do so, a corporation may, without a scheme, carry out in a street any part of the works referred to in section 67, and the cost of carrying out those works may be included in a scheme subsequently made by the corporation in respect of the remainder of those works carried out in that street, and, with any necessary modifications, this Part applies to the scheme as if the part of the works previously carried out were part of the works to be authorised by the scheme.	
<u>S.81</u>	Record of charges The corporation of a municipality shall keep such record or register that its officers can, within a reasonable time, inform a person who wishes to know the contributions that have been paid or are required to be paid by a frontage under this Part.	
<u>S.95</u>	Establishment of controlled parking (a parking meter or voucher machine)	
<u>S.96</u>	Hours of operation of controlled parking	
<u>S.99</u>	Closure of parking spaces in certain cases	
<u>S.102</u>	Removal of vehicles in certain cases from parking spaces	
<u>S.104</u>	Permits for use of parking spaces without operation of meters or use of parking vouchers	S.104(2) must be in accordance with Annual Schedule of Fees and Charges
<u>S.109</u>	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	
<u>S.110</u>	Powers and duties of corporations in relation to State highways A corporation may exercise the powers conferred by section 30 in respect of a State highway in the municipality and, in relation to the exercise of those powers in respect of that highway, this Act has effect as if it were a local highway maintainable by the corporation.	

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<u>S.112</u>	Liability of corporation to maintain road works carried out by the Crown	
<u>S.114</u>	Right of private persons opening new streets to obtain contributions	Delegation excludes S114(8)
<u>S.115</u>	Retention of petrol-pumps in highways	
<u>S.116</u>	Tramways along or across highways The Governor may authorise the laying down, construction, and maintenance of a tramway or railway along or across a local highway, subject to such terms and conditions as may be recommended by the corporation.	
<u>S.119</u>	Determination of compensation Where a corporation or other person is entitled to be paid compensation under this Act, that compensation shall, unless provision is otherwise made for its determination, be determined by agreement between the parties or, in default of agreement, by action in a court of competent jurisdiction.	
	<i>Monetary Penalties Enforcement Act 2005</i>	
<u>17(2)</u>	Options for dealing with infringement notice issued by fee-paying public sector body	
<u>18(1)</u>	Referral to Director of infringement notice issued by fee-paying public sector body	
<u>23</u>	Withdrawal of infringement notice	
<u>28(3)-(4)</u>	Application to fee-paying public sector body for variation of payment conditions	
<u>39(1)</u>	Hearing of offence by court - commencement of proceedings	
<u>40(3)</u>	Application to court to set aside conviction	

<i>Place Names Act 2020</i>		
<u>S. 11(2)</u>	Naming of roads, streets, &c. As a responsible authority the council has a responsibility to name, alter or revoke a name of a place.	Following endorsement by Council
<u>S. 11(3)</u>	Naming of roads, streets, &c. The responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place, complies with – (a) the relevant provisions of the guidelines; and (b) this Act and any other applicable Act; and	



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	(c) the relevant procedures of the responsible authority.	
<u>S. 11(4)</u>	Naming of roads, streets, &c. As soon as practicable after performing a naming action in respect of a place, the responsible authority for the place is to submit details of the action to the Registrar for recording in the register.	

Public Health Act 1997		
<u>Sec 33 (a) (b)</u>	Production of things A council or an authorised officer may require a person to produce for inspection anything in the person's possession if – (a) the council or the officer reasonably believes that it may disclose evidence of the commission of an offence under this Act; or (b) it is otherwise necessary for the purposes of this Act.	
<u>Sec 34 (a) (b)</u>	Production of licence A council or an authorised officer may – (a) require a person to produce for inspection any licence the person holds or should hold; and (b) examine, remove and take photographs or copies of, or extracts or notes from, any licence.	
<u>Sec 35</u>	Photographs, sketches, measurements and recordings For the purposes of this Act, a council or an authorised officer may: (a) take any photograph, film or video recording; and (b) take any copy of, or extract from, any record; and (c) take any measurements; and (d) make any sketches or drawing; and (e) make any other recording by any other means.	
<u>Sec 36 (1) (2)</u>	Information requirements A council or an authorised officer may require a person to – (a) give his or her full name and residential address; (b) give details of any licence, permit or exemption under this Act; (c) provide any information relating to public health reasonably required for the purposes of this Act.	

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	(d) A council or an authorised officer may require any person to give information about that person's or another person's activities in respect of any matter under this Act.	
Sec 57(1)	Council immunisation programs A council must develop and implement an approved program for immunisation in its municipal area.	
Sec 77 (1) (3)	Grant or refusal of licence (for a place of assembly)	
Sec 78	Issue of licence (for a place of assembly)	
Sec 81(4)	Renewal of licence (for a place of assembly) A council may grant the application subject to any conditions; or refuse to grant the application.	
Sec 81(6)	The Council to notify in writing whether license application is approved or refused	
Sec 82	Variation of licence (for a place of assembly) A council, on its own volition or on application, may vary a place of assembly licence by omitting, adding, substituting or amending any condition of the licence.	
Sec 83	Cancellation of licence (for a place of assembly) A council may cancel a place of assembly licence	
Sec 84 (2)	Overcrowding A council, an authorised officer, a police officer, a person authorised by the Commissioner for Licensing or a person authorised by the State Fire Commissioner may – (a) cause the doors of a place of assembly to be closed; (b) evacuate the place of assembly; or (c) cause any event occurring at that place of assembly to be cancelled in circumstances referred to in paragraph (b) .	
Sec 87	Closure order	
Sec 88	Service of closure order	
Sec 89	Revocation of closure order	
Sec 92 (1) (4) (6)	Rectification notice A council, on the advice of an environmental health officer or building surveyor, is to serve a rectification notice in an approved form. If a person fails to comply with a notice, the council may cause any necessary work to be carried out at that person's expense. A council, upon the certificate of an environmental	

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	health officer or building surveyor that the condition of the premises is no longer, or is not likely to become, offensive, injurious or prejudicial to health, is to revoke a rectification notice.	
<u>Sec 97</u>	Grant or refusal of registration of premises	
<u>Sec 98</u>	Issue of certificate of registration of premises	
<u>Sec 101</u>	Renewal of registration of premises	
<u>Sec 102</u>	Variation of registration of premises	
<u>Sec 103</u>	Cancellation of registration of premises	
<u>Sec 106</u>	Grant or refusal of licence (to carry out any public health risk activity)	
<u>Sec 107</u>	Issue of licence (to carry out any public health risk activity)	
<u>Sec 110</u>	Renewal of licence (to carry out any public health risk activity)	
<u>Sec 111</u>	Variation of licence (to carry out any public health risk activity)	
<u>Sec 112</u>	Cancellation of licence (to carry out any public health risk activity)	
<u>Sec 115</u>	Grant or refusal of registration of regulated system	
<u>Sec 116</u>	Issue of certificate of registration (of a regulated system)	
<u>Sec 119 (1) (3)</u>	Notice to comply with direction	
<u>Sec 121</u>	Renewal of registration (of any regulated system)	
<u>Sec 122</u>	Variation of registration (of any regulated system)	
<u>Sec 123</u>	Cancellation of registration (of any regulated system)	
<u>Sec 128</u>	Notification of quality of water	
<u>Sec 129 (1)</u>	Orders relating to water quality	
<u>Sec 130 (1) (3)</u>	Monitoring and review (of the quality of water within the municipal area)	
<u>Sec 131</u>	Samples An authorised officer or a council may take a sample from any water. Any sample taken under this section is to be analysed and tested in accordance with the requirements of the Director.	
<u>Sec 135</u>	Grant or refusal of registration (as a supplier of water)	
<u>Sec 136</u>	Issue of certificate of registration (as a supplier of water)	



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<u>Sec 136AA</u>	Renewal of Registration (as a supplier of water)	
<u>Sec 136B</u>	Variation of registration (as a supplier of water)	
<u>Sec 136C</u>	Cancellation of registration (as a supplier of water)	
<u>136H</u>	Issue of certificate of registration (as a water carrier)	
<u>136I</u>	Renewal of registration (of water carrier)	
<u>136K</u>	Variation of registration (of water carrier)	
<u>136L</u>	Cancellation of registration (of water carrier)	
<u>Sec 144</u>	Registers kept by Councils A council is to keep – (a) a register of registered regulated systems; and (b) a register of registered users and suppliers of water from private water sources; and (c) a register of registered premises used for public health risk activities.	
<u>Sec 148 (1)</u>	Requirement for information The Director, any council or an authorised officer may require a person to provide information relating to public health which is reasonably needed for the purposes of this Act.	
<u>Sec 152 (1)</u>	Costs incurred in exercising power	
<u>Sec 158 (1)</u>	Proceedings Proceedings for an offence under this Act may only be instituted by – (a) the Minister or a person authorised by the Minister; or (b) an authorised officer; or (c) a nominated officer in relation to proceedings for an offence under Part 4 ; or (d) a police officer; or (e) a council.	
<u>Sec 169 (1)</u>	Infringement notices An authorised officer or a council may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence.	

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<u>Sec 190 (1) (3) (4)</u>	Sale or disposal of forfeited things	
<u>Sec 191 (3)</u>	Return of and access to seized things	
<u>Sec 192 (1)</u>	Sale or disposal of seized things	

Public Interest Disclosure Act 2002		
<u>S 29B</u>	Referral of disclosure to Integrity Commission Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission.	
<u>S 29D(1)</u>	Notice of referral If a public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral.	<u>Unless the disclosure was made anonymously 29(D)(3)</u>
<u>S 33(1)</u>	Determination by public body of disclosure as to public interest disclosure Public body to determine whether disclosure is a public interest disclosure within 45 days.	
<u>S 34(1)</u>	Procedure where public body determines disclosure to be public interest disclosure Notifications where disclosure is determined a public interest disclosure.	
<u>S 35(1)</u>	Procedure where public body determines disclosure not to be public interest disclosure Notifications where disclosure is deemed not to be public interest disclosure.	
<u>S60(1)&(2)&(3)</u>	<u>The Council to establish procedures that comply with any Guidelines & Standards from the Ombudsman pursuant to s38(c).</u>	
<u>S 64</u>	Matters that do not have to be investigated A public body may decide not to investigate a disclosure.	
<u>S 65(1)</u>	Decisions by public body not to investigate Notification of decision not to investigate.	
<u>S 68</u>	Referral to Ombudsman by public body A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body	

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	considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.	
<u>S 70</u>	Provision of information to Ombudsman Public body must give the Ombudsman in writing any information it has in respect to a disclosed matter.	
<u>S 72(1)</u>	Notice of referral Notice to be given where public body refers an investigation to the Ombudsman.	
<u>S73</u>	<u>Investigation must be in accordance with Council's procedures</u>	
<u>S 74</u>	Information about progress of investigation Public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation with 28 days.	
<u>S 76(1)</u>	Report on investigation Public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter.	
<u>S 77(1)</u>	Report to person making disclosure Public body must inform the person who made the disclosure of the findings.	
<u>S 77A(2)</u>	Investigations to be completed within 6 months A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation.	
<u>S 77A(4)</u>	Investigations to be completed within 6 months If investigation is not complete within time specified in 77A(1), public body must refer the disclosure to the Ombudsman.	

Roads and Jetties Act 1935		
<u>S11</u>	Maintenance of State highways, &c. in cities, &c. (1)(b) the remainder of the State highway or subsidiary road, including drainage and shoulders but not culverts and bridges, shall be maintained and reconstructed by the local authority.	
<u>S11(2)</u>	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with s.11(1)	

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<u>S28</u>	Acquisition of land for quarry, &c. Any road authority may purchase or take land required by it for the purposes of a quarry or gravel-pit in the same manner and subject to the like conditions as it may acquire land for constructing, widening, or altering a road.	
<u>S29</u>	Intention to acquire land may be abandoned if compensation excessive Where a road authority has given notice of its intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined, if the road authority deems it inexpedient to pay the amount thereof, it may, within 21 days after receiving notice of the amount of compensation so determined, withdraw the notice of intention to take the land on payment of the costs of the reference and determination.	
<u>S32</u>	Entry by council upon land and staking out of same Whenever a road authority intends to take any land for the purposes of this Act, it shall be lawful for the road authority, after having given 7 days' notice in writing to the occupier thereof, to enter upon such land and to stake out the same in such manner as it thinks necessary or expedient	
<u>S33</u>	Rental of land (for the purpose of obtaining materials therefrom for the construction or maintenance of any road or street)	
<u>S34</u>	Use of uncultivated land for temporary road Any road authority may make use of any uncultivated land for the purpose of constructing a temporary road whilst any road is being reconstructed, widened, diverted, altered, improved, or repaired without making compensation for the same.	
<u>S35</u>	Taking of timber, &c., from land (for making, repairing, or fencing any road, or for any other purposes of this Act)	
<u>S36</u>	Quarries, &c. to be fenced and filled up or otherwise secured The road authority shall cause all quarries and pits which have been opened up or used upon any land by it to be fenced or otherwise secured and kept so fenced or secured so long as the same shall continue open and in use; and upon ceasing to use the same shall, if required by the owner or occupier of such land, cause the same to be filled up, sloped down, or otherwise secured.	
<u>S37</u>	Fences to be restored Where in the exercise of any of the powers conferred upon a road authority by this Part any fence has	

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	been temporarily taken down, the same shall, upon completion of the work necessitating such taking down, be well and sufficiently restored by the road authority.	
<u>S38</u>	Deviations to be fenced Where any road has been diverted, the road authority shall, if required by the owner or occupier of any land through which such road passes, cause such road to be well and sufficiently fenced where it so passes.	
<u>S39</u>	Entry upon adjoining lands for road maintenance or reconstruction Any road authority may enter upon any land adjoining any road of which it has the care, control, or management, for the purpose of maintaining or reconstructing such road.	
<u>S40</u>	Power to make drains on adjoining lands The road authority may make, cleanse, and keep open all drains or watercourses which it may deem necessary in and through any land adjoining or near to any road of which it has the construction or maintenance.	
<u>S41</u>	Timber growing near roads may be cut down: Consent of owner required in certain cases The road authority may cut down and remove any indigenous timber growing or standing within 23 metres of the centre of any road of which it has the care, control, or management, making good all damage or injury to the fences, hedges, ditches, walls, or any other thing upon the land on which such timber may be growing or standing.	
<u>S42</u>	Hedges, &c., obstructing view of traffic to be cut or trimmed Where the road authority is of opinion that it is necessary, for the prevention of danger arising from obstruction to the view of persons using such road, that any fence, construction, hedge, tree, or vegetation erected, constructed, growing, or planted on land adjoining such road, or any road intersecting or junctioning with such road, should be reduced in height or otherwise cut or trimmed, the road authority may give to the owner or occupier of such land 21 days' notice in writing to reduce the height of or cut or trim such fence, construction, hedge, tree, or vegetation to such an extent or in such a manner as the road authority shall think necessary for the purpose aforesaid and shall specify in such notice.	
<u>S44</u>	Culverts to be constructed by owners at entrances to lands adjoining roads The road authority may give to the owner of any land adjoining any road a notice in writing requiring such owner, within a time to be specified in the notice, to construct to the satisfaction of the road authority across the table-drain or gutter of such road, at or opposite to any entrance to such land which is used or	

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	intended to be used for vehicular traffic to or from such land, a culvert of such a nature and of such dimensions as shall be specified in the notice, and as will allow the free passage through such culvert of any water which may reasonably be expected to flow along such table-drain or gutter and into such culvert when so constructed.	
<u>S45</u>	Power of Minister in certain cases to erect gates across roads If and when such road shall thereafter come under the care, control, or management of a council, the council shall continue to maintain such gate, or such gate and cattle-guard, as the case may be.	
<u>S46</u>	Damage caused by overweight vehicles Any person from whom such expenses are or may be recoverable under this section may enter into an agreement with the road authority for the payment to it of compensation in respect of such expenses, and, upon such person paying such compensation, he shall not be liable to any proceedings under this section.	
<u>S47</u>	Road metal, &c., may be placed on side of road The road authority may cause road metal or other materials, or any vehicle or plant used for the purpose of or in connection with the construction or maintenance of any road, to be stacked, deposited, or left upon such road at a distance from the centre thereof of not less than 3 metres in the case of a State highway, and not less than 2.5 metres in the case of a country road.	
<u>S47A</u>	Warning gantries for bridges with overhead members Subject to subsection (2) , a road authority may erect on a part of a road under its control that forms an approach to a bridge with overhead members such warning gantries and crash-beam gantries as the authority considers necessary for the protection of that bridge.	
<u>S48</u>	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road The road authority may, with the consent of the Governor, grant authority to any person to lay down, construct, and maintain a tramway or railway along or across any road under its control subject to such terms and conditions as may be recommended by the council and approved by the Governor.	
<u>S48A</u>	Removal and disposal of abandoned articles Where it appears to the road authority that an article has, without lawful authority, been abandoned on a State highway or subsidiary road, the road authority may remove the article from that highway or road.	
<u>S48B</u>	Power to remove vehicles causing obstruction or danger. A road authority may move, keep or impound any vehicle (and anything in, on or attached to the vehicle).	

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<u>S49</u>	Obstructing roads: Notice to remove obstructions The road authority may give to any person making or erecting any building or fence, or causing or permitting any obstruction or encroachment, or making any drain, sink, or watercourse in contravention of any of the provisions of subsections (1) or (2) in respect of any road under its care, control, or management, 21 days' notice in writing to take down the above.	
<u>S50B</u>	Excavations A person must not make any excavation, vault or cellar beneath a street in a town without the consent of the appropriate council.	
<u>S51</u>	Laying down timber, &c., on roads Unless authorised by the road authority having the care, control, or management of such road so to do.	

Strata Titles Act 1998		
<u>S 31(2A)</u>	Application for, and grant of, certificate of approval The Council must within 30 days of receiving an application issue or refuse to issue a certificate of approval.	
<u>S 31(2B)</u>	Application for, and grant of, certificate of approval The Council may give the applicant notice requiring further information in order to determine the application	
<u>31(3)</u>	Application for, and grant of, certificate of approval The Council may issue a certificate of approval for a strata plan after satisfying itself of certain matters	
<u>31(4)</u>	Application for, and grant of, certificate of approval The Council must return sketches, plans and models if it refuses to issue a certificate of approval.	
<u>31(6)</u>	Application for, and grant of, certificate of approval The Council must refuse to issue a certificate of approval if it considers the proposal is actually a subdivision.	
<u>31AA</u>	Requirement for staged development scheme Where an application for a certificate of approval is made wholly or partly in respect of vacant land, the council may refuse the application on the ground that an application for a staged development scheme under section 38 should be made.	



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<u>36(1)</u>	Application for council approval (in relation to a staged development scheme)	
<u>37(1)(a)</u>	Approval of scheme in principle Before giving in principle approval for a staged development scheme Council can require specified changes to the scheme.	
<u>37(1)(b)</u>	Approval of scheme in principle Before giving in principle approval for a staged development scheme Council can require the demolition or alteration of buildings on the site.	
<u>37(2)(a)</u>	Approval of scheme in principle Council can approve a staged development scheme unconditionally.	
<u>37(2)(b)</u>	Approval of scheme in principle Council can approve the staged development scheme subject to specified conditions	
<u>37(2)(c)</u>	Approval of scheme in principle Council can refuse to approve the staged development scheme.	
<u>37(4)</u>	Approval of scheme in principle If Council approves the proposed staged development scheme it must issue a certificate of approval.	
<u>41(2)</u>	Progressive development The council may refuse to approve a particular stage in a staged development scheme if an earlier stage of the scheme has not been completed as required under the terms of the registered scheme.	
<u>42(2)</u>	Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated.	
<u>42(5)</u>	Application for variation of scheme The Council may dispense with the consent of a present or prospective owners of lots in the staged development scheme in relation to a proposed variation if satisfied of certain matters.	
<u>42(6)</u>	Application for variation of scheme The Council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.	

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45(1) & (2)(c)	Injunction Council (as an "interested person" under the Act) can apply for a mandatory injunction requiring the developer of a staged development scheme to complete the scheme.	
54(1)(a)	Approval of scheme Before giving in principle approval for a community development scheme Council can require specified changes to the scheme.	
54(1)(b)	Approval of scheme Before giving in principle approval for a community development scheme Council can require the demolition or alteration of buildings on the site.	
54(2)(a)	Approval of scheme Council can approve a proposed community development scheme unconditionally.	
54(2)(b)	Approval of scheme Council can approve the proposed community development scheme subject to specified conditions.	
54(2)(c)	Approval of scheme Council can refuse to approve the proposed community development scheme.	
54(4)	Approval of scheme If Council approves the proposed community development scheme it must issue a certificate of approval.	
57(2)	Progressive development The Council may refuse to approve a particular stage of a community development scheme in certain circumstances	
58(2)	Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated.	
58(5)	Application for variation of scheme The Council may dispense with the consent of a present or prospective owners of lots in the community development scheme in relation to a proposed variation if satisfied of certain matters.	

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<u>58(6)</u>	Application for variation of scheme The Council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.	
<u>61(1) & (2)(c)</u>	Injunction Council (as an "interested person" under the Act) can apply for a mandatory injunction requiring the developer of a community development scheme to complete the scheme	
<u>65(a)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the owner must give written notice of the proposed transaction to the council for the area in which the site is situated.	-
<u>65(b)(i)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give to the council a written undertaking to develop the land in accordance with the registered scheme.	-
<u>65(b)(ii)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give the council any security required by the council, within 28 days after notice of the transaction was given to the council, for the development of the land in accordance with the scheme.	-
<u>142(2)(b)</u>	Recording of certain orders	

Survey Co-ordination Act 1944

<u>S 4(2)</u>	Public authorities to compile and forward to Surveyor-General lists of existing plans (2) Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act.	
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Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 5</u>	Public authorities to give notice of intention to commence new surveys	
<u>S7</u>	<u>Council to provide list to Surveyor-General twice a year as to particulars of plans lodged and surveys carried out</u>	

Traffic Act 1925

<u>Sections 3 & 9</u>	<u>Declaration of road for use by personal mobility devices</u> The “issuing authority” in relation to a notice of demand or traffic infringement notice under the Act includes an “authorised officer” who is an officer of a local authority and has been authorised in writing by the Commission.	
<u>S 41CA</u>	<u>Declaration of road for use by personal mobility devices</u> The road authority for a speed-limited road may, by notice published in the Gazette, declare that road to be a road on which a PMD user may travel, subject to such terms and conditions as are specified in the notice. If a road authority makes a declaration under subsection (2), that road authority is to publish a copy of that declaration on a website of the road authority and is to ensure that a copy of the declaration remains on the website while the declaration remains in force.	
<u>S 43(2)</u>	Removal of things obstructing public streets An authorised person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons.	
<u>S 43(3)(4)(5)</u>	Removal of things obstructing public streets A relevant authority must notify articles owner of removal and/or dispose of articles not removed.	

Urban Drainage Act 2013

<u>S 5(1)(6)</u>	Council to provide adequate public storm water system Council to provide public stormwater system. If found not too, they must comply with the orders in notice of default.	
<u>S 5(4) (6)</u>	Council to provide adequate public storm water system <u>If Minister makes an order, the</u> A council may appeal to the Appeal Tribunal against an order under subsection 5(3) within the period specified in the order.	
<u>S 7</u>	Service of notice relating to negotiations for provisions of stormwater services	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 11(8)</u>	Power of council to adopt stormwater systems Where a council imposes a requirement under s 11(4) they must pay extra costs incurred by person constructing the drain.	
<u>S 12</u>	Council to maintain maps	
<u>S 13(4)</u>	Protection of stormwater assets If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system.	
<u>S 13(5)(b)</u>	Protection of stormwater assets If the council carry's works under s 13(4) expenses are recoverable in a court of a competent jurisdiction.	
<u>S 14(4)</u>	Interference with public stormwater systems If a person fails to comply with the notice issued under 14(2) within the specified period, the council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure.	
<u>S 14(5)(b)</u>	Interference with public stormwater systems If the council carry's works under s 14(4) expenses are recoverable in a court of a competent jurisdiction.	
<u>S 15(13)</u>	Power of authorised officers to carry out work on or adject to public land A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.	
<u>S 16(9)</u>	Power of authorised officers to enter private land The council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.	
<u>S 17</u>	Power to undertake construction of public stormwater systems The council may construct any public stormwater systems it thinks fit for the purpose of meeting its obligations under this Act.	
<u>S 21(3)</u>	Requirement to connect Where notice has been served, council may recover costs if it is not complied with.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 22(3)</u>	Requirement to disconnect Where notice has been served, council may recover costs if it is not complied with.	
<u>S 23(2)(b)</u>	Property owners not to direct stormwater onto neighbouring properties If a property owner does not comply with a notice under s 23(2)(a) the council can carry out such works that are necessary to rectify the nuisance.	
<u>S 23(3)</u>	Property owners not to direct stormwater onto neighbouring properties Any costs incurred under 23(2)(b) are recoverable in a court of competent jurisdiction.	

Weed Management Act 1999

Act has been repealed

<u>34(3)</u>	Appointment of inspectors	-
<u>66(a)</u>	Payments to council or Consolidated Fund Any payments made in respect of an infringement notice – (a) are payable to a council, if the notice was served by an inspector appointed under section 34(3); or (b) are payable into the Consolidated Fund if the notice was served by an inspector appointed under section 34(1).	-

UPDATED POLICY FOR APPROVAL



Delegated Authority Policy

Policy No:	1.1
Approved by Council:	February 2024
New Review Date:	February 2025
Minute No:	TBA
ECM File No:	12.71
Version:	5
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability



Delegated Authority Policy 1.1

1. POLICY STATEMENTS

- 1.1 Council is committed to the provision of delegations to the General Manager (and sub-delegations to officers) to enhance the operational efficiency of the organisation.

2. DEFINITIONS

- 2.1 'Act' means the Local Government Act 1993 (Tas) as may be amended, varied or replaced from time to time.
- 2.2 'Council' means the Kingborough Council established pursuant to S.18 of the Act.
- 2.3 'General Manager' means the person appointed to the position of general manager of the Council pursuant to S.61 of the Act.
- 2.4 'Instrument of Delegation' means a document signed by the Mayor under common seal detailing the approved list of delegations provided to the General Manager or any officer acting in that position.
- 2.5 'Officer' means a person who is employed by Council.

3. OBJECTIVE

- 3.1 The objective of this policy is to provide information in relation to the authorised delegations provided to the General Manager.

4. SCOPE

- 4.1 The delegations are limited by the authority provided in Section 22 of the *Local Government Act, 1993*.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Pursuant to Section 22(1) of the *Local Government Act 1993*, Council delegates the following powers and functions (see attached table) to the General Manager (or any officer acting in that capacity), and unless prohibited by Section 22(2) of the *Local Government Act, 1993* or otherwise prohibited, authorises that those powers and functions may be sub-delegated by the General Manager pursuant to Section 64 of the Act.
- 5.2 This policy will be reviewed annually, following the release of the legislative audit undertaken by the Local Government Association of Tasmania each year.
- 5.3 The approved delegations contained within the attached table will form the basis of the Instrument of Delegation provided to the General Manager.

6. GUIDELINES

- 6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.

7. COMMUNICATION

- 7.1 In accordance with the provisions of the *Local Government Act 1993*, a register of all delegations provided to the General Manager and staff is to be made available on Council's website.

8. LEGISLATION

- 8.1 *Local Government Act 1993*



Delegated Authority Policy 1.1

9. RELATED DOCUMENTS

9.1 Council policies

9.2 Council By-Laws

10. AUDIENCE

10.1 All Councillors and staff

Public Copy



Delegated Authority Policy 1.1

Kingborough Council Delegations to the General Manager

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
Archives Act 1993		
S 10(1)	Preservation of State records Council is to keep proper records of the business of the local authority for which that relevant authority is responsible.	
S 11	Transfer of State records to Archives office Council is to transfer state records to archives office.	
S 15(3)	Conditions may be imposed on the making of State archives available for public inspection.	
<i>Archives Regulations 2014</i>	Records of State & Local Authorities – Reg 8 –if the Council is abolished or amalgamated – to give the State Archivist notice	
<i>Biosecurity Act 2019</i>	S31(1) The secretary of the Department of Primary Industries, Parks, Water & Environment can appoint persons to be an “authorised officer” under the Act, including the appointment of an employee from the Council.	
<i>Biosecurity Regulations 2022</i>	Regulation 25 - Any payments made in respect of an infringement notice are payable to the Council if the notice was served by an authorised officer from the Council. A Council can charge a person a fee for any information requested by that person to the Council under the Act and also for the carrying out by the Council of any inspection, analysis or other function under the Act by an authorised officer who is an employee of the Council.	
Building Act 2016		
s.27(2)(3) & (4)	Records of permit authority A council must maintain records set out in Schedule 1 for at least 10 years after the record is made or until the record is no longer relevant in respect of those premises.	
s.41(1)	Councils Take steps to (a) ensure that the owners of property are informed of their duties under this Act – (i) in relation to any building work, plumbing work or demolition work; and	

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Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(ii) in maintaining and using a building; and (b) make itself aware of – (i) building work, plumbing work or demolition work being performed in the municipal area; and (ii) the use and occupation of buildings in its municipal area; and (c) if applicable, ensure proceedings are instituted against any person or body failing to comply with this Act; and (d) enforce an order issued by a building surveyor, if appropriate to do so.	
<u>s.251</u>	– The Act provides the GM with the authority to make an application to the Court for a contravention of the Act, so no delegation power is required	
<u>s.265(2)(3) & (4)</u>	Failure to comply with emergency, building or plumbing order Perform works where there has been failure to comply with an emergency, building or plumbing order	
<u>s.266(1)</u>	Possession of building Proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to s.265.	
<u>s.267(1) & (2)</u>	Demolition order Council may serve an order to demolish building work	
<u>s.267(3)</u>	Demolition order Council may enter onto land and demolish any building work in respect of an order to demolish building work.	
<u>s.269(1)</u>	Recovery of performance costs If a person fails to perform the work required by an order, council may enter land or a building and perform the required work.	
<u>s.269(2)</u>	Recovery of performance costs Make an application to recover the cost of performing any work, and to impose a charge on land.	
S270	The Council can seek to recover their reasonable costs and expenses incurred as a result of the issuing of a non-compliance Notice	
<u>s.271(1)</u>	Purchasing buildings and materials Councils may sell a building for removal or after demolishing a building, sell the materials on the premises for removal.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>s.271(2)</u>	Purchasing buildings and materials Grant the purchaser of a building sold pursuant to s.271(1) all of the powers Council has under s.265.	
<u>s.271(6)</u>	Purchasing buildings and materials Authority to pay, on behalf of the Council, the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it.	
S275(3)	A person who performs work in accordance with a plumbing order must comply with the <i>Building Act 2016</i> unless the Council otherwise directs	

Building Regulations 2016

<u>r.43(3)</u>	Plumbing work involving network utility operator's stormwater drainage systems If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary.	
<u>r.43(5)(a)</u>	Plumbing work involving network utility operator's stormwater drainage systems Recover costs as a charge under the <i>Local Government Act 1993</i> .	
<u>r.53</u>	Riverine inundation Assessment of land as having a reasonable probability of flooding.	
<u>r.78(3)</u>	Permit authorities may perform maintenance work Recover costs as a charge under the <i>Local Government Act 1993</i> .	

Burial and Cremation Act 2019

<u>34(2)</u>	Duties and powers of cemetery managers Ensure that as far as reasonably practicable the cemetery is maintained to prevent it from falling into disrepair, or from being defaced or damaged. Rectify any disrepair or defacement as soon as possible	
<u>34(4)</u>	Duties and powers of cemetery managers Keep all prescribed records (as per 2002 Act - see Sch 1 part 2)	
<u>34(5)</u>	Duties and powers of cemetery managers	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	Permit any person access free of charge at any reasonable time	
<u>34(7)</u>	Duties and powers of cemetery managers A cemetery manager may (a) improve, embellish and enlarge a cemetery under the management of that manager; and (b) restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial; and (c) take any other action as may be required for the reasonable management and maintenance of the cemetery	
<u>39(1)</u>	Monuments, &c. The cemetery manager may permit any vault or grave to be made or dug, and any monument to be erected or placed, in any portion of the cemetery on payment of the fee which has been fixed for doing so	
<u>39(2)</u>	Monuments, &c. The cemetery manager may determine the position of any monument to be erected or placed according to its description, size and character and having regard to the general plan for ornamenting the cemetery in an appropriate manner	
<u>39(3)</u>	Monuments, &c. The cemetery manager may enter into an agreement for the maintenance of a vault, grave or monument.	
<u>40(1)</u>	Requirement to remove monuments The cemetery manager may provide notice to require a person to take down or remove a monument or to render it safe, if a monument has been erected or placed contrary to the terms and conditions on which the permission to erect or place it was granted or, in the opinion of the cemetery manager, it is unsafe.	
<u>41(2)</u>	Exclusive right of burial Grant an exclusive right of burial. Note: The cemetery manager must issue a certificate of exclusive right under the <i>Burial and Cremation Regulations 2015</i> R37.	
<u>52(1)(b)</u>	Sale of Cemetery - Notice to Exclusive right holders Cemetery manager must notify in writing each person who holds exclusive right of burial or other exclusive write of intention to sell cemetery.	
<u>52(1)(c)</u>	Sale of Cemetery - Certificate of Compliance	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	Cemetery manager must apply for certificate of compliance in respect of proposed sale.	
<u>53</u>	Sale of Cemetery – Audit Cemetery manager must ensure audit undertaken within 6 months of issue of notice of intention to sell.	
<u>57</u>	Notification of decision to not sell cemetery If cemetery manager, having given notice, decides not to sell cemetery they must notify regulator.	
<u>58(1)</u>	Cemetery disclosure document Cemetery manager must provide disclosure document to proposed purchaser.	
<u>61</u>	Notification to purchase of cemetery If Council purchases a cemetery it must give notice to the regulator of the transfer with 30 days of it occurring.	
<u>64</u>	Intention to close (no internments for 50 yrs+) - notice/appln The cemetery manager must give notice of intention to close and apply to regulator for approval.	
<u>65(1)(a)</u>	Intention to close cemetery (no internments for 50 yrs+) If the regulator approves the closure the cemetery manager must notify the holder of exclusive rights.	
<u>65(1)(b)</u>	Close cemetery (no internments for 50 yrs+) On receipt of notification from the regulator of approval to close the cemetery manager may close the cemetery.	
<u>66</u>	Effect of closure of cemetery Cemetery manager must forward all records to the State archivist and may take steps in relation to altering or moving tombstones in accordance with this section.	
<u>67</u>	Exclusive rights of burial in closed cemetery Cemetery manager must enter into an agreement with a person who holds an exclusive right of burial in a closed cemetery, and take action as agreed and prescribed in this section.	
<u>68</u>	Actions by cemetery manager in closed cemeteries The cemetery manager may apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps.	
<u>70</u>	Removal of grave etc or human remains in closed cemeteries	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	A cemetery manager must not remove a grave etc or human remains from a closed cemetery without giving public notice and preparing the statement prescribed in this section.	
<u>71</u>	Application to reduce time to take action in closed cemetery A cemetery manager may apply to take action under ss 66 or 68 even though 100 years has not passed.	
<u>72</u>	When land ceases to be cemetery Council can sell land that has ceased to be a cemetery but must comply with this section in relation to persons who hold an exclusive right of burial.	In accordance with Council's Sale of Land Policy.
<u>72(6)</u>	When land ceases to be cemetery A cemetery manager must notify regulator after dealing with land under this section	
<u>73</u>	Declaration land is not a cemetery If Council intends to sell land subject to a declaration under this section it must notify the prospective purchaser of matters specified in this section	

<i>Burial and Cremations Regulations 2015</i>		
<u>27</u>	Issue of certificate of exclusive right of burial The cemetery manager must issue a certificate of exclusive right of burial.	
<u>28</u>	Amendment of certificate of exclusive right of burial The cemetery manager may amend a certificate of exclusive right of burial.	
<u>29</u>	Cancellation or transfer of certificate of exclusive right of burial The cemetery manager may cancel or transfer a certificate of exclusive right of burial.	
<u>30(3)</u>	Permission to inter human remains A cemetery manager may grant or refuse permission to inter human remains in a cemetery. The permission may be subject to conditions. Notice of the grant or refusal of permission is to be given.	
<u>39</u>	Plan of cemetery A cemetery manager must keep a plan of the cemetery showing the graves and plots set aside in respect of an exclusive right of burial.	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>40</u>	Register of Instruments A cemetery manager must keep a register of instruments as set out in this section.	
<u>42</u>	Driving in cemeteries A cemetery manager can give reasonable directions to a driver which it is an offence not to obey.	
<u>44</u>	Power of cemetery manager in relation to graves and plots A cemetery manager may take certain action in cemeteries in relation to the appearance of the cemetery and public health and safety.	
<u>45</u>	Power of cemetery manager to approve permanent items A cemetery manager may approve certain items or classes of items that may be permanently affixed to or next to a grave or plot.	
<u>46(1)</u>	Power of cemetery manager to remove persons A cemetery manager may require a person to leave and not re-enter a cemetery as set out in this section.	
<u>46(3)</u>	Power of cemetery manager to remove persons A cemetery manager may use reasonable force to remove from a cemetery or prevent the entry of a person into a cemetery in contravention of a requirement under section 46(1).	
<u>47</u>	Duty of cemetery manager on removal of monument A cemetery manager must take photos as prescribed if removing a monument and provide the photos to the Heritage Council.	

Cat Management Act 2009		
<u>19</u>	A council may declare an area of land within the authority of the council to be an area where cats are prohibited.	
<u>20</u>	Declaration of cat management area.	
<u>21(1) & (4)</u>	If a declaration is made under s19 or 20 of the Act, the council is to publish a Notice and to consider any submissions made.	
<u>21A(3)</u>	The council can amend or revoke a declaration made under s19 or 20.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>34</u>	The council can recover reasonable costs of detaining a cat under the Act.	
<u>43</u>	The council can make By-Laws under the <i>Local Government Act 1993 (TAS)</i>	

Child and Youth Safe Organisations Act 2023

	Obligation on the Council from 1 January 2024 to comply with the Acts reportable conduct scheme - s7 & Schedule 3	
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Dog Control Act 2000

<u>7</u>	Dog Management Policy (1) A council is to develop, make and implement a policy relating to dog management in its municipal area. (2) A council is to invite public submissions relating to a proposed dog management policy or an amendment of the policy; and consult with any appropriate body or organisation; and consider any submissions and results of any consultation before making the policy or the amendment. (3) A council is to review its dog management policy at least once every 5 years.	Council to endorse draft policy prior to public release and approve final policy
<u>20</u>	Exercise areas A council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration.	Following endorsement by Council
<u>21</u>	Training areas A council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration.	Following endorsement by Council
<u>22</u>	Prohibited areas A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.	Following endorsement by Council
<u>23</u>	Restricted areas A council may declare an area to be an area where dogs are restricted from entering (a) during specified hours, days or seasons; or (b) during specified hours, days or seasons unless they are on a lead; or (c) at all times.	Following endorsement by Council



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>24</u>	Public notice of intention to declare areas	
<u>25</u>	Date and period of declaration	
<u>26</u>	Review of declaration	
<u>27</u>	Signs A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.	

<i>Environmental Management and Pollution Control Act 1994</i>		
<u>Sec 20A</u>	Duty of council to prevent or control pollution In relation to activities other than prescribed activities, a council must use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution.	
<u>Sec 20B</u>	Council may ask Board to exercise powers A council may ask the Board, in respect of an activity that is not a level 2 activity or a level 3 activity, to exercise any of the Board's powers relating to the following: an environmental audit, an environmental improvement programme, an environmental agreement and lodgement of financial assurance.	
<u>Sec 21</u>	Council officers A council may appoint an employee of the council to be a council officer.	
<u>Sec 22 (1A)</u>	Registers of environmental management and enforcement instruments A council must keep a register containing particulars of any environment protection noise issues and any amendment or revocation of any notice.	
<u>Sec 23 (1) (2)</u>	Trade secrets If it appears to the Board or a council that – (a) any information that could be kept as a trade secret would be available to the public; and (b) the release of that information would be likely to cause financial loss to any person – the Board or council must consult with that person before including the information on any register kept under this Act.	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 24 (1)</u>	Assessment of permissible level 1 activities Council must refer application to the Board if directed to do so.	
<u>S 25(1)(b)</u>	Assessment of permissible level 2 activities Planning Authority to refer the application to the board as soon as practicable, but any case within 21 days, after the date of lodgement of the application.	
<u>Sec 25A (1D)(a)</u>	Assessment of applications for permits that are combined with applications for planning scheme amendments	
<u>Sec 27AC (5)</u>	Directions in relation to permits in respect of EL activities Notify the Board of the grant of the permit and provide to the Board a copy of the permit.	
<u>Sec 27AD</u>	Minor variations of planning permit in relation to EL activities Application to the Board for approval to amend a planning permit.	
<u>Sec 43</u>	Power to require information Notify the Director, EPA of the issue of an emergency order and provide a copy of the order.	
<u>Sec 44 (4)</u>	Environment protection notices Where an EPN is issued by a council officer, the council must, as soon as practicable and in any event within 7 days, advise the Director in writing of that fact and of any amendment or revocation of the notice.	
<u>Sec 47(1)</u>	Action on non-compliance with environment protection notice The Director or, in the case of an environment protection notice served by a council officer, the council may take any action required by an environment protection notice if the requirements of the notice are not complied with.	
<u>Sec 47 (3) (4)</u>	Action on non-compliance with environment protection notice The reasonable costs and expenses incurred by the Director or a council in taking action under this section may be recovered by the Director or the council as a debt from the person who failed to comply with the requirements of the environment protection notice. Where an amount is recoverable from a person under this section, the Director or the council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 48 (1)</u>	Civil enforcement proceedings Where – (a) a person has engaged, is engaging or is proposing to engage in conduct in contravention of this Act; or (b) a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this Act; or (c) a person has caused environmental harm by contravention of this Act, any other Act or the repealed Act – the Director, a council or a person who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.	
<u>Sec 61</u>	Reports in respect of alleged contraventions Where a person reports to the Director or a council an alleged contravention of this Act, the Director or the council must, at the request of the person, advise the person as soon as practicable of the action (if any) taken or proposed to be taken by the Director or the council in respect of the allegation.	
<u>Sec 64</u>	Recovery of technical costs associated with prosecutions Where a person is convicted of an offence against this Act, the court may, on application by the Director or a council, order the convicted person to pay to the Director or the council the reasonable costs and expenses incurred by the Director or the council in the taking of any samples or the conduct of tests, examinations or analyses in the course of the investigation and prosecution of the offence.	
<u>Sec 94(3)</u>	Provisions relating to seizure Where a thing has been seized or made subject to a seizure order under this Division, the thing must, if it has been seized, be held pending proceedings for an offence against this Act related to the thing seized unless the Director, Commissioner or the council, as the case may require, on application, authorises its release to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure.	
<u>Sec 103</u>	Fees imposed by councils In accordance with the provisions of the Local Government Act 1993, a council may impose fees in relation to any function or service carried out by the council under this Act.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<i>Food Act 2003</i>		
<u>Sec 33</u>	Making of order An order may be made by a relevant authority to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	
<u>Sec 34 (2)</u>	Nature of order An order may be varied or revoked by the relevant authority who made the order.	
<u>Sec 37(2) & (3) & (4)</u>	The Council to consider and if accepted, to pay compensation if established that there were insufficient grounds for making an order	
<u>Sec 50 (2)</u>	Forfeiture of item Items forfeited under this section may be destroyed, sold or otherwise disposed of.	
<u>Sec 52 (1)</u>	Return of forfeited item	
<u>Sec 53 (4) (2) (3)</u>	Compensation to be paid in certain circumstances The enforcement agency is to pay such compensation as is just and reasonable in relation to any item seized under this Part by an authorised officer appointed by it.	
<u>Sec 55</u>	Enforcement agency entitled to answer application The enforcement agency is entitled to appear as respondent at the hearing of an application made under Section 54.	
<u>Sec 68 (2) (3)</u>	Compensation If there were no grounds for the issuing of an order, the enforcement agency that issued the order is to pay such compensation as is just and reasonable.	
<u>Sec 83H</u>	Priority classification system and frequency of auditing	
<u>Sec 87 (1) (5) (6) (7)</u>	Registration of food business The Council may register a food business which is located within its municipal area. If the council grants an application for registration, it must issue the applicant with a certificate of registration that sets out the conditions, if any, to which the registration is subject. If the council refuses an application for registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 89 (3) (5)</u>	Renewal of registration The council may, after considering an application for renewal of registration grant the application, with or without conditions; or refuse the application. If the council refuses an application for renewal of registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.	
<u>Sec 91</u>	Variation of conditions, or suspension or cancellation, of registration of food businesses The council of the municipal area in which the food business is registered may vary the conditions of, or suspend or cancel, the registration of a food business under this Part.	
<u>Sec 94</u>	Register of food businesses to be maintained The Council is required to prepare and maintain a list which contains notified food businesses, registered food businesses, and food businesses whose registration is renewed.	
<u>Sec 97</u>	Functions of councils A council is to – (a) take adequate measures to ensure that the provisions of this Act are complied with; and (b) carry out any other function the Minister or Director of Public Health determines.	
<u>Sec 98 (4)</u>	Power of Director of Public Health to order council to perform functions A council may request the Director of Public Health to exercise any of its powers or perform any of its functions at the council's expense.	
<u>Sec 100 (1) & (2)</u>	Reports by councils The council is to report to the Director of Public Health on the performance of functions under this Act. In addition, the council is to forward to the Director of Public Health details of any proceedings for an offence under this Act taken by an officer, employee or agent of the council.	
<u>Sec 102(2)</u>	Council to provide authorised office with a certificate of authority	
<u>Sec 104(1)</u>	Institution of proceedings Proceedings for an offence under this Act may only be instituted by the Minister, an authorised officer, council, or Director of Public Health. They may only be instituted within 3 years after the date on which the offence is alleged to have been committed or within 120 days after the date on which a sample is obtained.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 118 (1)</u>	Infringement notices An authorised officer or council may serve an infringement notice on a person, other than a person under the age of 16 years, if of the opinion that the person has committed a prescribed offence.	

Historic Cultural Heritage Act		
<u>S 36(2)</u>	Permit application to be sent to and considered by Heritage Council The relevant planning authority must give a copy of the permit application to the heritage council as soon as practicable after the application day.	
<u>S 37</u>	Procedure if Heritage Council requires additional information to consider permit application Planning authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council.	
<u>S 38</u>	Procedure if Heritage Council has no interest in permit application Planning authority determination of permits applications. Notifying the Heritage Council and applicants of determinations and representations.	
<u>S 39</u>	Procedure if the heritage council wishes to be involved in determining discretionary permit application Determining discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
<u>S 39A</u>	Procedure if Heritage Council wishes to be involved in determining combined permit application Determining combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
<u>S 39B</u>	Provision of further information to Heritage Council Provide any further information received from permit applicant to Heritage Council.	
<u>S 50</u>	Notification of Recorder of Titles Planning authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement.	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 89</u>	Assistance to Heritage Council A planning authority is to give all reasonable assistance to the Heritage Council to enable it to perform its functions and exercise its powers.	

Heavy Vehicle National Law (Tasmania) Act 2013		
<u>118(1)(b)</u>	Regulator may grant a mass or dimension exemption notice for a category of heavy vehicles	Each relevant road manager must have given their consent. For a Council owned road, the road manager is the Council.
<u>124(1)(b)</u>	Granting consent for exemption (permit) on mass or dimension restriction.	as above
<u>145(1)(b)</u>	Granting consent for a class 2 heavy vehicle authorisation permit	as above
<u>156(2)</u>	Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority.	
<u>156A</u>	Decide whether to grant consent, after considering the specific matters in s.156A & provide written reasons to the Regulator for the decision in relation to consent.	
<u>158</u>	Deal with a request for consent and decide to give or not give consent for a mass or dimension authority.	
<u>159(2)</u>	Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable.	
<u>160(1)</u>	Specifying road condition(s) to which the granting of consent is subject.	
<u>160(2)</u>	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	
<u>161(1)</u>	Specifying travel condition(s) to which the granting of consent is subject.	
<u>161(2)</u>	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	
<u>162(2)</u>	Requesting specified vehicle condition(s) be imposed on the mass or dimension authority.	
<u>167(2)(b)</u>	Giving notice to the Regulator of objection to the application of this section.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>169</u>	Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months.	
<u>170 (3)</u>	Provide the Regulator with a written objection to a renewal of a mass or dimension authority.	
<u>174(2)</u>	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	
<u>176 (4)(c)</u>	Provide consent to an amendment of a permit for a mass or dimension authority.	
<u>178(2)</u>	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	
<u>645</u>	Decide a review of a reviewable decision under the Act.	

Land Use Planning and Approvals Act 1993		
<u>s6</u>	Delegation – A planning authority may by resolution, delegate any of its functions or powers under the Act other than this power of delegation.	
PART 2A	TASMANIAN PLANNING POLICIES	
<u>S.12C</u>	Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the planning authority.	
PART 3	PLANNING SCHEMES	
<u>Part 3 Generally</u>	As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment: i) authority to give such advice, consultation, referral or notification as required under this Part; ii) authority to initiate public notification of a draft scheme or draft amendment; iii) authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period; iv) authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction;	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.	
PART 3A	LOCAL PLANNING SCHEDULE (LPS)	
<u>Part 3A Generally</u>	In accordance with a decision of the planning authority (or a requirement of the Minister) to – a) prepare a draft LPS under s35; b) indicate its views and opinions in relation to each representation received on a draft LPS; c) indicate its satisfaction that a draft LPS meets the criteria in s34; d) make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and e) conduct and respond on a review of the LPS	
<i>Continued</i>	The following functions and powers of the planning authority are delegated – a) prepare the required documentation for a draft LPS; b) submit the draft LPS to the Tasmanian Planning Commission (TPC) under s35(1); c) make any modifications to the draft LPS which may be instructed by the TPC under s35(5)(b); d) give notice under s35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under s35B; e) undertake exhibition of the draft LPS in accordance with s35D. f) provide a report to the TPC pursuant to s35F; g) prepare and submit any modifications required by the TPC to a draft LPS in accordance with s35K; h) give notice in accordance with s35M(2) of the approval of the LPS; i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O, including provide notice of the review and receive comments from the public pursuant to s35P	
<u>Division 7</u>	Special local provisions schedules	Delegation & authority to delegate
PART 3B	AMENDMENT OF THE LPS	
<u>General</u>	In accordance with a decision of the planning authority in relation to – a) preparation of a draft amendment to the LPS under s38 or 40D; b) preparation of a draft amendment under s38 and a draft permit under s40Y; c) its views and opinions in relation to each representation received on a draft LPS and on any draft permit; d) its satisfaction that the draft LPS meets the criteria in s34; and	Delegation & authority to delegate

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	<p>e) recommendations in relation to how the draft LPS should be determined in accordance with s35F. The following functions and powers of the planning authority are delegated –</p> <p>a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS;</p> <p>b) give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS;</p> <p>c) request additional information under s40 and s40U;</p> <p>d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V;</p> <p>e) prepare the draft LPS amendment documents;</p> <p>f) certify a draft amendment to the LPS in accordance with s40F;</p> <p>g) give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z;</p> <p>h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y;</p> <p>i) provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T;</p> <p>j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's –</p> <p>i. views and opinions on each representation received during the exhibition period;</p> <p>ii. compliance to s34; and</p> <p>iii. its recommendations on how the draft LPS or the permit application under 40T should be determined;</p> <p>k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P;</p> <p>l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P;</p> <p>m) give notice of an approved amendment to the LPS in accordance with s40S;</p> <p>n) grant an extension of time under s42C for a permit granted under s42B;</p> <p>o) correct a mistake under s42D in a permit granted under s42B; and</p> <p>p) make minor amendments in accordance with s43 to a permit granted under s42B</p>	
PART 4	ENFORCEMENT OF PLANNING CONTROL	
<u>Part 4 Generally</u>	Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including –	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	a) to give such advice, consultation, referral or notification as required under this Part; b) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit; c) to initiate legal proceedings for any use of land, development or act if:- <ul style="list-style-type: none"> – contrary to a State Policy, planning scheme or special planning scheme; – an obstruction of a planning scheme or special planning scheme; or – a breach of a condition or restriction of a planning permit. 	
<u>S.30C(4)</u>	Terms of reference in relation to draft amendment of the SPS A planning authority or another person may request the Minister to consider preparing terms of reference in relation to a draft amendment of the SPPs.	
<u>S.35</u>	Draft LPS to be provided to Commission A planning authority may prepare and submit to the Commission a draft LPS that applies to the municipal area of the planning authority.	
<u>S.35C</u>	Notice of exhibition of draft LPS	
<u>S.35F</u>	Report by planning authority to Commission about exhibition	
<u>S.35G</u>	Planning authority may notify Minister as to whether amendment of SPPs is required	
<u>S.35I</u>	Withdrawal of draft LPS	
<u>S.35M</u>	Notice of approval of Local Provisions Schedules	
<u>S.35P</u>	Conduct of review (of an LPS or a part of an LPS)	
<u>S40G</u>	Notice of exhibition A planning authority, as soon as practicable after providing to the Commission under section 40F(4) a copy of a draft amendment of an LPS or receiving under section 35KB(4)(b)(i) a notice in relation to a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section, unless the planning authority receives a notice under section 40I(1) in relation to the draft amendment.	
<u>S.40U</u>	Additional information A planning authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the planning authority additional information before it considers the application.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.40W</u>	Determination of amendment where concurrent permit application sought	
<u>S.43(2)</u>	Minor amendment of permit The planning authority may amend or refuse to amend the permit.	
<u>S.43(6)</u>	Minor amendment of permit If the planning authority amends a permit, it must, by notice in writing served on the following persons, notify them of the amendment: (a) the applicant for the amendment; (b) the owner of the land; (c) any person or body who or that made a representation; (d) the owner or occupier of any property which adjoins the land to which the permit relates.	
<u>S.43(7)</u>	Minor amendment of permit If the planning authority amends a permit that contains a condition or restriction that the Board of the Environment Protection Authority has required under section 25(5) of the Environmental Management and Pollution Control Act 1994, the planning authority must, by notice in writing served on the Board, notify it of the amendment.	
<u>S.43(9)</u>	Minor amendment of permit If the planning authority amends a permit in respect of which the Commission has modified, deleted or added conditions or restrictions, the planning authority must, by notice in writing served on the Commission, notify it of the amendments made to the permit.	
<u>S.43(10)</u>	Minor amendment of permit If the planning authority amends a permit containing a condition or restriction which the Heritage Council has specified, the planning authority must, by notice in writing served on the Heritage Council, notify the Council of the amendment.	
S.48AA	Enforcement of major project permits A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject.	
<u>S.48A</u>	Notice to remove signs	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.51</u>	Permits A person must not commence any use or development which requires a permit unless the planning authority which administers the scheme, the Commission, or the Tribunal, has granted a permit in respect of that use or development and the permit is in effect or a major project permit has been granted in respect of that use or the development and the permit is in effect.	
<u>S.52(1B)</u>	What if applicant is not the owner? If land in respect of which an application for a permit is required is Crown land, is owned by a council or is administered or owned by the Crown or a council and a planning scheme does not provide otherwise, the application must – (a) be signed by the Minister of the Crown responsible for the administration of the land or by the general manager of the council; and (b) be accompanied by the written permission of that Minister or general manager to the making of the application.	
<u>S.53(5A)</u>	When does a permit take effect? Where a planning authority grants a permit, the permit takes effect on the day on which it is granted by the authority or, where there is a right of appeal against the granting of the permit, at the expiration of 14 days from the day on which the notice of the granting of the permit was served on the person who has the right of appeal.	
<u>S.54</u>	Additional information A planning authority that receives an application for a permit (other than a permit referred to in section 40T) may require the applicant to provide it with additional information before it considers the application.	
<u>S.55</u>	Correction of mistakes A planning authority may correct a permit granted by it if the permit contains – (a) a clerical mistake or an error arising from any accidental slip or omission; or (b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the approval.	
<u>S.56</u>	Minor amendments of permits issued by a planning authority s 56(1A): planning authority that receives a request under ss(1) for amendment to permits, (a) within 28 days after the request was received, amend, or refuse to amend the permit and	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(b) must within 7 days (i) after amending the permit or (ii) after refusing to amend the permit, give notice of the refusal to the person who made the request.	
<u>S.57(2)</u>	Applications for discretionary permits The planning authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit.	Only in instances where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
<u>S.57(3)</u>	Applications for discretionary permits Unless the planning authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.	
<u>S.57(5)</u>	Applications for discretionary permits Any person may make representations relating to the application during the period of 14 days commencing on the date on which notice of the application is given or such further period not exceeding 14 days as the planning authority may allow.	
<u>S.57(6)</u>	Applications for discretionary permits Grant a discretionary permit with or without conditions	Subject to: a) More than two opposing representations having been received; or b) When there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time; or c) Where Council has been unable to determine an application for a permit as a result of there being

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
		an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated.
<u>S.57(6A)</u>	Applications for discretionary permits A further period agreed to by a planning authority and an applicant may be extended or further extended by agreement, in writing, between the planning authority and applicant at any time before the expiration of the period to be extended and, when so extended, is taken to be the further period referred to in that subsection.	
<u>S.57A</u>	Mediation	
<u>S.58</u>	Application for other permits This section applies to an application for a permit in respect of a use or development for which, under the provisions of a planning scheme, a planning authority is bound to grant a permit either unconditionally or subject to conditions or restrictions.	
<u>S.59</u>	Failure to determine an application for a permit Notwithstanding the provisions of this Division, a planning authority may make a decision on an application for a permit to which section 57 or 58 applies at any time before the lodging of an application.	
<u>S 60</u>	Council responding and issuing notices relating to compliance with certain permit conditions	
<u>S 60H(3)</u>	Minister may request information from council or relevant state entity	
<u>S 60I(3)</u>	Council to give notice in relation to eligibility of major project proposals	
<u>S 60S(4)(b)</u>	Refund of ordinary permit where declaration of major project is made	
<u>S 60ZX(1)</u>	Provision to Panel of further information A person to whom a request is made under section 60ZW(1) is to take all reasonable steps to provide to the Panel, as soon as practicable the information specified in the request.	
<u>S.61</u>	Appeals against planning decisions	To represent the Council in any appeals lodged against permit decisions, including instructing

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
		internal or external planners to appear on Council's behalf.
<u>S.63</u>	Obstruction of sealed schemes Initiate legal proceedings for obstruction of a planning scheme	
<u>S.63A</u>	Enforcing compliance with planning schemes	
<u>S.63B(3)</u>	Notice of suspected contravention, &c., may be given	
<u>S.64</u>	Civil enforcement proceedings Where a person contravenes or fails or is likely to contravene or fail to comply with a provision of this Part, a person, other than the Commission or a planning authority, who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.	
<u>S. 65B(5)</u>	Notice of intention to issue enforcement notice The planning authority must notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1) , if the person on whom the notice is served is not the owner of the land.	
<u>S.65G</u>	Cancellation of permits A planning authority may cancel a permit in relation to land in the municipal area of the authority by issuing and serving a notice.	
<u>S. 65I(2)</u>	Authorised officers Removed on the basis that the Act provides the GM directly with the authority to act so delegation from the Council to the GM is not required -	
<u>Part 4 Generally</u>	Enforcement of planning control Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.	
PART 5	AGREEMENTS	
<u>S.71</u>	Planning authority may enter into agreements	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.74(3)</u>	Duration of agreement An agreement may be ended by the planning authority with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement.	
<u>S.75</u>	Amendment of agreements	
<u>S.76</u>	Agreement to be lodged with Commission	
<u>S.78</u>	Registration of agreements, &c.	
<u>S.80</u>	Application to Appeal Tribunal An owner of land may apply to the Appeal Tribunal for an amendment to a proposed agreement if (a) under a planning scheme, use or development for specified purposes is conditional upon an agreement being entered into and (b) the owner objects to any provision of the agreement.	
<u>S.82</u>	Evidentiary Provision Provision of evidence of a planning scheme, special planning order, permit or special permit to a court, tribunal or person acting judicially.	Authority to: a) Certify a true copy of a planning scheme, special planning order, permit or special permit for tendering to court, tribunal or person acting judicially; and b) To authorise a person in writing to certify a true copy of a planning scheme, special planning order, permit or special permit for tendering to a court, tribunal or any person acting judicially.
<u>S.84</u>	Service of notices or other documents A notice or other document is effectively served under this Act if it is – (i) given to the person; or (ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the server of the notice or other document; or (iii) sent by way of facsimile to the person's facsimile number	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Schedule 6</u>	Savings and Transitional Provisions - Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015	NOTE 1: The transitional provisions in Schedule 6 provide for the transition from the current process under LUPAA and the current schemes to the Tasmanian Planning Scheme and the processes in the <i>new</i> LUPAA
AMENDMENT OF SCHEMES AND INTERIM SCHEMES		
Provisions of the LUPAA (pre-Tasmanian Scheme amendments) which apply under Schedule 6 of the amended LUPAA		
<i>Land Use Planning and Approvals Regulations 2014</i>		
<u>Reg. 5</u>	Notice of approval of Local Provisions Schedule	
<u>Reg. 7</u>	Advertisement of exhibition of draft amendment, &c (to a planning scheme)	
<u>Reg. 8</u>	Notice of approval of draft amendment	
<u>Reg. 8A</u>	Notice of approval of Local Provisions Schedule	
<u>Reg. 9</u>	Notice of application for permit	
<i>Litter Act 2007</i>		
<u>S 38</u>	Recovery of costs arising from litter abatement notices	
<i>Local Government Act 1993</i>		
<u>S.19</u>	Corporation of Councils	Attest the execution of a document sealed by Council.
<u>s.22</u>	Delegation (of functions or powers) by Council	Subject to the provisions of s22(2), (3) & (4). Not to be subdelegated.

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.20A</u>	Powers of entry	Note - this is delegating the power to authorise entry
<u>S.28D</u>	Documents relating to agendas	As per the provisions of this section
<u>S.28T(7)</u>	Code of conduct A council is to review its code of conduct within 3 months after each ordinary election.	
<u>s.56B</u>	Gifts and donations register The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.	
<u>S.72</u>	Providing Annual report A council must prepare an annual report.	
<u>S.72B</u>	Notice of AGM A council must hold an Annual General Meeting on a date that is not later than 15 December in each year; and is not before 14 days after the date of the first publication of a notice under subsection (2). A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.	
<u>S.74</u>	Expenditure A council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82 .	In line with Council's adopted estimates and capital works program
<u>S.75</u>	Investments A council may invest any money – (a) in any manner in which a trustee is authorised by law to invest trust funds; and (b) in any investment the Treasurer approves.	In accordance with Council's investment policies as reviewed from time to time.
<u>S. 76</u>	Writing off bad debts A council may write off any debts owed to the council if there are no reasonable prospects of recovering the debt; or if the costs of recovery are likely to equal or exceed the amount to be recovered.	In accordance with Council's Sundry Debt Management Policy
<u>S. 77</u>	Grants and benefits A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.	In accordance with Council's Community Grants and Donations Policies

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.81</u>	Authorised deposit-taking institution accounts A council may establish and maintain in its corporate name such authorised deposit-taking institution accounts as it considers necessary.	In accordance with Council's Treasury Management Policy
<u>S.124</u>	Instalment payments A Council may permit a ratepayer to pay in instalments. The Council may decide that any rates are payable by instalments.	In accordance with Council's Rates and Charges Policy
<u>S.126</u>	Conditions of postponement A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.	In accordance with Council's Rates and Charges Policy
<u>S.127</u>	Postponement ceases to operate A council may, at any time, revoke a postponement of payment of rates by giving 60 days notice in writing to the ratepayer of the date on which the postponement ceases to operate.	In accordance with Council's Rates and Charges Policy
<u>Div 10</u> <u>S.133-135</u>	Recovery A Council can recover debts due to unpaid rates.	In accordance with Council's Rates and Charges Policy
<u>S.175</u>	Purchase or lease of land A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.	Subject to s 178 & s179 restrictions.
<u>S.176</u>	Acquisition of land A council may acquire land for prescribed purposes in accordance with the <i>Land Acquisition Act 1993</i> .	Subject to the provisions of Regulation 37 of the Tasmanian <i>Local Government (General) Regulations 2015</i>
<u>S.189</u>	Closure of local highways (markets) A council in respect of land or premises under its control or management may allow any person to operate a market subject to any terms and conditions it determines or operate a market itself; and close a local highway or part of a local highway to general traffic for that purpose.	
<u>S.190(3)</u>	Objections A council is to consider any objection before closing a local highway or part of a local highway.	
<u>S 193</u>	Establishment of pounds A council may establish pounds for the detention of stray animals.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.197</u>	Sale or destruction of unclaimed animals	
<u>S.207</u>	Remission of fees and charges A council may remit all or part of any fee or charge paid or payable under this Division.	In accordance with Council's Fee Exemptions and Reductions Policy
S200(1)(1A)(2)	If Council is satisfied a Nuisance exists, an abatement notice must be served by the GM	
S201	Definitions as to what constitutes a nuisance	
S201(4) & (5)	Council can seek to recover costs	
S204(A)	Council can seek to recover monies owing	
S240(1) & (2)	Council can appear in Court by its GM, or any other person authorised by the Council or GM	
<u>S.333A</u>	Tender A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.	In accordance with Council's Code for Tenders and Contracts

Local Government (Building and Miscellaneous Provisions) Act 1993		
<u>S.83</u>	Approval of plan of subdivision	
<u>S.84</u>	Council not to approve subdivision If – (a) any proposed lot has not the qualities of a minimum lot; or (b) it includes any lot or other block of land smaller than is required or permitted by a finally approved planning scheme; or (c) the subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway	
<u>S.85</u>	Refusal of application for subdivision The council may refuse to approve a plan of subdivision if it is of the opinion the roads will not suit public convenience or the drainage of the roads will not be satisfactorily carried off amongst other things.	
<u>S.86</u>	Security for payment Before approving a plan of subdivision, the council may: (a) require security for payments and the execution of works; and	



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	(b) refuse to approve the application until such security is given.	
<u>S.89</u>	Approval of final plans The council has 20 (business) days from the lodgement of final plans to make a determination on whether they comply.	
<u>S.91 (3)</u>	Corrections to final plans The council or owner may object to the making of any correction within 7 days of receiving a notice under subsection (2).	
<u>S.92</u>	Amendments to final plans If the Recorder of Titles under section 89 (5) requires an amendment to a final plan, the council if it considers that the amendment should not be approved, is to withdraw the plan and return it to the owner; or in any other case, notify the Recorder and the owner that it does not oppose the amendment.	
<u>S.93</u>	Cancellation of final plans The council is to cancel its seal on a final plan if the plan is withdrawn from the Recorder of Titles; or the plan is rejected by the Recorder of Titles. The council is to return a plan cancelled under subsection (1) to the owner.	
<u>S.103</u>	Amendment of sealed plans When a plan has taken effect, it may be amended by the council of its own motion.	
<u>S.104 (1)</u>	Hearing in respect of amendment of plans	
<u>S.105(2)</u>	Compensation in respect of amendments If compensation is payable under subsection (1) , the council may recover against the petitioner and any person heard or asking to be heard in support of the amendment to the extent to which they benefited by the amendment.	
<u>S.107</u>	Access orders If the council considers that work of a substantial nature is needed to provide access for vehicles from a highway onto the block, it may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.	

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<u>S.109 (6)</u>	Minimum lots If land may be used only as a place of business the restriction on its use – (a) is to be set out above the council's seal on the final plan of the subdivision; and (b) is enforceable by the council	
<u>S.110</u>	Adhesion orders The council may make an adhesion order if a block (a) has the qualities of a minimum lot; and (b) comprises 2 parcels or more that may, without the approval of any plan by the council, lawfully be sold separately so as to create a block which (i) would not have the qualities of a minimum lot; and (ii) is, or in the opinion of the council is likely to be, built on or bought for building.	
<u>S.112</u>	Purposes for which plan approved The council is to state on the plan one of the following purposes for which the plan is approved: (i) for the purpose of enabling the approved lot to form a single parcel; (ii) for the purpose of enabling a purchaser to acquire all the sub-minimum lots which together form the minimum lot shown on the plan; (iii) for the purpose of enabling the portions of the approved lot to form a single parcel or for enabling a purchaser to acquire all the sub-minimum lots which together are to form the minimum lot, as well as for the purpose of giving effect to the subdivision	
<u>S.113(4)</u>	Bringing land under Land Titles Act 1980 If a plan of subdivision approved by the council and lodged in the office of the Recorder of Titles includes any adjoining land to be added that is not under the provisions of the Land Titles Act 1980, the Recorder is not to take any further action upon the plan until applications to bring the land under those provisions have been made under section 11 of that Act .	
<u>S.115</u>	Exemption Council may exempt a subdivision from the operation of this Part.	
<u>S.116</u>	Limitation on requirement for public open space If the council requires an owner to increase the area for public open space so that the value of the total area approved for open space in the final plan exceeds the value of the area provided for open space in the plan of	

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	subdivision; or having failed to approve a plan for subdivision on a ground that the layout should be altered to include or omit public open space, subsequently approves a fresh plan in which the value of the total area of land reserved for public open space exceeds the value of all such land in the original plan – and the value of the area reserved for open space in the plan also exceeds the value of one-twentieth of the whole area comprised in the plan of subdivision, the council must purchase the excess as provided in this section.	
<u>S.117</u>	Payment instead of increasing public open space Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount.	
<u>S.118</u>	Council schemes Before the council disposes of lands in circumstances in which, if the disposition were that of a private person the plan would require approval under this Part, it is to prepare a plan of subdivision that it would approve if it were a private person's plan.	
<u>241(1)</u>	Preservation orders A council, on the recommendation of the National Trust of Australia (Tasmania) may by order – (a) prohibit the demolition of a building that is by itself or with others of historical or architectural interest or of special beauty; and (b) prohibit the alteration of or adding to the building except as the council may approve; and (c) require the owner to keep the building in good and tenantable repair.	
<u>243</u>	Preservation order is enforceable A preservation order – (a) operates as a covenant between the owner and the council that the owner, executors, administrators and assigns will comply with the order; and (b) runs with the land in equity; and (c) is enforceable by the council as if it were owner of all other lands in the municipal area and the tenants were natural persons holding of the council for life.	
<u>S.244</u>	Registering preservation order On receipt of a sealed copy and certificate under subsection (1) the Recorder of Titles is to: (a) register the preservation order by entering a memorial on the folio of the Register identified by the certificate; and (b) endorse the memorial on the folio of the Register, under the Land Titles Act 1980 , for the land.	

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<u>S.247</u>	Removal of advertising hoardings Council may issue or refuse a licence to any person.	

Local Government (General) Regulations 2015

<u>R.23 (2)(3)(4)(5)</u>	Public tenders A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.	Subject to Council's Code for Tenders and Contracts
<u>R.25</u>	Multiple use register A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.	Subject to Council's Code for Tenders and Contracts
<u>R.26 (1)</u>	Multi stage tender A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council.	Subject to Council's Code for Tenders and Contracts

Local Government (Highways) Act 1982

<u>S.6</u>	Making, widening, &c., of highways by corporations	
<u>S.7</u>	Limitation on opening of highways in cities and towns by private persons	
<u>S.8</u>	Maintenance of highways opened outside cities or towns by private persons	
<u>S.10</u>	Obligations on landowners opening highways	
<u>S.11</u>	Enforcement of obligations of landowners opening highways	
<u>S.14</u>	Closure and diversion of highways	
<u>S.15</u>	Dealing with sites of closed highways	
<u>S.17</u>	Definition of boundaries of highway	
<u>S.19</u>	Closure of local highways for public functions, &c.	In consultation with Commissioner of Police. Delegation excludes 19(1)(c)

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<u>S.20</u>	Closure of parts of local highways for sale of goods, &c.	In consultation with Commissioner of Police & Transport Commission
<u>S.21</u>	General responsibility of corporations The corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.	
<u>S.24</u>	Highways on boundaries of municipalities Where 2 corporations would, apart from this subsection, each be liable to repair one side of a local highway that forms or follows the common boundary of the municipal districts of those corporations, they are jointly liable to repair the whole width of that highway.	
<u>S.25</u>	General supplementary provisions as to carrying out of highway works	
<u>S.26(4)</u>	Obtaining of materials for highway works	
<u>S.27</u>	Use of adjoining lands in carrying out highway works	
<u>S.28</u>	Shifting of apparatus, &c., in roads	
<u>S.30</u>	Improvement, &c., of highways	
<u>S.31</u>	Obstructions for prohibition or restriction of vehicular traffic	S. 31(1) requires approval from Transport Commission
<u>S.32</u>	Lighting (of a local highway or public place)	
<u>S.33</u>	Lighting of private ways and courts	
<u>S.34</u>	Drainage works	
<u>S.35</u>	Crossings over footpaths, table-drains, and gutters Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified.	
<u>S.36</u>	Fencing of streets in towns	

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<u>S.37</u>	Alterations, &c., of entrances to highways	
<u>S.38</u>	Removal of trees near highways	
<u>S.39</u>	Obligation of occupiers to cut back vegetation, &c.	
<u>S.40</u>	Animal barriers on highways	
<u>S.41</u>	Prohibition of traffic likely to cause damage to highways	
<u>S.42</u>	Closure of dangerous highways	
<u>S.44</u>	Protection of bridges from excessive loading	
<u>S.45(4)</u>	Removal and disposal of abandoned articles Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.	
<u>S. 45(5)(6)(7)(8)(9)(10)(12)</u>	Removal and disposal of abandoned articles Where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit.	
<u>S.46(2)</u>	Permission to carry out various works in relation to highways Subject to any directions given by the corporation, its powers to grant a permission may be exercised on its behalf by its mayor or by some other person authorised by it for that purpose.	Delegation excludes S. 46(2C)
<u>S.46</u>	Permission to carry out various works in relation to highways A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things: (a) open or break up the soil or pavement of a local highway; (b) make a drain leading to a local highway; (c) put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation in or under a local highway; (d) make an excavation, vault or cellar in or under a local highway; (e) install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels; (f) erect a hoarding or scaffolding for building or any other purpose in or on a local highway.	

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<u>S.50</u>	Management of local highways not maintainable by the corporation	
<u>S.51</u>	Making good of back roads, lanes, &c., at frontages' expense	
<u>S.52</u>	Projections on to highways, &c. At such time as is agreed with the occupier of a building, or after giving at least 30 days' notice of its intention to do so, the corporation may remove or alter an obstruction to which this section applies that has been erected or placed against or in front of the building.	
<u>S.53</u>	Low-lying land near highways	
<u>S.54</u>	Names of highways, &c. The corporation may cause to be put up or painted, on some conspicuous part of a building, fence, or wall, or on a post, at or near an end, corner, or entrance of a highway or other public place, the name by which it is known or to be known.	
<u>S.55</u>	Numbering of buildings, &c.	
<u>S.59</u>	Development of land in connection with highway improvements	
<u>S.60 (3)</u>	Restrictive covenants for benefit of highway A corporation may, at any time, by agreement with the person against whom there is enforceable a covenant, discharge the covenant or may agree to a variation of the covenant.	
<u>S.62</u>	Special provisions as to acquisition for widening or other alteration A corporation may take land for the widening or other alteration of a highway. Land shall not be taken under this section, unless (a) every part of it is within 3 metres of the boundary of an existing highway; and (b) no building is situated wholly or partly on the land or within 3 metres of its boundary	
<u>S.63</u>	Letting of highways not presently used Where the corporation has acquired highway rights over any land, it may, if the land is not presently required to be opened as a highway, let that land to the owner of any adjoining land.	
<u>S.66</u>	Proof that street is subject to Part V The carriage-way of a street shall be deemed to have been well and sufficiently made only if it was made well	



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	enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making.	
<u>S.67 (2)</u>	Street works in streets not previously made up Where a street has not at any time been well and sufficiently made, the corporation may, in accordance with a scheme under this Part, carry out such street works as it considers necessary to put that street in a proper condition in substantial conformity with the standard requirements, recovering the cost of the works in the manner provided in this Part.	
<u>S.68</u>	Scheme of street construction Where the corporation intends to carry out street works in a street, it shall cause to be prepared a scheme for the carrying out of those works.	
<u>S.71</u>	Notice of preparation of scheme	
<u>S.72</u>	Objection by owners (to the scheme)	
<u>S.74</u>	Execution of scheme Where a scheme comes into effect, the corporation may carry out, in accordance with the scheme, the street works specified in it.	
<u>S.76</u>	Payments by frontages (under the scheme) When a scheme comes into effect, the corporation shall serve on each frontage written notice stating the sum for which he is liable under the scheme (exclusive of any additional costs and expenses charged to him under the scheme with his consent) and, subject to this section, the owner becomes liable to pay that sum to the corporation.	
<u>S.77</u>	State contribution Where a corporation has prepared a scheme for the carrying out of street works that comprise or include the construction of a carriage-way, the Minister for State Highways may, on the application of the corporation, undertake to make a contribution to the corporation of an amount equal to one-third of the cost of the construction of the carriage-way.	
<u>S.79</u>	Urgent works If it considers it urgently necessary to do so, a corporation may, without a scheme, carry out in a street any part of the works referred to in section 67 , and the cost of carrying out those works may be included in a scheme subsequently made by the corporation in respect of the remainder of those works carried out in that	

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	street, and, with any necessary modifications, this Part applies to the scheme as if the part of the works previously carried out were part of the works to be authorised by the scheme.	
<u>S.81</u>	Record of charges The corporation of a municipality shall keep such record or register that its officers can, within a reasonable time, inform a person who wishes to know the contributions that have been paid or are required to be paid by a frontage under this Part.	
<u>S.95</u>	Establishment of controlled parking (a parking meter or voucher machine)	
<u>S.96</u>	Hours of operation of controlled parking	
<u>S.99</u>	Closure of parking spaces in certain cases	
<u>S.102</u>	Removal of vehicles in certain cases from parking spaces	
<u>S.104</u>	Permits for use of parking spaces without operation of meters or use of parking vouchers	S.104(2) must be in accordance with Annual Schedule of Fees and Charges
<u>S.109</u>	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	
<u>S.110</u>	Powers and duties of corporations in relation to State highways A corporation may exercise the powers conferred by section 30 in respect of a State highway in the municipality and, in relation to the exercise of those powers in respect of that highway, this Act has effect as if it were a local highway maintainable by the corporation.	
<u>S.112</u>	Liability of corporation to maintain road works carried out by the Crown	
<u>S.114</u>	Right of private persons opening new streets to obtain contributions	Delegation excludes S114(8)
<u>S.115</u>	Retention of petrol-pumps in highways	
<u>S.116</u>	Tramways along or across highways The Governor may authorise the laying down, construction, and maintenance of a tramway or railway along or across a local highway, subject to such terms and conditions as may be recommended by the corporation.	
<u>S.119</u>	Determination of compensation Where a corporation or other person is entitled to be paid compensation under this Act, that compensation shall, unless provision is otherwise made for its determination, be determined by agreement between the parties or, in default of agreement, by action in a court of competent jurisdiction.	

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	<i>Monetary Penalties Enforcement Act 2005</i>	
<u>17(2)</u>	Options for dealing with infringement notice issued by fee-paying public sector body	
<u>18(1)</u>	Referral to Director of infringement notice issued by fee-paying public sector body	
<u>23</u>	Withdrawal of infringement notice	
<u>28(3)-(4)</u>	Application to fee-paying public sector body for variation of payment conditions	
<u>39(1)</u>	Hearing of offence by court - commencement of proceedings	
<u>40(3)</u>	Application to court to set aside conviction	

<i>Place Names Act 2020</i>		
<u>S. 11(2)</u>	Naming of roads, streets, &c. As a responsible authority the council has a responsibility to name, alter or revoke a name of a place.	Following endorsement by Council
<u>S. 11(3)</u>	Naming of roads, streets, &c. The responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place, complies with – (a) the relevant provisions of the guidelines; and (b) this Act and any other applicable Act; and (c) the relevant procedures of the responsible authority.	
<u>S. 11(4)</u>	Naming of roads, streets, &c. As soon as practicable after performing a naming action in respect of a place, the responsible authority for the place is to submit details of the action to the Registrar for recording in the register.	
<i>Public Health Act 1997</i>		
<u>Sec 33 (a) (b)</u>	Production of things A council or an authorised officer may require a person to produce for inspection anything in the person's possession if – (a) the council or the officer reasonably believes that it may disclose evidence of the commission of an offence under this Act; or (b) it is otherwise necessary for the purposes of this Act.	



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<u>Sec 34 (a) (b)</u>	Production of licence A council or an authorised officer may – (a) require a person to produce for inspection any licence the person holds or should hold; and (b) examine, remove and take photographs or copies of, or extracts or notes from, any licence.	
<u>Sec 35</u>	Photographs, sketches, measurements and recordings For the purposes of this Act, a council or an authorised officer may: (a) take any photograph, film or video recording; and (b) take any copy of, or extract from, any record; and (c) take any measurements; and (d) make any sketches or drawing; and (e) make any other recording by any other means.	
<u>Sec 36 (1) (2)</u>	Information requirements A council or an authorised officer may require a person to – (a) give his or her full name and residential address; (b) give details of any licence, permit or exemption under this Act; (c) provide any information relating to public health reasonably required for the purposes of this Act. (d) A council or an authorised officer may require any person to give information about that person's or another person's activities in respect of any matter under this Act.	
<u>Sec 57(1)</u>	Council immunisation programs A council must develop and implement an approved program for immunisation in its municipal area.	
<u>Sec 77 (1) (3)</u>	Grant or refusal of licence (for a place of assembly)	
<u>Sec 78</u>	Issue of licence (for a place of assembly)	
<u>Sec 81(4)</u>	Renewal of licence (for a place of assembly) A council may grant the application subject to any conditions; or refuse to grant the application.	
<u>Sec 81(6)</u>	The Council to notify in writing whether license application is approved or refused	

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<u>Sec 82</u>	Variation of licence (for a place of assembly) A council, on its own volition or on application, may vary a place of assembly licence by omitting, adding, substituting or amending any condition of the licence.	
<u>Sec 83</u>	Cancellation of licence (for a place of assembly) A council may cancel a place of assembly licence	
<u>Sec 84 (2)</u>	Overcrowding A council, an authorised officer, a police officer, a person authorised by the Commissioner for Licensing or a person authorised by the State Fire Commissioner may – (a) cause the doors of a place of assembly to be closed; (b) evacuate the place of assembly; or (c) cause any event occurring at that place of assembly to be cancelled in circumstances referred to in paragraph (b) .	
<u>Sec 87</u>	Closure order	
<u>Sec 88</u>	Service of closure order	
<u>Sec 89</u>	Revocation of closure order	
<u>Sec 92 (1) (4) (6)</u>	Rectification notice A council, on the advice of an environmental health officer or building surveyor, is to serve a rectification notice in an approved form. If a person fails to comply with a notice, the council may cause any necessary work to be carried out at that person's expense. A council, upon the certificate of an environmental health officer or building surveyor that the condition of the premises is no longer, or is not likely to become, offensive, injurious or prejudicial to health, is to revoke a rectification notice.	
<u>Sec 97</u>	Grant or refusal of registration of premises	
<u>Sec 98</u>	Issue of certificate of registration of premises	
<u>Sec 101</u>	Renewal of registration of premises	
<u>Sec 102</u>	Variation of registration of premises	
<u>Sec 103</u>	Cancellation of registration of premises	
<u>Sec 106</u>	Grant or refusal of licence (to carry out any public health risk activity)	

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Sec 107	Issue of licence (to carry out any public health risk activity)	
Sec 110	Renewal of licence (to carry out any public health risk activity)	
Sec 111	Variation of licence (to carry out any public health risk activity)	
Sec 112	Cancellation of licence (to carry out any public health risk activity)	
Sec 115	Grant or refusal of registration of regulated system	
Sec 116	Issue of certificate of registration (of a regulated system)	
Sec 119 (1) (3)	Notice to comply with direction	
Sec 121	Renewal of registration (of any regulated system)	
Sec 122	Variation of registration (of any regulated system)	
Sec 123	Cancellation of registration (of any regulated system)	
Sec 128	Notification of quality of water	
Sec 129 (1)	Orders relating to water quality	
Sec 130 (1) (3)	Monitoring and review (of the quality of water within the municipal area)	
Sec 131	Samples An authorised officer or a council may take a sample from any water. Any sample taken under this section is to be analysed and tested in accordance with the requirements of the Director.	
Sec 135	Grant or refusal of registration (as a supplier of water)	
Sec 136	Issue of certificate of registration (as a supplier of water)	
Sec 136AA	Renewal of Registration (as a supplier of water)	
Sec 136B	Variation of registration (as a supplier of water)	
Sec 136C	Cancellation of registration (as a supplier of water)	
136H	Issue of certificate of registration (as a water carrier)	
136I	Renewal of registration (of water carrier)	
136K	Variation of registration (of water carrier)	
136L	Cancellation of registration (of water carrier)	



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<u>Sec 144</u>	Registers kept by Councils A council is to keep – (a) a register of registered regulated systems; and (b) a register of registered users and suppliers of water from private water sources; and (c) a register of registered premises used for public health risk activities.	
<u>Sec 148 (1)</u>	Requirement for information The Director, any council or an authorised officer may require a person to provide information relating to public health which is reasonably needed for the purposes of this Act.	
<u>Sec 152 (1)</u>	Costs incurred in exercising power	
<u>Sec 158 (1)</u>	Proceedings Proceedings for an offence under this Act may only be instituted by – (a) the Minister or a person authorised by the Minister; or (b) an authorised officer; or (c) a nominated officer in relation to proceedings for an offence under Part 4 ; or (d) a police officer; or (e) a council.	
<u>Sec 169 (1)</u>	Infringement notices An authorised officer or a council may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence.	
<u>Sec 190 (1) (3) (4)</u>	Sale or disposal of forfeited things	
<u>Sec 191 (3)</u>	Return of and access to seized things	
<u>Sec 192 (1)</u>	Sale or disposal of seized things	

Public Interest Disclosure Act 2002		
<u>S 29B</u>	Referral of disclosure to Integrity Commission Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission.	



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<u>S 29D(1)</u>	Notice of referral If a public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral.	Unless the disclosure was made anonymously 29(D)(3)
<u>S 33(1)</u>	Determination by public body of disclosure as to public interest disclosure Public body to determine whether disclosure is a public interest disclosure within 45 days.	
<u>S 34(1)</u>	Procedure where public body determines disclosure to be public interest disclosure Notifications where disclosure is determined a public interest disclosure.	
<u>S 35(1)</u>	Procedure where public body determines disclosure not to be public interest disclosure Notifications where disclosure is deemed not to be public interest disclosure.	
S60(1)&(2)&(3)	The Council to establish procedures that comply with any Guidelines & Standards from the Ombudsman pursuant to s38(c),	
<u>S 64</u>	Matters that do not have to be investigated A public body may decide not to investigate a disclosure.	
<u>S 65(1)</u>	Decisions by public body not to investigate Notification of decision not to investigate.	
<u>S 68</u>	Referral to Ombudsman by public body A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.	
<u>S 70</u>	Provision of information to Ombudsman Public body must give the Ombudsman in writing any information it has in respect to a disclosed matter.	
<u>S 72(1)</u>	Notice of referral Notice to be given where public body refers an investigation to the Ombudsman.	
S73	Investigation must be in accordance with Council's procedures	
<u>S 74</u>	Information about progress of investigation Public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation with 28 days.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 76(1)</u>	Report on investigation Public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter.	
<u>S 77(1)</u>	Report to person making disclosure Public body must inform the person who made the disclosure of the findings.	
<u>S 77A(2)</u>	Investigations to be completed within 6 months A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation.	
<u>S 77A(4)</u>	Investigations to be completed within 6 months If investigation is not complete within time specified in 77A(1), public body must refer the disclosure to the Ombudsman.	

Roads and Jetties Act 1935		
<u>S11</u>	Maintenance of State highways, &c. in cities, &c. (1)(b) the remainder of the State highway or subsidiary road, including drainage and shoulders but not culverts and bridges, shall be maintained and reconstructed by the local authority.	
<u>S11(2)</u>	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with s.11(1)	
<u>S28</u>	Acquisition of land for quarry, &c. Any road authority may purchase or take land required by it for the purposes of a quarry or gravel-pit in the same manner and subject to the like conditions as it may acquire land for constructing, widening, or altering a road.	
<u>S29</u>	Intention to acquire land may be abandoned if compensation excessive Where a road authority has given notice of its intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined, if the road authority deems it inexpedient to pay the amount thereof, it may, within 21 days after receiving notice of the amount of compensation so determined, withdraw the notice of intention to take the land on payment of the costs of the reference and determination.	

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Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S32</u>	Entry by council upon land and staking out of same Whenever a road authority intends to take any land for the purposes of this Act, it shall be lawful for the road authority, after having given 7 days' notice in writing to the occupier thereof, to enter upon such land and to stake out the same in such manner as it thinks necessary or expedient	
<u>S33</u>	Rental of land (for the purpose of obtaining materials therefrom for the construction or maintenance of any road or street)	
<u>S34</u>	Use of uncultivated land for temporary road Any road authority may make use of any uncultivated land for the purpose of constructing a temporary road whilst any road is being reconstructed, widened, diverted, altered, improved, or repaired without making compensation for the same.	
<u>S35</u>	Taking of timber, &c., from land (for making, repairing, or fencing any road, or for any other purposes of this Act)	
<u>S36</u>	Quarries, &c. to be fenced and filled up or otherwise secured The road authority shall cause all quarries and pits which have been opened up or used upon any land by it to be fenced or otherwise secured and kept so fenced or secured so long as the same shall continue open and in use; and upon ceasing to use the same shall, if required by the owner or occupier of such land, cause the same to be filled up, sloped down, or otherwise secured.	
<u>S37</u>	Fences to be restored Where in the exercise of any of the powers conferred upon a road authority by this Part any fence has been temporarily taken down, the same shall, upon completion of the work necessitating such taking down, be well and sufficiently restored by the road authority.	
<u>S38</u>	Deviations to be fenced Where any road has been diverted, the road authority shall, if required by the owner or occupier of any land through which such road passes, cause such road to be well and sufficiently fenced where it so passes.	
<u>S39</u>	Entry upon adjoining lands for road maintenance or reconstruction Any road authority may enter upon any land adjoining any road of which it has the care, control, or management, for the purpose of maintaining or reconstructing such road.	
<u>S40</u>	Power to make drains on adjoining lands The road authority may make, cleanse, and keep open all drains or watercourses which it may deem	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	necessary in and through any land adjoining or near to any road of which it has the construction or maintenance.	
<u>S41</u>	Timber growing near roads may be cut down: Consent of owner required in certain cases The road authority may cut down and remove any indigenous timber growing or standing within 23 metres of the centre of any road of which it has the care, control, or management, making good all damage or injury to the fences, hedges, ditches, walls, or any other thing upon the land on which such timber may be growing or standing.	
<u>S42</u>	Hedges, &c., obstructing view of traffic to be cut or trimmed Where the road authority is of opinion that it is necessary, for the prevention of danger arising from obstruction to the view of persons using such road, that any fence, construction, hedge, tree, or vegetation erected, constructed, growing, or planted on land adjoining such road, or any road intersecting or junctioning with such road, should be reduced in height or otherwise cut or trimmed, the road authority may give to the owner or occupier of such land 21 days' notice in writing to reduce the height of or cut or trim such fence, construction, hedge, tree, or vegetation to such an extent or in such a manner as the road authority shall think necessary for the purpose aforesaid and shall specify in such notice.	
<u>S44</u>	Culverts to be constructed by owners at entrances to lands adjoining roads The road authority may give to the owner of any land adjoining any road a notice in writing requiring such owner, within a time to be specified in the notice, to construct to the satisfaction of the road authority across the table-drain or gutter of such road, at or opposite to any entrance to such land which is used or intended to be used for vehicular traffic to or from such land, a culvert of such a nature and of such dimensions as shall be specified in the notice, and as will allow the free passage through such culvert of any water which may reasonably be expected to flow along such table-drain or gutter and into such culvert when so constructed.	
<u>S45</u>	Power of Minister in certain cases to erect gates across roads If and when such road shall thereafter come under the care, control, or management of a council, the council shall continue to maintain such gate, or such gate and cattle-guard, as the case may be.	
<u>S46</u>	Damage caused by overweight vehicles Any person from whom such expenses are or may be recoverable under this section may enter into an agreement with the road authority for the payment to it of compensation in respect of such expenses, and, upon such person paying such compensation, he shall not be liable to any proceedings under this section.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S47</u>	Road metal, &c., may be placed on side of road The road authority may cause road metal or other materials, or any vehicle or plant used for the purpose of or in connection with the construction or maintenance of any road, to be stacked, deposited, or left upon such road at a distance from the centre thereof of not less than 3 metres in the case of a State highway, and not less than 2.5 metres in the case of a country road.	
<u>S47A</u>	Warning gantries for bridges with overhead members Subject to subsection (2), a road authority may erect on a part of a road under its control that forms an approach to a bridge with overhead members such warning gantries and crash-beam gantries as the authority considers necessary for the protection of that bridge.	
<u>S48</u>	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road The road authority may, with the consent of the Governor, grant authority to any person to lay down, construct, and maintain a tramway or railway along or across any road under its control subject to such terms and conditions as may be recommended by the council and approved by the Governor.	
<u>S48A</u>	Removal and disposal of abandoned articles Where it appears to the road authority that an article has, without lawful authority, been abandoned on a State highway or subsidiary road, the road authority may remove the article from that highway or road.	
<u>S48B</u>	Power to remove vehicles causing obstruction or danger. A road authority may move, keep or impound any vehicle (and anything in, on or attached to the vehicle).	
<u>S49</u>	Obstructing roads: Notice to remove obstructions The road authority may give to any person making or erecting any building or fence, or causing or permitting any obstruction or encroachment, or making any drain, sink, or watercourse in contravention of any of the provisions of subsections (1) or (2) in respect of any road under its care, control, or management, 21 days' notice in writing to take down the above.	
<u>S50B</u>	Excavations A person must not make any excavation, vault or cellar beneath a street in a town without the consent of the appropriate council.	
<u>S51</u>	Laying down timber, &c., on roads Unless authorised by the road authority having the care, control, or management of such road so to do.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<i>Strata Titles Act 1998</i>		
<u>S 31(2A)</u>	Application for, and grant of, certificate of approval The Council must within 30 days of receiving an application issue or refuse to issue a certificate of approval.	
<u>S 31(2B)</u>	Application for, and grant of, certificate of approval The Council may give the applicant notice requiring further information in order to determine the application	
<u>31(3)</u>	Application for, and grant of, certificate of approval The Council may issue a certificate of approval for a strata plan after satisfying itself of certain matters	
<u>31(4)</u>	Application for, and grant of, certificate of approval The Council must return sketches, plans and models if it refuses to issue a certificate of approval.	
<u>31(6)</u>	Application for, and grant of, certificate of approval The Council must refuse to issue a certificate of approval if it considers the proposal is actually a subdivision.	
<u>31AA</u>	Requirement for staged development scheme Where an application for a certificate of approval is made wholly or partly in respect of vacant land, the council may refuse the application on the ground that an application for a staged development scheme under section 38 should be made.	
<u>36(1)</u>	Application for council approval (in relation to a staged development scheme)	
<u>37(1)(a)</u>	Approval of scheme in principle Before giving in principle approval for a staged development scheme Council can require specified changes to the scheme.	
<u>37(1)(b)</u>	Approval of scheme in principle Before giving in principle approval for a staged development scheme Council can require the demolition or alteration of buildings on the site.	
<u>37(2)(a)</u>	Approval of scheme in principle Council can approve a staged development scheme unconditionally.	
<u>37(2)(b)</u>	Approval of scheme in principle Council can approve the staged development scheme subject to specified conditions	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>37(2)(c)</u>	Approval of scheme in principle Council can refuse to approve the staged development scheme.	
<u>37(4)</u>	Approval of scheme in principle If Council approves the proposed staged development scheme it must issue a certificate of approval.	
<u>41(2)</u>	Progressive development The council may refuse to approve a particular stage in a staged development scheme if an earlier stage of the scheme has not been completed as required under the terms of the registered scheme.	
<u>42(2)</u>	Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated.	
<u>42(5)</u>	Application for variation of scheme The Council may dispense with the consent of a present or prospective owners of lots in the staged development scheme in relation to a proposed variation if satisfied of certain matters.	
<u>42(6)</u>	Application for variation of scheme The Council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.	
<u>45(1) & (2)(c)</u>	Injunction Council (as an "interested person" under the Act) can apply for a mandatory injunction requiring the developer of a staged development scheme to complete the scheme.	
<u>54(1)(a)</u>	Approval of scheme Before giving in principle approval for a community development scheme Council can require specified changes to the scheme.	
<u>54(1)(b)</u>	Approval of scheme Before giving in principle approval for a community development scheme Council can require the demolition or alteration of buildings on the site.	
<u>54(2)(a)</u>	Approval of scheme Council can approve a proposed community development scheme unconditionally.	
<u>54(2)(b)</u>	Approval of scheme Council can approve the proposed community development scheme subject to specified conditions.	



Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>54(2)(c)</u>	Approval of scheme Council can refuse to approve the proposed community development scheme.	
<u>54(4)</u>	Approval of scheme If Council approves the proposed community development scheme it must issue a certificate of approval.	
<u>57(2)</u>	Progressive development The Council may refuse to approve a particular stage of a community development scheme in certain circumstances	
<u>58(2)</u>	Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated.	
<u>58(5)</u>	Application for variation of scheme The Council may dispense with the consent of a present or prospective owners of lots in the community development scheme in relation to a proposed variation if satisfied of certain matters.	
<u>58(6)</u>	Application for variation of scheme The Council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.	
<u>61(1) & (2)(c)</u>	Injunction Council (as an "interested person" under the Act) can apply for a mandatory injunction requiring the developer of a community development scheme to complete the scheme	
<u>65(a)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the owner must give written notice of the proposed transaction to the council for the area in which the site is situated.	
<u>65(b)(i)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give to the council a written undertaking to develop the land in accordance with the registered scheme.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>65(b)(ii)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give the council any security required by the council, within 28 days after notice of the transaction was given to the council, for the development of the land in accordance with the scheme.	
<u>142(2)(b)</u>	Recording of certain orders	

Survey Co-ordination Act 1944

<u>S 4(2)</u>	Public authorities to compile and forward to Surveyor-General lists of existing plans (2) Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act.	
<u>S 5</u>	Public authorities to give notice of intention to commence new surveys	
S7	Council to provide list to Surveyor-General twice a year as to particulars of plans lodged and surveys carried out	

Traffic Act 1925

Sections 3 & 9	The "issuing authority" in relation to a notice of demand or traffic infringement notice under the Act includes an "authorised officer" who is an officer of a local authority and has been authorised in writing by the Commission.	
<u>S 41CA</u>	Declaration of road for use by personal mobility devices The road authority for a speed-limited road may, by notice published in the Gazette, declare that road to be a road on which a PMD user may travel, subject to such terms and conditions as are specified in the notice. If a road authority makes a declaration under subsection (2), that road authority is to publish a copy of that declaration on a website of the road authority and is to ensure that a copy of the declaration remains on the website while the declaration remains in force.	
<u>S 43(2)</u>	Removal of things obstructing public streets An authorised person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 43(3)(4)(5)</u>	Removal of things obstructing public streets A relevant authority must notify articles owner of removal and/or dispose of articles not removed.	
<i>Urban Drainage Act 2013</i>		
<u>S 5i1)(</u>	Council to provide adequate public storm water system Council to provide public stormwater system. If found not too, they must comply with the orders in notice of default.	
<u>S 5(4) (6)</u>	Council to provide adequate public storm water system If Minister makes an order, the council may appeal to the Appeal Tribunal against an order under subsection 5(3) within the period specified in the order.	
<u>S 7</u>	Service of notice relating to negotiations for provisions of stormwater services	
<u>S 11(8)</u>	Power of council to adopt stormwater systems Where a council imposes a requirement under s 11(4) they must pay extra costs incurred by person constructing the drain.	
<u>S 12</u>	Council to maintain maps	
<u>S 13(4)</u>	Protection of stormwater assets If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system.	
<u>S 13(5)(b)</u>	Protection of stormwater assets If the council carry's works under s 13(4) expenses are recoverable in a court of a competent jurisdiction.	
<u>S 14(4)</u>	Interference with public stormwater systems If a person fails to comply with the notice issued under 14(2) within the specified period, the council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure.	
<u>S 14(5)(b)</u>	Interference with public stormwater systems If the council carry's works under s 14(4) expenses are recoverable in a court of a competent jurisdiction.	



Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 15(13)</u>	Power of authorised officers to carry out work on or adject to public land A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.	
<u>S 16(9)</u>	Power of authorised officers to enter private land The council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.	
<u>S 17</u>	Power to undertake construction of public stormwater systems The council may construct any public stormwater systems it thinks fit for the purpose of meeting its obligations under this Act.	
<u>S 21(3)</u>	Requirement to connect Where notice has been served, council may recover costs if it is not complied with.	
<u>S 22(3)</u>	Requirement to disconnect Where notice has been served, council may recover costs if it is not complied with.	
<u>S 23(2)(b)</u>	Property owners not to direct stormwater onto neighbouring properties If a property owner does not comply with a notice under s 23(2)(a) the council can carry out such works that are necessary to rectify the nuisance.	
<u>S 23(3)</u>	Property owners not to direct stormwater onto neighbouring properties Any costs incurred under 23(2)(b) are recoverable in a court of competent jurisdiction.	

Weed Management Act 1999*Act has been repealed*

16.2 FUTURE OF LOCAL GOVERNMENT REVIEW

File Number: 12.193

Author: Gary Arnold, General Manager

Strategic Plan Reference

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

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

1. PURPOSE

- 1.1 The purpose of this report is to enable Council to consider providing a submission to the Future of Local Government Review – Final Report.

2. BACKGROUND

- 2.1 The Local Government Board (the Board) is undertaking the future of local government review.

3. STATUTORY REQUIREMENTS

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

4. DISCUSSION

- 4.1 The Board commenced the Future of Local Government Review in January 2022.
- 4.2 Council considered a report regarding the Future of Local Government Review Stage 2 Options Paper at its meeting held on 17 July 2023. Council resolved to provide a submission to the Board that reiterates Council's continued openness to reform that seeks to deliver a more capable and sustainable system of local government and expresses Council's openness to collaborate with Huon Valley Council to further investigate Southern Shore Scenario 2 (Minute C11/14-2023 refers).
- 4.3 Council's submission expressed a desire to collaborate with Huon Valley to further investigate Southern Shore Scenario 2 that combines the existing Kingborough and Huon Valley Council areas to create one new council south of Hobart.
- 4.4 Council's submission also suggested that investigation of this scenario should also involve consideration of the potential addition of Taroona to our capital city council and a Bruny Island Board alternative scenario.
- 4.5 The Board, having considered all submissions received on the Stage 2 Options Paper, released their final report in October 2023 and the Minister for Local Government is allowing until 29 February 2024 for submissions.
- 4.6 The Final Report includes an integrated package of 37 reforms and an implementation plan for the next few years.
- 4.7 The Final Report recognises the state government's position that there would be no forced amalgamations resulting from the review and that specific boundary changes would only proceed if councils and the community support them. It outlines a process for

voluntary council amalgamations linked to regional partnerships with the state government.

- 4.8 Groups of councils who have said they are open to exploring the benefits of amalgamations are recommended as Phase 1 of the voluntary amalgamation program.
- 4.9 The Board has recommended that a formal council amalgamation proposal should be developed for Kingborough and Huon Valley councils.
- 4.10 The recommendation is for the whole area of each council and contains no mention of Tarooma. Any potential loss of Tarooma would erode Kingborough's population base (or a merged Kingborough and Huon Valley) by approximately 3,400 residents and reduce annual revenue by approximately \$2.9m.
- 4.11 In keeping with council's long held view on reform it is suggested that council should support the Board's recommendation that a formal council amalgamation proposal should be developed for the existing whole area of Kingborough and Huon Valley councils.
- 4.12 The full list of the Board's recommendations is addressed below:

Rec #		Comment
1	<p><i>Define in Tasmania's new Local Government Act the role of local government consistent with the statement below:</i></p> <p><i>The role of local government is to support and improve the wellbeing of Tasmanian communities by:</i></p> <ol style="list-style-type: none"> <i>1. harnessing and building on the unique strengths and capabilities of local communities;</i> <i>2 providing infrastructure and services that, to be effective, require local approaches;</i> <i>3. representing and advocating for the specific needs and interests of local communities in regional state-wide and national decision making; and</i> <i>4. promoting the social economic and environmental sustainability of communities, by mitigating and planning for climate change impacts.</i> 	<p>Supported.</p> <p>This role better reflects council's broader policy functions than what is currently captured in the <i>Local Government Act 1993</i>.</p>
2	<p><i>The Tasmanian Government through subordinate legislation should implement a Local Government Charter to support the new legislated framework for local government.</i></p> <p><i>The Charter should be developed in close consultation with the sector and clarify and consolidate in a single document councils' core functions, principles, and</i></p>	<p>Supported in principle.</p> <p>The Local Government Charter offers an opportunity to define local and state government's shared responsibilities for public service outcomes, principles for engagement and the obligations of each when delivering community services and legislative responsibilities.</p>

Rec #		Comment
	<i>responsibilities as well as the obligations of the Tasmanian Government when dealing with the sector as a partner in delivering community services and support.</i>	It is imperative that meaningful consultation continues beyond the development of the Charter and encompasses the manner in which the Charter will be codified in the new <i>Local Government Act</i> .
3	<p><i>The Tasmanian Government should work with the sector to develop, resource and implement a renewed strategic planning and reporting framework that is embedded in a new Local Government Act to support and underpin the role of local government. Under this framework councils will be required to develop - within the first year of every council election - a four-year strategic plan. The plan would consist of component plans including at minimum:</i></p> <ul style="list-style-type: none"> <i>• a community engagement plan;</i> <i>• a workforce development plan;</i> <i>• an elected member capability and professional development plan; and</i> <i>• a financial and assets sustainability plan</i> 	<p>Supported in principle.</p> <p>All councils are currently required to prepare a strategic plan for a 10-year period in accordance with S66 of the <i>Local Government Act 1993</i>.</p> <p>In addition, the review of the <i>Local Government Act</i> had already recommended that councils develop community engagement plans after each council election.</p> <p>Whilst it appears to be a pragmatic approach to introduce a 4-year strategic plan, or term plan, it must be done in conjunction with accommodating a longer-term vision for council and the community.</p> <p>The introduction of performance reporting is important to transparency and confidence in local government however, care will need to be taken that any reporting mechanism doesn't become the "tail that wags the dog".</p>
4	<p><i>Formal Council amalgamation proposals should be developed for the following:</i></p> <ul style="list-style-type: none"> <i>• West Coast Waratah-Wynard and Circular Head (into 2 councils).</i> <i>• Kentish and Latrobe councils.</i> <i>• Break O Day Glamorgan Spring Bay and Sorell Councils (into 2 councils).</i> <i>• City of Hobart and Glenorchy City Councils.</i> <i>• Kingborough and Huon Valley Councils.</i> <p><i>The Board acknowledges council interest in and discussions on boundary changes are less advanced in respect of City of Hobart and Glenorchy and Kingborough and Huon Valley Councils but nonetheless believes that these councils have expressed clear interest in further exploring opportunities The Board believes there is substantial merit in ensuring that those councils (and their</i></p>	Supported insofar as it relates to Kingborough (refer commentary earlier in this report).

Rec #		Comment
	<i>communities) are afforded the opportunity to genuinely explore structural consolidation proposals in greater detail.</i>	
5	<i>A new Local Government Board should be established to undertake detailed assessment of formal council amalgamation proposals and make recommendations to the Tasmanian Government on specific new council structures.</i>	Supported. The new Board will require members with a broad skill set and sufficient resourcing within the Office of Local Government to support it to perform its role.
6	<i>A Community Working Group (CWG) should be established in each area where formal amalgamation proposals are being prepared. The CWG would identify specific opportunities the Tasmanian Government could support to improve community outcomes.</i>	Supported in principle. Establishment of a CWG at the time the Board is undertaking any analysis of amalgamation proposals may result in cross-over or duplication of effort. A two-step approach needs to be considered that would allow the Board to analyse the proposal and make recommendations and then, if the recommendations are supported via an elector poll, establish a CWG to engage in the detailed consideration required to advance an amalgamation proposal toward the final approval stage. The terms of reference of the CWG will be a critical success factor.
7	<i>In those areas where amalgamation proposals are being developed, a community vote should be held before any reform proceeds to consider an integrated package of reform that involves both a formal council amalgamation proposal and a funded package of opportunities to improve community outcomes.</i>	Supported. For any amalgamation proposal to have the greatest chance of success it needs the support of the councils and communities involved.
8	<i>If a successful community initiated elector poll requests councils to consider amalgamation, the Minister for Local Government should request the Local Government Board to develop a formal amalgamation proposal and put it to a community vote.</i>	Not supported. This recommendation invites potential conflict in situations where the community in one council area votes for amalgamation when their neighbour does not support it or has not yet voted.
9	<i>The new Local Government Act should provide that the Minister for Local Government can require councils to</i>	Supported in principle. It is acknowledged that there is value within scale in Tasmania. Councils have addressed the issue of shared or combined services in different ways in

Rec #		Comment
	<i>participate in identified shared service or shared staffing arrangements.</i>	the past. For example, Kingborough and other southern councils have enjoyed success through the Copping Waste Disposal Site Joint Authority. A better approach would be to establish the principles governing shared service models within the proposed Local Government Charter.
10	<i>Give councils the opportunity to design identified shared service arrangements themselves, with a model only being imposed if councils cannot reach consensus.</i>	Supported in part. The first element – give councils the opportunity to design identified shared service arrangements – is supported. It is difficult to support mandatory shared service arrangements without knowing more detail.
11	<i>Before endorsing a particular mandatory shared service arrangement, the Minister for Local Government should seek the advice of the Local Government Board.</i>	Not supported. It is difficult to support mandatory shared service arrangements without knowing more detail. That said, there is support for the investigation of shared service arrangements that provide economic and social benefits for the community, and increased collaboration between councils to improve service delivery.
12	<i>If councils are unable to reach consensus on a mandatory service sharing agreement the Minister for Local Government should have the power to require councils to participate in a specific model or models the Tasmanian Government has developed.</i>	Not supported. It is difficult to support mandatory shared service arrangements without knowing more details. Some will view this proposal as a compulsory amalgamation mechanism in disguise. Any proposal to move toward a mandatory service sharing arrangement should be subject to community consultation and endorsement in the same manner as any proposed amalgamation.
13	<i>The first priorities for developing mandatory shared service arrangements should be:</i> <ul style="list-style-type: none">• <i>Sharing of key technical staff;</i>• <i>sharing of common digital business systems and ICT infrastructure; and</i>• <i>sharing of asset management expertise through a centralised council owned authority.</i>	Not supported. Whilst the notion of shared service arrangements is supported, noting Kingborough has participated in such for many years, it is difficult to support mandatory shared service arrangements without knowing more detail.

Rec #		Comment
14	<i>Include a statutory requirement for councils to consult with local communities to identify wellbeing priorities objectives and outcomes in a new Local Government Act. Once identified councils would be required to integrate the priorities into their strategic planning service delivery and decision making processes.</i>	Supported. Many councils are already doing significant work in this area. However, delivery of these programs (eg, Kingston Park regional playground) involves the construction of physical assets as well as financial commitment to ongoing programs. Councils would benefit from funding support from the state government, after all, health and well-being in the community is a whole of government issue.
15	<i>To be eligible to stand for election to council, all candidates should first undertake - within six months prior to nominating - a prescribed, mandatory education session, to ensure all candidates understand the role of councillor and their responsibilities if elected.</i>	Supported. The <i>Review of the Local Government Act</i> already included this reform.
16	<i>The Tasmanian Government and the Local Government sector should jointly develop and implement a contemporary, best practice learning and ongoing professional development framework for elected members as part of this framework under a new Local Government Act:</i> <ul style="list-style-type: none"> <i>all elected members - including both new and returning councillors - should be required to complete a prescribed 'core' learning and development program within the first 12 months of being elected; and</i> <i>councils should be required to prepare, at the beginning of each new term, an elected member learning and capability development plan to support the broader ongoing professional development needs of their elected members.</i> 	Supported. Work on this is already well underway with the Learning and Development Framework available to all elected members, although this recommendation now makes completion of the program compulsory.
17	<i>The Tasmanian Government should further investigate and consider introducing an alternative framework for councils to raise revenue from major commercial operations in their local government areas, where rates based on the improved value of land are not an</i>	Supported. This recommendation predominantly relates to electricity generation (wind and solar farms) and mining.

Rec #		Comment
	<i>efficient, effective, or equitable form of taxation.</i>	
18	<i>The Tasmanian Government should work with the sector and the development industry to further investigate and consider introducing a marginal cost based integrated developer charging regime.</i>	Supported. Currently head works costs are borne by the wider community. Reform of this type is long overdue.
19	<i>Introduce additional minimum information requirements for council rates notices to improve public transparency, accountability, and confidence in council rating and financial management decisions.</i>	Supported. This proposal aims to ensure consistency and comparability in rate notices, presented in a plain English format.
20	<p><i>Within the context of the national framework the Tasmanian Government should seek advice from the State Grants Commission on how it will ensure the financial assistance grants methodology is</i></p> <ul style="list-style-type: none"> <i>transparent and well understood by councils and the community;</i> <i>that assistance is being targeted efficiently and effectively; and</i> <i>is not acting as a disincentive for councils to pursue structural reform opportunities.</i> 	Supported. This recommendation responds to sector advocacy and the Board's difficulty in gaining an understanding of the (seemingly overcomplex) methodology used by the State Grants Commission.
21	<i>The Tasmanian Government should review the total amount of Heavy Vehicle Motor Tax revenue made available to councils and consider basing this total amount on service usage data.</i>	Supported. This recommendation is a direct result of LGATs advocacy on behalf of the sector.
22	<i>Introduce a framework for council fees and charges in a new Local Government Act to support the expanded, equitable and transparent utilisation of fees and charges to fund certain council services.</i>	Supported. The Review of Local Government Act included this reform.
23	<i>The Tasmanian Government should review the current rating system under the Local Government Act to make it simpler, more equitable, and more predictable for landowners The review should only be undertaken following implementation of the Board's other rating and revenue recommendations.</i>	Supported. This issue has expanded beyond the original concern related to, the now non-rateable, Independent Living units. This will increasingly become an issue for councils such as Kingborough given the number of Homes Tasmania homes being transferred to organisations (such as Centacare Evolve, Salvation Army and

Rec #		Comment
		Mission Australia) that then become rate exempt.
24	<i>The Tasmanian Government should work with the sector to develop, resource, and implement a best practice local government performance monitoring system.</i>	Supported in principle. Care will need to be taken that the reporting mechanism doesn't become the "tail wagging the dog".
25	<i>The Tasmanian Government should develop a clear and consistent set of guidelines for the collection, recording, and publication of data sets that underpin the new performance reporting system to improve overall data consistency and integrity and prescribe data methodology and protocols via ministerial order or similar mechanism.</i>	Supported in principle. The measures used should be service delivery outcomes focussed and help councils to initiate improvements to performance. Any required data collection set should aim to be an improvement on the current processes, rather than imposing additional requirements on councils.
26	<i>The new Strategic Planning and Reporting Framework should actively inform and drive education, compliance, and regulatory enforcement activities for the sector, and entities with responsibility for compliance monitoring and management - including the Office of Local Government and council audit panels - should be properly empowered and resourced to effectively deliver their roles.</i> <i>As part of this the Tasmanian Government should consider introducing a requirement for councils to have an internal audit function given their responsibilities for managing significant public assets and resources, and whether this requirement needs to be legislated or otherwise mandated. Consideration should also be given to resourcing internal audit via service sharing or pooling arrangements particularly for smaller councils.</i>	Supported in principle. It is suggested that the Office of Local Government should be appropriately resourced and funded by the state government. The sector should not be expected to fund their regulatory oversight functions as suggested on page 88 of the final report. Kingborough, like most larger councils, already has an internal audit function in place. However, this function will be difficult to resource for many smaller councils, particularly if the focus areas/scope is determined by the audit panels, which is what the final report implies.
27	<i>The Tasmanian Government should collaborate with the local government sector to support a genuine, co-regulatory approach to councils' regulatory responsibilities, with state agencies providing ongoing professional support to council staff and involving</i>	Supported. The new Charter for Local Government could capture this co-regulatory approach. This recommendation is a direct result of LGATs advocacy on behalf of the sector.

Rec #		Comment
	<i>councils in all stages of regulatory design and implementation.</i>	
28	<i>The Tasmanian Government should work with the local government sector to pursue opportunities to strengthen partnerships between local government and Service Tasmania.</i>	Supported. This recommendation seeks to replicate the successful arrangements established by Devonport City Council in the Paraple building. While meritorious, the work involved to achieve it may be significant.
29	<i>Councils should migrate over time to common digital business systems and ICT infrastructure that meet their needs for digital business services, with support from the Department of Premier and Cabinet Digital Strategy and Services (DSS)</i>	Supported in principle. While many in our sector have noted there are significant opportunities in moving to common digital business systems, this would be a long term, costly and highly disruptive process. Provided this process was supported through funding from the state government the reform, although ambitious, is achievable.
30	<i>The Tasmanian Government - in consultation with the sector - should review the current legislative requirements on councils for strategic financial and asset management planning documentation to simplify and streamline the requirements and support more consistent and transparent compliance.</i>	Supported in principle. This is a very ambitious recommendation and would be a long-term project that would need to be sufficiently funded and resourced.
31	<i>The Tasmanian Government - in consultation with the sector - should investigate the viability of, and seek to implement wherever possible, standardised useful asset life ranges for all major asset classes.</i>	Supported. This recommendation comes as a direct result of council feedback to the Board. It is important to note that asset valuations and useful life assessments are overseen by the office of the Auditor General, who provides active and ongoing oversight to these functions.
32	<i>All Tasmanian councils should be required under a new Local Government Act to develop and adopt community engagement strategies - underpinned by clear deliberative engagement principles.</i>	Supported. The Review of the Local Government Act included this reform.
33	<i>A new Local Government Act should require councils, when developing and adopting their community engagement strategies, to clearly set out how they will consult on, assess, and communicate</i>	Supported. However, should this be mandated then criteria will need to be established to determine what new services and infrastructure would be subject to a community impact assessment.

Rec #		Comment
	<i>the community impact of all significant new services infrastructure.</i>	
34	<i>Following the phase 1 voluntary amalgamation program, the Tasmanian Government should commission an independent review into councillor numbers and allowances.</i>	Supported. A review into councillor numbers and allowances is overdue. The current councillor allowances do not reflect the workload and complexity involved, do not reflect the time and effort expended by councillors and arguably do not support or encourage community members to run for council.
35	<i>The Tasmanian Government should expedite reforms already agreed and/or in train in respect of statutory sanctions available to deal with councillor misconduct or poor performance.</i>	Supported.
36	<p><i>The Tasmanian Government should:</i></p> <ul style="list-style-type: none"> <i>support the Local Government Association (LGAT) to develop and implement - in consultation with councils and their staff - a workforce development tool kit tailored to the sector and aligned with the Tasmanian Government workforce development system;</i> <i>support councils to update their workforce plans at the time of any consolidation;</i> <i>support LGAT to lead the development and implementation of state-wide approach to workforce development for key technical staff, beginning with environmental health officers, planners and building inspectors;</i> <i>recognise in statute that workforce development is an ongoing responsibility of council general managers - and is included as part of the new strategic planning and reporting framework; and</i> <i>include simple indicators of each council's workforce profile in the proposed council performance dashboard.</i> 	Supported in principle. To be successful this work also needs to have "buy in" from education and training institutions to support the strategies and actions to meet skills shortages. It will therefore be necessary for the state government to take a lead role in terms of negotiating and funding those programs with training providers.
37	<i>The Tasmanian Government should partner with, and better support councils</i>	Supported.

Rec #		Comment
	<i>to build capacity and capability to plan for and respond to emergency events and climate change impacts.</i>	This recommendation is a direct result of LGAT and council advocacy. The \$500,000 climate change capacity building program LGAT has recently commenced rolling out across the state provides a good starting point to support this recommendation.

5. FINANCE

- 5.1 Should Huon Valley council be prepared to engage in meaningful amalgamation discussions with Kingborough detailed financial analysis and modelling would be required to inform both councils, both communities and the Board as part of voluntary amalgamation process.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 The future of local government review has already involved an extensive community consultation process, and this is planned to continue.

8. RISK

- 8.1 Council's long held view on being open to reform is well known and will come as no surprise to the Huon Valley council or community and as such represents little risk.

9. CONCLUSION

- 9.1 Council has previously provided a submission to the Future of Local Government Review Stage 2 Options Paper expressing openness to collaborate with Huon Valley Council to further investigate amalgamating the existing Kingborough and Huon Valley Council areas to create one new council south of Hobart.
- 9.2 It is recommended that council once again resolve accordingly.
- 9.3 In addition, it is recommended that council also resolve to provide a submission on The Future of Local Government Review Final Report generally in accordance with the comments outlined in this report.

10. RECOMMENDATION

That Council

- (a) Provide a submission on The Future of Local Government Review Final Report generally in accordance with the comments outlined in this report; and
- (b) Seek to meet with Huon Valley Council to commence discussion to further investigate amalgamating the existing Kingborough and Huon Valley Council areas to create a new council south of Hobart.

ATTACHMENTS

Nil

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16.3 NOMINATION FOR DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE**File Number:** 5.539**Author:** Julie Alderfox, Community Development Officer**Authoriser:** Deleeze Chetcuti, Director Environment, Development & Community Services**Strategic Plan Reference****Key Priority Area:** 1 Encourage and support a safe, healthy and connected community.**Strategic Outcome:** 1.1 A Council that engages with and enables its community.**1. PURPOSE**

- 1.1 The purpose of this report is to consider a nomination received after the closing date for the Disability Inclusion & Access Advisory Committee.

2. BACKGROUND

- 2.1 Council's Disability Inclusion and Access Advisory Committee term was complete in 2023. Nominations were subsequently called for, with a closing date of Monday 29 January 2024. Ten nominations were received on or prior to that date. An additional nomination was received on Tuesday 30 January. That nomination is the subject of this report.

3. STATUTORY REQUIREMENTS

- 3.1 The Committee is appointed in accordance with section 24 of the *Local Government Act 1993* and therefore Council is required to approve the appointment of members.

4. DISCUSSION

- 4.1 The Terms of Reference for the Committee allow up to 13 members, five (5) from organisations and up to eight (8) individuals.
- 4.2 The current committee is made up of seven (7) individuals who have no stated formal association with a disability organisation and three (3) individuals associated with a disability advocacy group and/or support group.
- 4.3 The new nomination, although received after the closing date is from a community member with lived experience of using an assistance dog. The experience of visual impairment is not currently represented within the committee membership.

5. FINANCE

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

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 Nominations were called for in January 2024 via social and print media.

8. RISK

- 8.1 There is a risk of losing valuable input and advice from a community member with lived experience of visual impairment if this nomination is not accepted.

9. CONCLUSION

- 9.1 To broaden the areas of expertise offered within the Disability Inclusion & Access Advisory Committee it is recommended that Mary Cook be appointed to the committee.

10. RECOMMENDATION

That Mary Cook be appointed to the Disability Inclusion & Access Advisory Committee.

ATTACHMENTS**1. Nomination**

Public Copy



**NOMINATION FORM
KINGBOROUGH DISABILITY INCLUSION & ACCESS ADVISORY
COMMITTEE**

Nominee's name

Mary Cook

Nominee's address

[REDACTED]

Nominee's telephone number

[REDACTED]

Nominee's e-mail address

[REDACTED]

Details of experience and
interest in disability access

I am an Australian Army Veteran with PTS and medical injuries with an approved Assistance Dog. Living in Kingborough.

Following my medical discharge I moved to Tasmania from my last Posting In Adelaide in 2016, with my Seeing Differently Service Dog Roxy. (medical Discharge)

On arrival in Tasmania, I saw a need for Education of Most Tasmanian Dept Stores, Café and Restaurant's, as we had been asked to leave on numerous occasions.

I would, if possible, Educate Staff on their obligations, and let them know they were being discriminatory and the consequences.

To this day 8 years on I still face discrimination, now just reported the establishment straight to Seeing Differently Australia and the Local Council Area where the incident happened.

With my experience of living with a disability and having faced discrimination I believe I am well suited to offer insights to promote access and inclusion along side the committee.

Being part of this committee would be of great benefit to me and to all people with Service Qualified Service Dogs, and all persons with Disabilities.

My Job in the Army was Transport Driver, First Female to Drive Bushmaster Armored Vehicles.2004

- Tour Of Iraq 2005/6
- 2010/11 Old Floods
- Kings Trust Scholarship in Small Business 2018
- Diploma in Small Business
- Cert 4 Outdoor Education Tafe Tas
- Austswim Teacher C.A.L.D
- Surf Life Saver Clifton Beach Surf Life Club
- Volunteer Swim Teacher MRC Migrant Resource Centre

Have supplied just some of my achievements to date, I still can't get work.

Due to my PTSD and injury's.

Thank you for taking the time to read this, I hope this committee can make changes for the better for all.

16.4 FINANCIAL REPORT - JANUARY 2024

File Number: 10.47

Author: Tim Jones, Manager Finance

Authoriser: David Spinks, Director People & Finance

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

- 1.1 The purpose of this report is to provide the January 2024 financial report information to Council for review.

2. BACKGROUND

- 2.1 The attached report has been prepared based on current information with estimates being used where final information is not available.
- 2.2 There are a number of significant timing variances in the accounts due to the seasonal nature of some expenditure eg recreation and reserves, where expenditure is yet to occur, or where expenditure for the full year is made early in the year.

3. STATUTORY REQUIREMENTS

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

4. DISCUSSION

- 4.1 The Summary Operating Statement contains several variances to the original budget. The following are the major variances and explanations:
- Rates are \$51k under budget due to the number of supplementary rate assessments being below the level expected. This lower level is expected to continue, and the year-end forecast has been adjusted to reflect the expected \$100k shortfall for the 2023/24 year.
 - Statutory Fees and Fines are \$73k under budget due to revenue from Building & Plumbing Services (-\$58k), Compliance (-\$40k all areas), and Finance (-\$20k property transfer certificates) being below budget. Planning fees are expected to remain below budget and the full year forecast revenue has been reduced by \$150k to reflect this. Compliance is also expected to remain below budget and the annual fee revenue forecast has been reduced by \$40k. A total forecast of \$190k below budget results for fees and fines.
 - User fees are \$65k over budget due to greater than expected income from KSC (+\$25k) and Property Management (+\$18k various hall rental). KSC revenue will continue to reduce until new year rosters commence.

- Grants Recurrent are \$27k over budget due to grants received by Community Services.
- Cash contributions are \$30k better than budget primarily due to public open space contributions being better than budget.
- Reimbursements are \$86k better than budget due to pensioner rate remission reimbursements from the State Government being higher than YTD budget. This is offset by pensioner remission costs (shown in Other Expenses) being \$70k unfavourable to budget. These are timing issues and by the end of the year these balances will be more in alignment.
- Other income is \$123k over budget primarily due to private works revenue which is the recovery of incurred expenditure.
- Employee Costs are \$122k under budget.
- Materials and Services are \$279k over budget. There are a number of both favourable and unfavourable variances for this. Most are timing related and these include recreation and reserves \$121k unfavourable, turf maintenance \$85k unfavourable, building maintenance \$56k favourable and natural areas and biodiversity \$210k favourable. The transport budget (roads, bridge and footpath maintenance primarily) is also unfavourable and forecast to be \$725k unfavourable (approximately 6%) at year end. This is caused by some greater than expected deterioration in the road stock, increased traffic management costs and continuing increase in material costs.
- Other Expenses are \$209k over budget primarily due to pensioner remission expenses costs \$70k unfavourable (see above), \$88k of property damage costs (subject to insurance claims) and GM Recruitment costs \$50k.
- Depreciation is \$471k over budget due to the impact of increased asset valuations. The depreciation forecasts for the year has been increased substantially due to:
 - The revaluation of the Stormwater asset class in late 2022/23 which substantially increased valuations. This revaluation was completed after 23/24 budget preparation;
 - The estimated impacts of the 2023/24 revaluations of the Open Space and Buildings asset classes which are underway;
 - The indexation of asset values to reflect increasing asset replacement costs (for classes not being revalued this year); and
 - The estimated impact of the capitalisation of completed works currently classified as work in progress. This issue will also impact 2024/25.

An unfavourable adjustment of \$1,570k has been made to the end of year forecast.

- Profit on sale of assets is \$755k over budget with \$475k relating to income received from the revenue share agreement on the sale of the stages in Kingston Park. The remaining difference reflects the higher sale prices received in the healthy used vehicle market.

- 4.2 Capital grants are over budget by \$968k due to grants carried over from 2022/23, the largest being \$0.7m for the Transform Kingston project.

- 4.3 Council's cash and investments amount to \$6.7m at the end of the month, which is an improvement on the December balance due to rates third instalment receipts. Borrowings of \$13.9 million offset this amount. Council will reborrow funds as they fall due.

5. FINANCE

- 5.1 Council's underlying result for YTD January 2024 is a \$11.7 million underlying surplus, which is a \$484k unfavourable variance on the budget for 2023/24.
- 5.2 The forecast result for 2023/24 is now an underlying deficit of \$2,285k due primarily to the depreciation impacts of infrastructure asset revaluations and indexations, increased road maintenance costs, and, lower planning applications and supplementary property rates. The significant increases in asset values at the end of June 2023 are due to the stormwater, open space and building asset class revaluations, and the year-end indexation of valuations of the other asset classes, which resulted in a much higher depreciation expense going forward. Inflationary pressures mean there will likely be another significant increase at June 2024, affecting 2024/25 depreciation expense.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

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

8. RISK

- 8.1 The Council financials are projected to be below budget for the financial year mainly due to the depreciation impact of revaluations, see 4.1 above.
- 8.2 Council is forecasting an underlying deficit for the full year.
- 8.3 Council's long term financial plan which is currently under review needs to address the ongoing incurring of deficits.

9. CONCLUSION

- 9.1 Council is on track to deliver a result that will be unfavourable to budget for 2023/24.

10. RECOMMENDATION

That Council endorses the attached Financial Report as at 31 January 2024.

ATTACHMENTS

- 1. Financials January 2024**
- 2. Capital Report January 2024**



FINANCIAL REPORT

FOR THE PERIOD

1ST JULY, 2023

TO

31ST JANUARY, 2024

SUBMITTED TO COUNCIL

19TH FEBRUARY, 2024

KINGBOROUGH COUNCIL - January 2024

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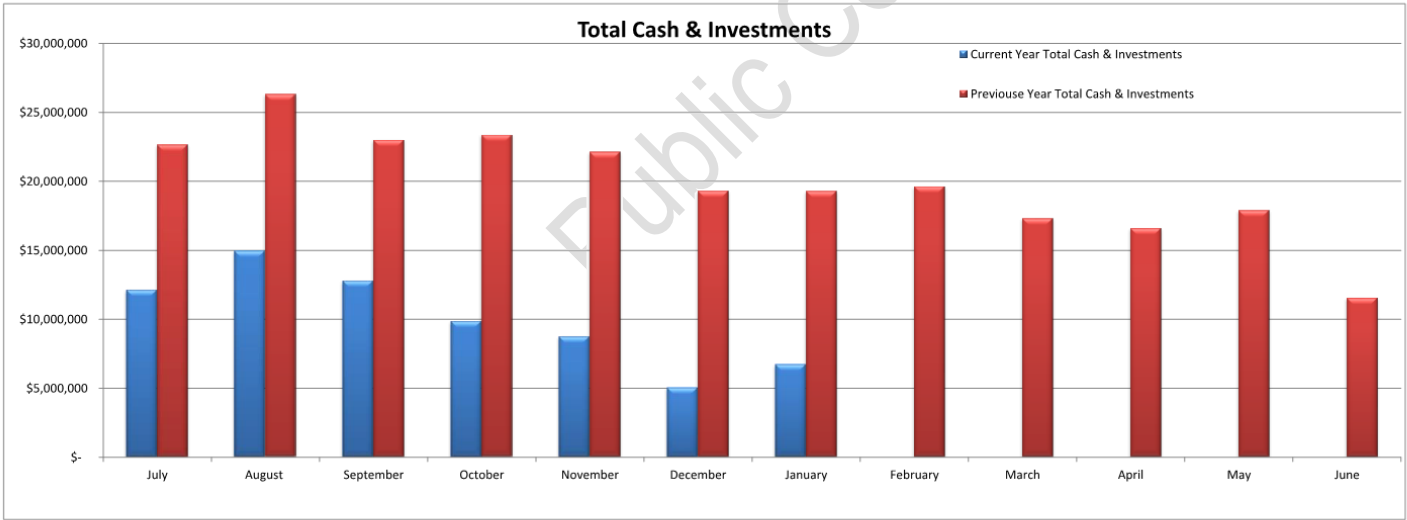
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KINGBOROUGH COUNCIL - January 2024

CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 2,860,736	\$ 2,397,463	\$ 2,212,000	\$ 2,220,674	\$ 2,224,311	\$ 2,234,741	\$ 2,230,977	\$ -	\$ -	\$ -	\$ -	\$ -
Held in Trust	\$ 1,719,474	\$ 1,717,674	\$ 1,717,674	\$ 1,662,385	\$ 1,722,331	\$ 1,714,731	\$ 1,715,031					
Unexpended Capital Works*	\$ 1,222,745	\$ 2,709,463	\$ 3,651,964	\$ 4,586,897	\$ 5,502,984	\$ 5,827,984	\$ 7,019,522					
Current Year Total Committed Cash	\$ 5,802,955	\$ 6,824,600	\$ 7,581,638	\$ 8,469,956	\$ 9,449,626	\$ 9,777,456	\$ 10,965,530	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Committed Cash	\$ 5,840,016	\$ 6,789,199	\$ 7,416,397	\$ 7,418,967	\$ 8,185,092	\$ 8,642,614	\$ 9,726,462	\$ 11,129,005	\$ 11,581,182	\$ 11,613,482	\$ 13,439,938	\$ 13,174,545
Uncommitted Funds	\$ 6,330,309	\$ 8,136,991	\$ 5,213,192	\$ 1,396,404	-\$ 700,152	-\$ 4,734,327	-\$ 4,237,102	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash	\$ 12,133,264	\$ 14,961,591	\$ 12,794,831	\$ 9,866,360	\$ 8,749,474	\$ 5,043,130	\$ 6,728,427	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Cash	\$ 22,650,806	\$ 26,297,444	\$ 22,991,651	\$ 23,355,485	\$ 22,118,994	\$ 19,292,435	\$ 19,279,548	\$ 19,625,884	\$ 17,306,239	\$ 16,581,339	\$ 17,891,355	\$ 11,541,718

*Unexpended Capital Works excludes Kingston Park expenditure



KINGBOROUGH COUNCIL - January 2024

CASH, INVESTMENTS & BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June
CBA - Overdraft Account	3.85%	Ongoing	\$ 2,105,067	\$ 1,206,057	\$ 397,407	\$ 2,272,885	\$ 747,054	\$ 566,668	\$ 2,144,388					
CBA - Applications Account	3.85%	Ongoing	\$ 3,495	\$ 58,198	\$ 6,392	\$ 123,591	\$ 280,725	\$ 198,700	\$ 37,581					
CBA - AR Account	3.85%	Ongoing	\$ 3,947	\$ 17,943	\$ 2,169	\$ 179,517	\$ 402,591	\$ 72,163	\$ 533,602					
CBA - Business Online Saver	4.35%	Ongoing	\$ 4,648,933	\$ 8,299,147	\$ 7,000,436	\$ 4,926,007	\$ 4,946,133	\$ 1,823,580	\$ 1,630,230					
Total Cash			\$ 6,761,442	\$ 9,581,345	\$ 7,406,404	\$ 7,502,000	\$ 6,376,502	\$ 2,661,109	\$ 4,345,801	\$ -	\$ -	\$ -	\$ -	\$ -
INVESTMENTS														
Bendigo 5	5.00%	09-Oct-23	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000									
Mystate 5	5.10%	09-Oct-23	\$ 1,532,548	\$ 1,532,548	\$ 1,532,548									
Tascorp HT	4.35%	Managed Trust	\$ 161,123	\$ 161,684	\$ 162,229	\$ 162,793	\$ 163,368	\$ 163,971	\$ 164,577					
Tascorp Cash Indexed	4.50%	Managed Trust	\$ 2,178,151	\$ 2,186,014	\$ 2,193,650	\$ 2,201,567	\$ 2,209,604	\$ 2,218,049	\$ 2,218,049					
Total Investments			\$ 5,371,822	\$ 5,380,245	\$ 5,388,426	\$ 2,364,360	\$ 2,372,972	\$ 2,382,020	\$ 2,382,626	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash & Investments			\$ 12,133,264	\$ 14,961,591	\$ 12,794,831	\$ 9,866,360	\$ 8,749,474	\$ 5,043,130	\$ 6,728,427	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Cash & Investments			\$ 22,650,806	\$ 26,297,444	\$ 22,991,651	\$ 23,355,485	\$ 22,118,994	\$ 19,292,435	\$ 19,279,548	\$ 19,625,884	\$ 17,306,239	\$ 16,581,339	\$ 17,891,355	\$ 11,541,718
Borrowings														
Tascorp	3.47%	11-Oct-23	\$2,800,000	\$2,800,000	\$2,800,000									
Tascorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000					
Tascorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000					
Tascorp (Grant Funded)	1.10%	19-Jun-24	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500					
			\$ 16,722,500	\$ 16,722,500	\$ 16,722,500	\$ 13,922,500	\$ 13,922,500	\$ 13,922,500	\$ 13,922,500	\$ -	\$ -	\$ -	\$ -	\$ -

KINGBOROUGH COUNCIL - January 2024

RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733					
Car Parking	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248					
Hall Equipment Replacement	\$ 72,416	\$ 72,416	\$ 72,416	\$ 72,416	\$ 72,416	\$ 72,416	\$ 72,416					
IT Equipment Replacement	\$ 220,711	\$ 220,711	\$ 220,711	\$ 220,711	\$ 220,711	\$ 220,711	\$ 220,711					
KSC Equipment Replacement	\$ 145,367	\$ 145,367	\$ 145,367	\$ 145,367	\$ 145,367	\$ 145,367	\$ 145,367					
KWS Replacement Reserve	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000					
Office Equipment Replacement	\$ 120,013	\$ 120,013	\$ 120,013	\$ 120,013	\$ 120,013	\$ 120,013	\$ 120,013					
Plant & Equipment Replacement	\$ 372,850	\$ 372,850	\$ 372,850	\$ 372,850	\$ 372,850	\$ 372,850	\$ 372,850					
Public Open Space	\$ 711,421	\$ 232,171	\$ 58,571	\$ 77,321	\$ 110,556	\$ 110,556	\$ 110,556					
Tree Preservation Reserve	\$ 760,976	\$ 776,953	\$ 765,090	\$ 755,014	\$ 725,417	\$ 735,847	\$ 732,083					
Current Year Total Reserve	\$ 2,860,736	\$ 2,397,463	\$ 2,212,000	\$ 2,220,674	\$ 2,224,311	\$ 2,234,741	\$ 2,230,977	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Reserve	\$ 3,171,178	\$ 3,371,968	\$ 2,992,671	\$ 2,997,893	\$ 3,078,821	\$ 2,879,919	\$ 2,881,967	\$ 2,888,160	\$ 2,889,055	\$ 2,738,651	\$ 2,728,574	\$ 3,866,525

PUBLIC OPEN SPACE FUNDS

KINGBOROUGH COUNCIL - January 2024

BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
BUDGET UNDERLYING RESULT	11,950
Forecast Changes:	
Grants - FA Grants above budget	250,000
Dividends - Taswater Adjustment	38,000
Depreciation - Stormwater assets revaluation and infrastructure indexation	(1,570,000)
Materials & Services - Transport greater than expected deterioration of road stock, increased	
Traffic Management and Material costs	(725,000)
Rates - Revenue Reduction	(100,000)
Statutory Fees & Fines - Compliance & Planning Revenue Reduction	(190,000)
FORECAST UNDERLYING RESULT	(2,285,050)
Adjustments not affecting the Underlying Surplus:	
Sale of Kingston Park land - Revenue Share portion	475,000
Net Surplus.	889,950

KINGBOROUGH COUNCIL - January 2024

Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	36,364,676	36,416,360	(51,684)	36,490,000	36,390,000	(100,000)
Income Levies	2,012,349	1,972,000	40,349	1,972,000	1,972,000	0
Statutory Fees & Fines	1,243,729	1,317,080	(73,351)	2,279,000	2,089,000	(190,000)
User Fees	1,010,741	945,660	65,081	1,604,720	1,604,720	0
Grants Recurrent	229,381	202,420	26,961	3,094,100	3,344,100	250,000
Contributions - Cash	159,709	130,130	29,579	223,000	223,000	0
Reimbursements	1,325,662	1,239,260	86,402	1,240,000	1,240,000	0
Other Income	403,358	279,950	123,408	784,200	784,200	0
Internal Charges Income	128,331	128,310	21	220,000	220,000	0
Total Income	42,877,937	42,631,170	246,767	47,907,020	47,867,020	(40,000)
Expenses						
Employee Costs	11,631,863	11,754,127	122,264	18,067,965	18,067,965	0
Expenses Levies	998,859	986,000	(12,859)	1,972,000	1,972,000	0
Loan Interest	56,699	33,000	(23,699)	33,000	33,000	0
Materials and Services	7,714,061	7,435,030	(279,031)	12,239,525	12,964,525	(725,000)
Other Expenses	3,700,274	3,491,070	(209,204)	4,370,580	4,370,580	0
Internal Charges Expense	128,331	128,310	(21)	220,000	220,000	0
Total Expenses	24,230,087	23,827,537	(402,550)	36,903,070	37,628,070	(725,000)
Net Operating Surplus/(Deficit) before:	18,647,850	18,803,633	(155,783)	11,003,950	10,238,950	(765,000)
Depreciation	8,050,455	7,579,040	(471,415)	12,902,000	14,472,000	(1,570,000)
(Profit)/Loss on Disposal of Assets	(755,935)	0	755,935	500,000	25,000	475,000
Net Operating Surplus/(Deficit) before:	11,353,330	11,224,593	128,738	(2,398,050)	(4,258,050)	(1,860,000)
Interest	269,082	303,310	(34,228)	520,000	520,000	0
Dividends	616,000	720,000	(104,000)	1,440,000	1,478,000	38,000
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	350,000	350,000	0
NET OPERATING SURPLUS/(DEFICIT)	12,238,412	12,247,903	(9,490)	11,950	(1,810,050)	(1,822,000)
Grants Capital	1,568,376	600,000	968,376	1,700,000	1,700,000	0
Contributions - Capital	238,686	0	238,686	0	0	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
NET SURPLUS/(DEFICIT)	14,045,474	12,847,903	1,197,572	2,711,950	889,950	(1,822,000)
Underlying Result						
Profit on Sale of Land	(475,000)	0	(475,000)	0	(475,000)	475,000
UNDERLYING RESULT	11,763,412	12,247,903	(484,490)	11,950	(2,285,050)	(1,347,000)
TOTAL CASH GENERATED	4,187,957	4,668,863	(480,905)	12,913,950	12,661,950	(252,000)

KINGBOROUGH COUNCIL - January 2024

Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	29,443,943	29,534,000	(90,057)	29,580,000	29,480,000	(100,000)
Income Levies	2,012,349	1,972,000	40,349	1,972,000	1,972,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	57,400	55,440	1,960	95,000	95,000	0
Grants Recurrent	56,611	56,610	1	2,760,000	3,010,000	250,000
Contributions - Cash	121,235	81,690	39,545	140,000	140,000	0
Reimbursements	1,325,662	1,239,260	86,402	1,240,000	1,240,000	0
Other Income	59,958	36,190	23,768	352,000	352,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	33,077,159	32,975,190	101,969	36,139,000	36,289,000	150,000
Expenses						
Employee Costs	264,839	258,450	(6,389)	419,260	419,260	0
Expenses Levies	998,859	986,000	(12,859)	1,972,000	1,972,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	90,861	168,200	77,339	211,200	211,200	0
Other Expenses	2,140,878	2,046,190	(94,688)	2,434,000	2,434,000	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	3,616,670	3,458,840	(157,830)	5,036,460	5,036,460	0
Net Operating Surplus/(Deficit) before:	29,460,488	29,516,350	(55,862)	31,102,540	31,252,540	150,000
Depreciation	23,913	138,020	114,107	235,000	235,000	0
Loss/(Profit) on Disposal of Assets	(755,935)	0	755,935	500,000	25,000	475,000
Net Operating Surplus/(Deficit) before:	30,192,510	29,378,330	814,180	30,367,540	30,992,540	625,000
Interest	0	0	0	0	0	0
Dividends	616,000	720,000	(104,000)	1,440,000	1,478,000	38,000
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	350,000	350,000	0
NET OPERATING SURPLUS/(DEFICIT)	30,808,510	30,098,330	710,180	32,257,540	32,920,540	663,000
Grants Capital	1,568,376	600,000	968,376	1,700,000	1,700,000	0
Contributions - Capital	238,686	0	238,686	0	0	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	32,615,572	30,698,330	1,917,242	34,957,540	35,620,540	663,000
TOTAL CASH GENERATED	30,784,597	29,960,310	824,287	32,022,540	32,685,540	(663,000)

KINGBOROUGH COUNCIL - January 2024

Summary Operating Statement Business Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	143,392	163,310	(19,918)	280,000	280,000	0
User Fees	0	0	0	0	0	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	71,005	73,310	(2,305)	136,000	136,000	0
Internal Charges Income	87,500	87,500	0	150,000	150,000	0
Total Income	301,897	324,120	(22,223)	566,000	566,000	0
Expenses						
Employee Costs	1,974,921	1,943,670	(31,251)	3,143,180	3,143,180	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	56,699	33,000	(23,699)	33,000	33,000	0
Materials and Services	693,318	631,970	(61,348)	890,700	890,700	0
Other Expenses	948,236	1,004,230	55,994	1,257,800	1,257,800	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	3,673,174	3,612,870	(60,304)	5,324,680	5,324,680	0
Net Operating Surplus/(Deficit) before:	(3,371,277)	(3,288,750)	(82,527)	(4,758,680)	(4,758,680)	0
Depreciation	154,381	152,930	(1,451)	260,400	260,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(3,525,658)	(3,441,680)	(83,978)	(5,019,080)	(5,019,080)	0
Interest	269,082	303,310	(34,228)	520,000	520,000	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(3,256,576)	(3,138,370)	(118,206)	(4,499,080)	(4,499,080)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(3,256,576)	(3,138,370)	(118,206)	(4,499,080)	(4,499,080)	0
TOTAL CASH GENERATED	(3,102,195)	(2,985,440)	(116,755)	(4,238,680)	(4,238,680)	0

KINGBOROUGH COUNCIL - January 2024

Summary Operating Statement Governance & Property Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Variance
Income					
Rates	0	0	0	0	0
Income Levies	0	0	0	0	0
Statutory Fees & Fines	220,957	261,340	(40,383)	469,000	(40,000)
User Fees	835,468	787,740	47,728	1,334,120	0
Grants Recurrent	93,151	145,810	(52,659)	250,000	0
Contributions - Cash	0	0	0	0	0
Reimbursements	0	0	0	0	0
Other Income	41,041	47,810	(6,769)	82,000	0
Internal Charges Income	0	0	0	0	0
Total Income	1,190,617	1,242,700	(52,083)	2,135,120	(40,000)
Expenses					
Employee Costs	2,198,555	2,148,087	(50,468)	3,466,061	0
Expenses Levies	0	0	0	0	0
Loan Interest	0	0	0	0	0
Materials and Services	886,474	860,440	(26,034)	1,404,050	0
Other Expenses	188,933	83,680	(105,253)	136,900	0
Internal Charges Expense	0	0	0	0	0
Total Expenses	3,273,963	3,092,207	(181,756)	5,007,011	0
Net Operating Surplus/(Deficit) before:	(2,083,346)	(1,849,507)	(233,839)	(2,871,891)	(40,000)
Depreciation	728,887	601,250	(127,637)	1,023,600	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(2,812,233)	(2,450,757)	(361,475)	(3,895,491)	(40,000)
Interest	0	0	0	0	0
Dividends	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0
Investment Copping	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(2,812,233)	(2,450,757)	(361,475)	(3,895,491)	(40,000)
Grants Capital	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(2,812,233)	(2,450,757)	(361,475)	(3,895,491)	(40,000)
TOTAL CASH GENERATED	(2,083,346)	(1,849,507)	(489,112)	(2,871,891)	(40,000)

KINGBOROUGH COUNCIL - January 2024

Summary Operating Statement Environment, Development & Community Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	879,380	892,430	(13,050)	1,530,000	1,380,000	(150,000)
User Fees	57,868	47,950	9,918	82,200	82,200	0
Grants Recurrent	79,618	0	79,618	84,100	84,100	0
Contributions - Cash	38,475	46,690	(8,215)	80,000	80,000	0
Reimbursements	0	0	0	0	0	0
Other Income	49,149	32,060	17,089	55,000	55,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	1,104,491	1,019,130	85,361	1,831,300	1,681,300	(150,000)
Expenses						
Employee Costs	3,465,692	3,683,560	217,868	5,972,081	5,972,081	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	434,165	667,290	233,125	1,094,000	1,094,000	0
Other Expenses	246,017	236,460	(9,557)	376,680	376,680	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	4,184,349	4,587,310	402,961	7,442,761	7,442,761	0
Net Operating Surplus/(Deficit) before:	(3,079,858)	(3,568,180)	488,322	(5,611,461)	(5,761,461)	(150,000)
Depreciation	127,890	101,120	(26,770)	172,000	172,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(3,207,749)	(3,669,300)	461,551	(5,783,461)	(5,933,461)	(150,000)
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(3,207,749)	(3,669,300)	461,551	(5,783,461)	(5,933,461)	(150,000)
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(3,207,749)	(3,669,300)	461,551	(5,783,461)	(5,933,461)	(150,000)
TOTAL CASH GENERATED	(3,079,858)	(3,568,180)	488,322	(5,611,461)	(5,761,461)	(150,000)

KINGBOROUGH COUNCIL - January 2024

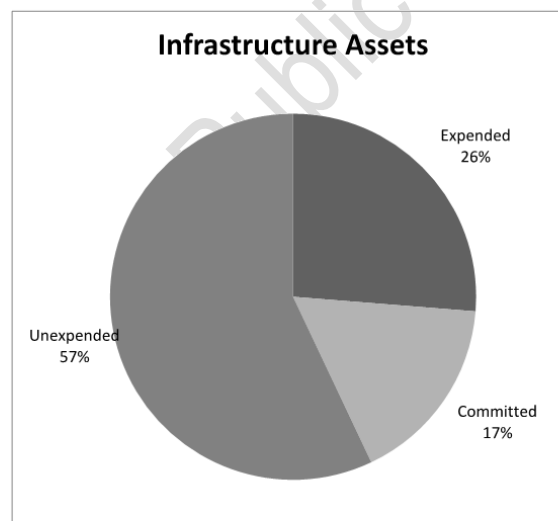
Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	6,920,733	6,882,360	38,373	6,910,000	6,910,000	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	60,004	54,530	5,474	93,400	93,400	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	1,750	(1,750)	3,000	3,000	0
Reimbursements	0	0	0	0	0	0
Other Income	182,204	90,580	91,624	159,200	159,200	0
Internal Charges Income	40,831	40,810	21	70,000	70,000	0
Total Income	7,203,773	7,070,030	133,743	7,235,600	7,235,600	0
Expenses						
Employee Costs	3,727,855	3,720,360	(7,495)	5,070,432	5,070,432	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	5,609,244	5,107,130	(502,114)	8,641,526	8,641,526	0
Other Expenses	176,210	120,510	(55,700)	165,200	165,200	0
Internal Charges Expense	128,331	128,310	(21)	220,000	220,000	0
Total Expenses	9,641,640	9,076,310	(565,330)	14,097,158	14,097,158	0
Net Operating Surplus/(Deficit) before:	(2,437,867)	(2,006,280)	(431,587)	(6,861,558)	(6,861,558)	0
Depreciation	7,015,383	6,585,720	(429,663)	11,211,000	12,781,000	(1,570,000)
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(9,453,250)	(8,592,000)	(861,250)	(18,072,558)	(19,642,558)	(1,570,000)
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(9,453,250)	(8,592,000)	(861,250)	(18,072,558)	(19,642,558)	(1,570,000)
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SUPRPLUS/(DEFICIT)	(9,453,250)	(8,592,000)	(861,250)	(18,072,558)	(19,642,558)	(1,570,000)
TOTAL CASH GENERATED	(16,468,633)	(15,177,720)	(1,290,913)	(6,861,558)	(6,861,558)	0

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/01/2024

	Budget					Actual			Remaining
	Carry Forward	Annual Budget	Grants/ Council	IMG Adjustments	Total	Actual	Commitments	Total	
EXPENDITURE BY ASSET TYPE									
Roads	4,696,493	6,992,500	-	241,388	11,930,381	3,496,818	1,972,474	5,469,291	6,461,089
Stormwater	1,340,416	1,776,500	-	31,383	3,148,299	483,612	81,406	565,018	2,583,281
Property	2,740,209	4,044,200	245,100	105,371	7,134,880	1,750,234	1,585,433	3,335,667	3,799,213
Other	60,406	-	-	(378,142)	(317,736)	22,378	16,416	38,795	(356,531)
Sub total	8,837,524	12,813,200	245,100	-	21,895,824	5,753,042	3,655,729	9,408,771	12,487,053
Kingston Park	(1,367,667)	-	-	-	(1,367,667)	615,006	323,128	938,134	(2,305,801)
City Deal Funding	174,884	-	727,908	-	902,792	3,120,162	13,199	3,133,362	(2,230,569)
Kingston Multi-storey Car Park feasibility to Operational Expenditure			300,000		300,000	38,988	9,600	48,588	251,412
Grand Total	7,644,741	12,813,200	1,273,008	-	21,730,949	9,527,199	4,001,656	13,528,854	8,202,094

0



KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/01/2024

					Budget						Actual			
Closed?	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	Remaining
KINGSTON PARK														
1	KP	Overall Project budget	Kingston Park	New	-					-	-	-		-
2	FALSE C00689	KP Pardalote Parade Design & Construction	Kingston Park	New	-			-		-	311		311	(311)
3	FALSE C01627	KP Site - Land Release Strategy	Kingston Park	New	(4,439)			-		(4,439)	48,274	-	48,274	(52,713)
4	FALSE C01628	KP Site - General Expenditure	Kingston Park	New	(26,666)			-		(26,666)	75,693	-	75,693	(102,359)
5	TRUE C03068	Kingston Park Operational Expenditure	Kingston Park	New	-			-		-	-	-		-
6	TRUE C03173	KP Public Open Space - Playground	Kingston Park	New	(15,741)			-		(15,741)	414	1,566	1,980	(17,721)
7	FALSE C03277	KP Public Open Space - Stage 2	Kingston Park	New	(636,066)			-		(636,066)	282,280	26,357	308,638	(944,704)
8	KP3	KP Playground Stage 2 Security Cameras	Kingston Park	New	70,000			-		70,000	-	-	-	70,000
9	TRUE C03504	KP Playground Security Cameras	Kingston Park	New	-			-		-	-	-	-	-
10	TRUE C03293	Pardalote Parade Northern Section (TIP)	Kingston Park	New	9,529			-		9,529	-	-	-	9,529
11	TRUE C03279	KP Goshawk Way Stage 1B	Kingston Park	New	41,828			-		41,828	123,111	255,591	378,702	(336,874)
12	FALSE C03532	John St Roundabout Upgrade (T'ferred to C03279)	Kingston Park	New	-			-		-	-	-	-	-
13	TRUE C03306	KP Sparrowhawk St Design and Construct	Kingston Park	New	-			-		-	-	30,003	30,003	(30,003)
14	TRUE C03280	KP Stormwater wetlands	Kingston Park	New	(806,112)			-		(806,112)	84,924	9,610	94,534	(900,646)
15					-			-		-	-	-	-	-
16					(1,367,667)	-	-	-	-	(1,367,667)	615,006	323,128	938,134	(2,305,801)
17														
CITY DEAL FUNDING														
19														
	G10034	City Deal Funding - \$0.5m to come (Funding \$7,900,000 to come \$5.9m - paid 2020/21 \$2.0m, 2021/22 \$2m, 2022/23 \$3.4, 2023/24 \$0.5m)			2,569,280		500,000	-	(3,069,280)	-	-	-	-	-
20														
21	Place	Place Strategy development	Expenditure in C03107 Channel Hwy 2019/20		-			-		-	-	-	-	-
22	FALSE C03530	Kingston Bus Interchange	New		788,950			-		788,950	-	-	-	788,950
23	CD2	Other initiatives to be determined			-			-		-	-	-	-	-
24	CD3	Whitewater Creek Track - construct			-			-		-	-	-	-	-
25	FALSE C03524	Channel Highway Vic 15-45 - Design	Upgrade		(187,576)			-		(187,576)	81,327	2,613	83,940	(271,516)
26	FALSE C03525	Channel Highway Vic 15-45 - Construct	80% R / 20% N		(2,455,992)		227,908	-	2,980,253	752,169	3,038,423	10,587	3,049,010	(2,296,841)
27	FALSE C03526	Fantail Parade Walkway - design	New		50,000			-		50,000	-	-	-	50,000
28	FALSE C03523	Property purchase - 40 Channel Hwy	New		(589,778)			-		(589,778)	412	-	412	(590,190)
29	G80001	Transform Kingston Program	in Operational expenditure		-			-	89,027	89,027	in Operational expenditure			
30	CD8	John St Roundabout Upgrade			-			-		-	in Kingston Park above C03532			
31	G80002	Kingborough Bicycle Plan	in Operational expenditure		-			-		-	in Operational expenditure			
32					-			-		-	-	-	-	-
33					174,884	-	727,908	-	-	902,792	3,120,162	13,199	3,133,362	(2,319,597)
34														

KINGBOROUGH COUNCIL
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Closed?	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
35		KINGSTON MULTI-STOREY CAR PARK												
36	FALSE	C03692	Kingston Multi-storey Car Park feasibility	Property	New	-	300,000	-	-	300,000	38,988	9,600	48,588	251,412
37						-	-	-	-	-	-	-	-	-
38														
39						-	300,000	-	-	300,000	38,988	9,600	48,588	251,412
40														
41	FALSE	C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	451,216	-	-	-	451,216	29,058	-	29,058	422,159
42	FALSE	C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	78,489	-	-	-	78,489	55,351	38,182	93,532	(15,043)
43	FALSE	C03455	Alamo Close Play Space and Parkland Works	Property	New	216,008	-	-	(50,000)	166,008	7,493	1,205	8,698	157,311
44	FALSE	C03460	Dru Point Playground Upgrade	Property	50% R / 50% U	255,568	-	-	-	255,568	124,849	69,769	194,618	60,950
45	TRUE	C03468	Margate Hall Disability Toilet	Property	Upgrade	(5,742)	-	-	5,742	-	437	-	437	(437)
46	FALSE	C03469	Margate Hall Access Ramp	Property	New	16,000	-	-	-	16,000	-	-	-	16,000
47	TRUE	C03470	North West Bay River Multi-Use Trail - Stage 1	Property	New	1,349	-	-	-	1,349	15,749	-	15,749	(14,400)
48	FALSE	C03472	Taroona Hall Upgrade	Property	Upgrade	-	21,500	-	-	21,500	13,110	-	13,110	8,390
49	FALSE	C03475	Willowbend Park Playground Upgrade	Property	Upgrade	137,115	-	-	(115,000)	22,115	4,953	-	4,953	17,162
50	FALSE	C03476	Public Place Recycling - Blackmans Bay Beach	Property	New	(119)	-	-	119	-	6,490	-	6,490	(6,490)
51	TRUE	C03425	Whitewater Creek Track Rehabilitation - Stage 1	Property	50% R / 50% U	(9,253)	-	-	9,253	-	6,468	-	6,468	(6,468)
52	TRUE	C03458	Works Depot Toilet & Washroom Facilities	Property	Renewal	(2,500)	30,000	-	2,500	30,000	-	-	-	30,000
53	FALSE	C03473	Taroona Beach Foreshore Toilet	Property	Renewal	301,108	-	-	-	301,108	300,246	33,610	333,856	(32,748)
54	TRUE	C03529	Longley Reserve Toilet Block Replacement	Property	Renewal	-	-	-	-	-	1,123	-	1,123	(1,123)
55	FALSE	C03546	Civic Centre HVAC System Upgrade - Design Only	Property	Renewal	30,000	550,000	-	-	580,000	6,148	-	6,148	573,853
56	FALSE	C03547	Gormley Park Changerooms Upgrade	Property	New	100,000	-	-	-	100,000	22,205	-	22,205	77,795
57	TRUE	C03550	Gormley Park Oval Upgrade	Property	New	(6,497)	-	-	6,497	-	4,287	-	4,287	(4,287)
58	TRUE	C03521	Leslie Vale Oval Upgrade	Property	New	7,835	-	-	-	7,835	10,512	-	10,512	(2,677)
59	FALSE	C03552	Kingston Mountain Bike Park Carpark	Property	Renewal	39,216	-	-	-	39,216	-	-	-	39,216
60	FALSE	C03553	Dog Bag Dispenser Renewal	Property	Renewal	46,533	-	-	-	46,533	7,517	6,295	13,812	32,721
61	FALSE	C03314	Silverwater Park Upgrade	Property	Upgrade	277,610	-	-	-	277,610	58,169	36,844	95,013	182,597
62	FALSE	C03554	Twin Ovals to Spring Farm Connector Track	Property	New	127,434	-	27,000	-	154,434	146,369	4,297	150,666	3,768
63	FALSE	C03555	Spring Farm Track to Whitewater Creek	Property	New	238,848	-	207,100	-	445,948	161,850	268,239	430,089	15,859
64	FALSE	C03595	Playground at Spring Farm or Whitewater Park	Property	New	189,065	-	-	165,000	354,065	24,060	285,332	309,392	44,673
65	TRUE	C03596	Electric Vehicle Charging Station Civic Centre	Property	New	30,000	-	-	-	30,000	21,000	-	21,000	9,000
66	FALSE	C03610	Mt Royal Park Upgrade	Property	Upgrade	178,422	-	-	-	178,422	19,604	6,375	25,979	152,443
67	FALSE	C03612	Works Depot Native Nursery upgrade	Property	Upgrade	-	25,000	-	-	25,000	25,174	7,652	32,826	(7,826)
68	FALSE	C03613	KSC Fitness Centre Access DDA Compliant - Design Only	Property	Upgrade	-	25,000	-	-	25,000	12,988	-	12,988	12,013
69	FALSE	C03614	Snug Foreshore Toilet Upgrade	Property	Upgrade	-	250,000	-	45,000	295,000	102,207	177,870	280,077	14,923
70	FALSE	C03615	Kellaway Park Clubrooms Electrical Upgrade	Property	Upgrade	-	10,200	-	-	10,200	-	-	-	10,200
71	FALSE	C03616	Kingborough Community Hub Upgrade & Signage	Property	Upgrade	-	250,000	-	(30,000)	220,000	-	15,070	15,070	204,930
72	FALSE	C03617	KSC Fitness Centre Multi-Access Toilet Upgrade	Property	Upgrade	-	356,400	-	-	356,400	61,994	337,596	399,589	(43,189)
73	FALSE	C03618	KSC Rear Landscaping & Accessibility Upgrade	Property	Upgrade	-	360,000	-	-	360,000	7,635	-	7,635	352,365
74	FALSE	C03619	KSC Ground Floor Multi-Access Toilet Upgrade	Property	Upgrade	-	50,000	-	-	50,000	-	-	-	50,000
75	FALSE	C03620	Kingston Mountain Bike Toilet	Property	New	-	110,000	-	15,000	125,000	40,406	89,251	129,657	(4,657)
76	FALSE	C03621	Twin Ovals Machinery Shed	Property	New	-	70,000	-	-	70,000	210	-	210	69,790
77	FALSE	C03622	Barretta Transfer Station Vehicle Storage Shed	Property	New	-	374,000	-	-	374,000	6,116	-	6,116	367,884
78	FALSE	C03623	Adventure Bay Community Hall Kitchen Upgrade	Property	Upgrade	-	6,000	-	-	6,000	2,709	-	2,709	3,291
79	FALSE	C03624	Snug Community Hall Upgrade	Property	Upgrade	-	250,000	-	-	250,000	8,730	-	8,730	241,270
80	FALSE	C03625	Kettering Cricket Club Changerooms	Property	Upgrade	-	10,000	-	-	10,000	-	-	-	10,000
81	FALSE	C03626	Kingston Beach Accessibility Matting	Reserves	Upgrade	-	16,000	-	-	16,000	13,380	-	13,380	2,620
82	FALSE	C03627	Woodbridge Oval Upgrade	Reserves	Upgrade	-	200,000	-	-	200,000	11,615	-	11,615	188,385
83	FALSE	C03628	Snug Oval Cricket Net Replacement	Reserves	Renewal	-	80,000	-	(11,000)	69,000	64,966	33,163	98,129	(29,129)

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Closed?	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
84	FALSE	C03629	Snug Foreshore tennis court refurbishment (POS)	Reserves	Renewal	-	39,000	-	-	39,000	-	-	-	39,000
85	TRUE	C03630	McKenzies Road - Leslie Vale Track Upgrade - Stage 2 (P	Reserves	Upgrade	-	96,000	-	-	96,000	96,000	-	96,000	-
86	TRUE	C03631	Picket Hill Track Upgrade (POS)	Reserves	Upgrade	-	57,000	-	-	57,000	56,995	-	56,995	5
87	FALSE	C03632	North West Bay Trail Feasibility - Stage 2	Reserves	New	-	20,800	-	-	20,800	-	4,226	4,226	16,574
88	FALSE	C03633	KSC Connector Track from Coop Court - DA	Reserves	New	-	10,000	-	-	10,000	-	-	-	10,000
89	FALSE	C03634	Kelvedon Park Drainage Upgrade	Reserves	Upgrade	-	208,800	-	-	208,800	47,239	139,343	186,581	22,219
90	FALSE	C03635	Kingston Beach RSL Memorial	Reserves	Renewal	-	7,500	-	-	7,500	3,240	3,960	7,200	300
91	TRUE	C03636	Taroona Foreshore Track Upgrade (POS)	Reserves	Upgrade	-	12,000	-	-	12,000	15,000	-	15,000	(3,000)
92	FALSE	C03637	Barretta Reserve Parking Upgrade (POS)	Reserves	Upgrade	-	15,000	-	-	15,000	519	-	519	14,481
93	FALSE	C03638	Hinsby Road Foreshore Access Upgrade - Design Only	Reserves	Upgrade	-	30,000	-	-	30,000	9	-	9	29,991
94	FALSE	C03639	Kingston Wetlands Access Upgrade (POS)	Reserves	Upgrade	-	269,000	-	-	269,000	14,542	4,300	18,842	250,158
95	FALSE	C03640	Sherburd Oval cricket net replacement	Reserves	Renewal	-	100,000	-	-	100,000	-	-	-	100,000
96	TRUE	C03641	Kingston Netball Access Road Improvements	Reserves	Renewal	-	65,000	-	-	65,000	54,154	-	54,154	10,847
97	FALSE	C03642	Taroona Bowls & Tennis Club Carpark - Design	Reserves	Renewal	-	30,000	-	-	30,000	16,277	-	16,277	13,723
98	FALSE	C03643	KSC Netball Court Resurfacing	Reserves	Renewal	-	40,000	-	-	40,000	-	-	-	40,000
99	FALSE	C03690	Lightwood Park Water Supply	Reserves	New	-	-	-	10,000	10,000	1,360	-	1,360	8,640
100	FALSE	C03694	Civic Centre Security Upgrade	Property	Upgrade	-	-	-	-	-	3,110	-	3,110	(3,110)
101	FALSE	C03696	Civic Centre lighting upgrade to LED panels	Property	Upgrade	-	-	-	30,000	30,000	14,616	-	14,616	15,384
102	FALSE	C03697	Irrigation Controller Upgrade from 3G to 4G	Property	Upgrade	-	-	-	11,000	11,000	-	-	-	11,000
103														
104	TRUE	C90016	Community Halls Security Systems Upgrade	Property	Upgrade	25,000	-	-	-	25,000	-	-	-	25,000
105	FALSE	C03599	Kingston Beach Hall Security Upgrade	Property	Upgrade	9,640	-	-	-	9,640	-	9,640	9,640	-
106	FALSE	C03600	Blackmans Bay Hall Security Upgrade	Property	Upgrade	(260)	-	-	260	-	-	5,090	5,090	(5,090)
107	FALSE	C03601	Margate Hall Security Upgrade	Property	Upgrade	3,706	-	-	-	3,706	-	3,706	3,706	-
108	FALSE	C03602	Sandfly Hall Security Upgrade	Property	Upgrade	4,418	-	-	-	4,418	-	4,419	4,419	(1)
109	FALSE	C03693	Woodbridge Hall Stage	Property	New	-	-	11,000	11,000	22,000	22,000	-	22,000	-
110														
111					2,740,209	4,044,200	245,100	-	105,371	7,134,880	1,750,234	1,585,433	3,335,667	3,799,213
112														
113	FALSE	C03130	Multi-function devices - CC, Depot, KSC etc	IT	Renewal	-	-	-	-	-	-	-	-	-
114	FALSE	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	5,253	-	5,253	(5,253)
115	FALSE	C00672	Digital Local Government Program	IT	New	60,406	-	-	-	60,406	-	-	-	60,406
116	FALSE	C01602	Financial Systems Replacement	IT	Renewal	-	-	-	-	-	4,300	16,416	20,716	(20,716)
117	FALSE	C03405	Wireless networking	IT	Renewal	-	-	-	-	-	-	-	-	-
118														
119					60,406	-	-	-	-	60,406	9,553	16,416	25,970	34,436
120														
121	TRUE	C90003	Design/survey for future works	Design	Renewal	-	80,000	-	(8,000)	72,000	-	-	-	72,000
122	FALSE	C03537	Recreation Street Carpark Rehabilitation	Design	Renewal	3,851	-	-	-	3,851	7,584	-	7,584	(3,733)
123	FALSE	C03645	Belhaven Avenue (vic.2-16) Design	Design	Renewal	-	30,000	-	-	30,000	16,265	-	16,265	13,735
124	FALSE	C03689	Margate Museum retaining wall - design	Design	New	-	-	-	8,000	8,000	12,090	1,910	14,000	(6,000)
125				Design										
126					3,851	110,000	-	-	-	113,851	35,940	1,910	37,850	76,001
127														
128					-	-	-	-	-	-	-	-	-	-
129														
130					-	-	-	-	-	-	-	-	-	-

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Closed?	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
131														
132	FALSE	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	242,542	-	-	-	242,542	3,072	-	3,072	239,470
133	FALSE	C03199	Snug Tiers Reconstruction	Roads	Upgrade	(36,350)	-	-	126,350	90,000	85,793	-	85,793	4,207
134	TRUE	C03284	Adventure Bay Road road safety measures - BI Tourism	Roads	New	16,650	-	-	-	16,650	22,396	-	22,396	(5,746)
135	TRUE	C03311	Browns Road Upgrade	Roads	Upgrade	27,364	-	-	1,368	28,732	28,732	-	28,732	-
136	FALSE	C03499	Wyburton Place and Clare Street Reconstruction	Roads	Upgrade	23,548	-	-	-	23,548	32,531	-	32,531	(8,983)
137	FALSE	C03508	Pelverata Road Slope Failure Repair	Roads	New	18,209	320,000	-	-	338,209	7,795	-	7,795	330,414
138	TRUE	C03494	Harvey Street Sealing	Roads	30% R / 70% N	39,548	-	-	-	39,548	31,703	-	31,703	7,845
139	FALSE	C03566	Jamieson Road (vic23) Passing Lane	Roads	New	12,353	-	-	11,000	23,353	22,239	-	22,239	1,114
140	TRUE	C03567	Olivia Court to Whitewater Track Link	Roads	Upgrade	32,200	-	-	-	32,200	579	-	579	31,621
141	FALSE	C03528	Wells Parade (vic37-59) Footpath	Roads	50% R / 50% N	190,000	-	-	-	190,000	185,349	-	185,349	4,651
142	FALSE	C03517	Nierinna Track Bridge 28604 & 28605 Replacement	Roads	Renewal	116,800	-	-	70,000	186,800	169,750	-	169,750	17,050
143	TRUE	C03519	Summerleas Rd Bridge 28599 Safety Barrier Upgrade	Roads	Upgrade	5,000	-	-	-	5,000	1,846	-	1,846	3,154
144	FALSE	C03569	Whitewater Ck pedestrian Underpass Summerleas Rd	Roads	New	1,543,946	-	-	-	1,543,946	183,792	6,075	189,867	1,354,079
145	FALSE	C03571	Auburn Road Reconstruction	Roads	Renewal	2,797	-	-	-	2,797	34,404	-	34,404	(31,607)
146	FALSE	C03527	Blowhole Road (vic5-59) Reconstruction	Roads	Renewal	73,846	1,300,000	-	-	1,373,846	107,089	27,234	134,323	1,239,523
147	TRUE	C03541	Browns River Pedestrian Bridge Replacement	Roads	Renewal	34,488	-	-	-	34,488	8,627	1,273	9,900	24,588
148	FALSE	C03572	Browns Road Stg2 (vic1-19) Reconstruction	Roads	Renewal	685,456	1,000,000	-	-	1,685,456	18,606	1,631,061	1,649,667	35,789
149	FALSE	C03574	Taroona Bike Lanes Upgrade	Roads	New	24,067	250,000	-	-	274,067	5,201	-	5,201	268,866
150	FALSE	C03575	Gemalla Road (vic37-Wharf) Reconstruction	Roads	Renewal	1,094,104	-	-	-	1,094,104	1,172,653	38,857	1,211,509	(117,405)
151	FALSE	C03577	Kingston Beach Precinct LATM - Stage 1	Roads	New	150,000	200,000	-	-	350,000	10,252	-	10,252	339,748
152	FALSE	C03579	Lawless Road Extension & Carpark Facilities	Roads	New	314,669	-	-	-	314,669	303,643	16,658	320,300	(5,631)
153	FALSE	C03644	Crescent Drive shared path	Roads	New	-	20,000	-	-	20,000	8,097	-	8,097	11,903
154	FALSE	C03342	Pelverata Road (vic 609) Reconstruction - Design	Roads	Upgrade	30,635	635,000	-	-	665,635	14,972	-	14,972	650,663
155	FALSE	C03646	Margate Main Street Master Plan	Roads	New	-	100,000	-	-	100,000	18,368	50,875	69,243	30,757
156	FALSE	C03647	Chandlers Road Bridge Approaches Sealing	Roads	New	-	40,000	-	-	40,000	17,424	-	17,424	22,576
157	FALSE	C03648	Proctors Rd (vicHinman Dr) Slip Failure	Roads	Upgrade	-	130,000	-	-	130,000	22,619	-	22,619	107,381
158	FALSE	C03649	Sandfly Road (vic923) Slip Failure	Roads	Upgrade	-	70,000	-	-	70,000	480	-	480	69,520
159	FALSE	C03650	Nebraska Road (vic93) Slip Failure	Roads	Upgrade	-	80,000	-	-	80,000	-	-	-	80,000
160	FALSE	C03651	Huon Road (vic295) Slip Failure	Roads	Upgrade	-	40,000	-	-	40,000	480	-	480	39,520
161	FALSE	C03652	Palmer Road (vic80) Slip Failure	Roads	Upgrade	-	65,000	-	-	65,000	8,484	-	8,484	56,516
162	FALSE	C03653	Kregors Road (vic260) Slip Failure	Roads	Upgrade	-	52,700	-	-	52,700	32,775	17,040	49,815	2,885
163	FALSE	C03654	Old Bernies Road Bridge Approaches Sealing	Roads	New	-	35,000	-	-	35,000	15,342	-	15,342	19,658
164	FALSE	C03655	Maranoa Road - Denison Street Black Spot Project (Grar	Roads	Upgrade	-	210,000	-	-	210,000	8,736	-	8,736	201,264
165	FALSE	C03664	Channel Hwy (Vic2216-2236) Snug Footpath - Design Or	Footpaths	New	-	30,000	-	-	30,000	6,583	-	6,583	23,417
166	FALSE	C03665	Channel Hwy (vic157-197) Kingston Footpath	Footpaths	New	-	142,000	-	-	142,000	21,945	-	21,945	120,055
167	FALSE	C03666	Channel Hwy (vic170-182) Kingston Footpath	Footpaths	New	-	142,200	-	-	142,200	906	-	906	141,294
168	FALSE	C03667	Summerleas Road (vic106-170) Footpath Upgrade	Footpaths	Upgrade	-	220,000	-	-	220,000	66,162	120,851	187,013	32,987
169	FALSE	C03668	Summerleas Road to Firthside Connector Paths	Footpaths	New	-	150,000	-	-	150,000	167	-	167	149,833
170	FALSE	C03669	Kingston Beach Oval Carpark Upgrade	Carparks	Upgrade	-	80,500	-	-	80,500	-	-	-	80,500
171	FALSE	C03670	Kingston Beach Oval Drainage Upgrade	Carparks	Upgrade	-	52,100	-	-	52,100	3,348	3,315	6,663	45,437
172	FALSE	C03671	Major Bridge Rehabilitation (Cathedral Rd, Spring Farm	Bridges	Renewal	-	50,000	-	-	50,000	241	6,800	7,041	42,959
173	FALSE	C03672	North West Bay Bridge Replacement - Design Only	Bridges	Renewal	-	40,000	-	-	40,000	-	-	-	40,000
174														
175	TRUE	C90006	Access ramps	Roads	New	-	20,000	-	-	20,000	-	-	-	20,000
176	TRUE	C03598	Access Ramp Kingston Heights	Roads	New	-	-	-	-	-	-	-	-	-
177														
178	TRUE	C90002	2023/24 Resheeting Program	Roads	Renewal	-	-	-	-	-	-	-	-	-
179		C03564	Lighthouse Road (vic1-1000) Resheet	Roads	Renewal	-	-	-	-	-	-	-	-	-
180	FALSE	C03565	Van Morey Road (vic233-311) Resheet	Roads	Renewal	74,808	-	-	-	74,808	-	-	-	74,808

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Closed?	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	Annual Budget	Grants Rec., POS Funding Council decision	On costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
181	FALSE	C03604	Van Morey Road (Petterd Rd to end) Resheet	Roads	Renewal	10,000	-	-	-	10,000	-	-	-	10,000
182	FALSE	C03660	Halls Track Road Resheet	Roads	Renewal	-	233,000	-	-	233,000	93,447	31,193	124,639	108,361
183	FALSE	C03661	Snug Tiers Road Resheet	Roads	Renewal	-	244,000	-	-	244,000	139,694	-	139,694	104,306
184	FALSE	C03662	Sproules Road Resheet	Roads	Renewal	-	55,000	-	-	55,000	62,157	-	62,157	(7,157)
185	FALSE	C03663	Llantwit Road Resheet	Roads	Renewal	-	155,000	-	-	155,000	162,661	151	162,811	(7,811)
186														
187	RS	2023/24 Resealing Program	Roads	Renewal	-	-	-	-	-	-	-	-	-	-
188	FALSE	C03656	Wells Parade (vic78-104) Reseal	Roads	Renewal	-	98,000	-	-	98,000	58,368	-	58,368	39,632
189	FALSE	C03657	Balm Court Reseal	Roads	Renewal	-	63,000	-	-	63,000	39,853	-	39,853	23,147
190	FALSE	C03658	Pengana Place Reseal	Roads	Renewal	-	53,000	-	-	53,000	54,070	-	54,070	(1,070)
191	FALSE	C03611	Cloudy Bay Road Reseal	Roads	Renewal	(34,038)	257,000	-	34,038	257,000	167,450	4,181	171,631	85,369
192														
193	TRUE	C90001	Prep works 2023/24	Roads	Renewal	-	250,000	-	(245,000)	5,000	-	-	-	5,000
194	FALSE	C03698	Harrow Place Reseal Prep work	Roads	Renewal	-	-	-	40,000	40,000	-	15,000	15,000	25,000
190		C03699	Binya Court reseal	Roads	Renewal	-	-	-	30,000	30,000	-	-	-	30,000
191		C03700	Hackford Drive reseal	Roads	Renewal	-	-	-	70,000	70,000	-	-	-	70,000
192		C03701	Adventure Bay Road reseal	Roads	Renewal	-	-	-	40,000	40,000	-	-	-	40,000
193		C03702	Pelverata Road reseal	Roads	Renewal	-	-	-	35,000	35,000	-	-	-	35,000
194		C03703	Manuka Road reseal	Roads	Renewal	-	-	-	30,000	30,000	-	-	-	30,000
195														
196														
197						4,692,642	6,882,500	-	1,368	241,388	11,817,898	3,460,878	1,970,564	5,431,442
198														
199	FALSE	C03691	Upgrade Leica Survey Equip to 4G	Other	Renewal	-	-	-	12,825	12,825	12,825	-	12,825	-
200				Other	Renewal	-	-	-	-	-	-	-	-	-
201														
202						-	-	-	12,825	12,825	12,825	-	12,825	-
203														
204	FALSE	C03242	Leslie Road Stormwater Upgrade	Stormwater	New	76,964	-	-	-	76,964	4,240	-	4,240	72,724
205	TRUE	C03163	Stormwater Regional Flood Gauge Network	Stormwater	Renewal	-	-	-	6,500	6,500	19,499	-	19,499	(12,999)
206	FALSE	C03447	Woodlands-View-Hazell Catchment Invest incl Survey	Stormwater	New	10,000	-	-	-	10,000	10,827	-	10,827	(827)
207	TRUE	C03543	Oakleigh Avenue, Tarroona SW Upgrade	Stormwater	Upgrade	109,442	-	-	-	109,442	133,939	-	133,939	(24,497)
208	FALSE	C03445	Van Morey Rd / Frosts Rd Intersection SW Upgrade	Stormwater	Upgrade	9,000	-	-	-	9,000	-	-	-	9,000
209	FALSE	C03582	Victoria Avenue Dennes Point Erosion Investigation	Stormwater	New	35,000	-	-	-	35,000	754	-	754	34,246
210	FALSE	C03121	Wetlands Beach Road Kingston Litter Trap	Stormwater	New	96,501	-	-	-	96,501	294	-	294	96,207
211	FALSE	C03583	Roslyn Ave / James Ave Stormwater Investigation	Stormwater	New	55,196	-	-	-	55,196	22,846	-	22,846	32,350
212	FALSE	C03252	Willowbend Catchment Investigation	Stormwater	New	12,088	-	-	-	12,088	2,092	-	2,092	9,996
213	FALSE	C03444	Roslyn, Pearsall & Wells Catchment Investigation	Stormwater	New	5,000	-	-	-	5,000	9,881	-	9,881	(4,881)
214	FALSE	C03584	CBD/Wetlands High Flow Bypass	Stormwater	New	(15,283)	-	-	15,283	-	44,720	-	44,720	(44,720)
215	FALSE	C03544	Illawong to Hinsby Stormwater Upgrade	Stormwater	Upgrade	487,069	-	-	-	487,069	8,225	-	8,225	478,844
216	FALSE	C03585	Atunga Street Stormwater Upgrade - relining	Stormwater	Renewal	119,926	-	-	-	119,926	833	-	833	119,093
217	FALSE	C03587	Bruny Island Works Depot SW Upgrade	Stormwater	Upgrade	47,457	-	-	-	47,457	3,224	-	3,224	44,233
218	FALSE	C03590	Roslyn ave (vic42) Stormwater Upgrade	Stormwater	New	152,921	-	-	-	152,921	7,562	-	7,562	145,359
219	FALSE	C03591	Davies Road (vic8-20) SW Investigation	Stormwater	New	5,000	-	-	-	5,000	3,439	-	3,439	1,561
220	FALSE	C03592	Old Bernies Road (vic 102) SW Upgrade	Stormwater	Upgrade	17,000	-	-	-	17,000	-	-	-	17,000
221	FALSE	C03593	Stanfields Road (vic25) Sw Upgrade	Stormwater	Upgrade	117,135	-	-	-	117,135	89,813	-	89,813	27,322
222	FALSE	C03673	Adelie Place (vic18) SW Upgrade	Stormwater	Upgrade	-	53,000	-	-	53,000	-	-	-	53,000
223	FALSE	C03674	Suncoast Catchment Investigation	Stormwater	New	-	24,000	-	-	24,000	4,717	-	4,717	19,283
224	FALSE	C03675	KSC Stormwater Strategy - Design Only	Stormwater	New	-	40,000	-	-	40,000	12,389	-	12,389	27,611
225	FALSE	C03676	Albion Heights Drive (vic51-69) SW Upgrade	Stormwater	Upgrade	-	60,000	-	-	60,000	3,240	-	3,240	56,760

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/01/2024

[illegible]

	Budget	Actual incl Commit- ments
Renewal	7,735,508	4,949,499
Upgrade	8,141,952	2,340,978
New	6,018,364	2,118,295
	<u>21,895,824</u>	<u>9,408,772</u>
Kingston Park New	(1,367,667)	938,135
City Deal funding	902,792	3,133,362
Kingston Multi-storey Car Park feasibility	300,000	48,588
	<u>21,730,949</u>	<u>13,528,856</u>

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

16.5 APPENDICES**RECOMMENDATION**

That the Appendices attached to the Agenda be received and noted.

17 NOTICES OF MOTION

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

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

Rates Delegated Authority Oct to Dec 2023

Regulation 15(2)(a) *personnel matters, including complaints against an employee of the council and industrial relations matters.*

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	
Rates Delegated Authority Oct to Dec 2023	

CLOSURE

APPENDICES

- A Development Services Quartlery Report
- B Quarterly Summary Action Report to December 2023
- C Councillor Attendance at Meetings to December 2023
- D Councillor Allowances and Expenses July to December 2023
- E Donations to December 2023

Public Copy

A DEVELOPMENT SERVICES QUARTERLY REPORT**File Number:** File#**Author:** Tasha Tyler-Moore, Manager Development Services**Authoriser:** Deleeze Chetcuti, Director Environment, Development & Community Services**1. INTRODUCTION**

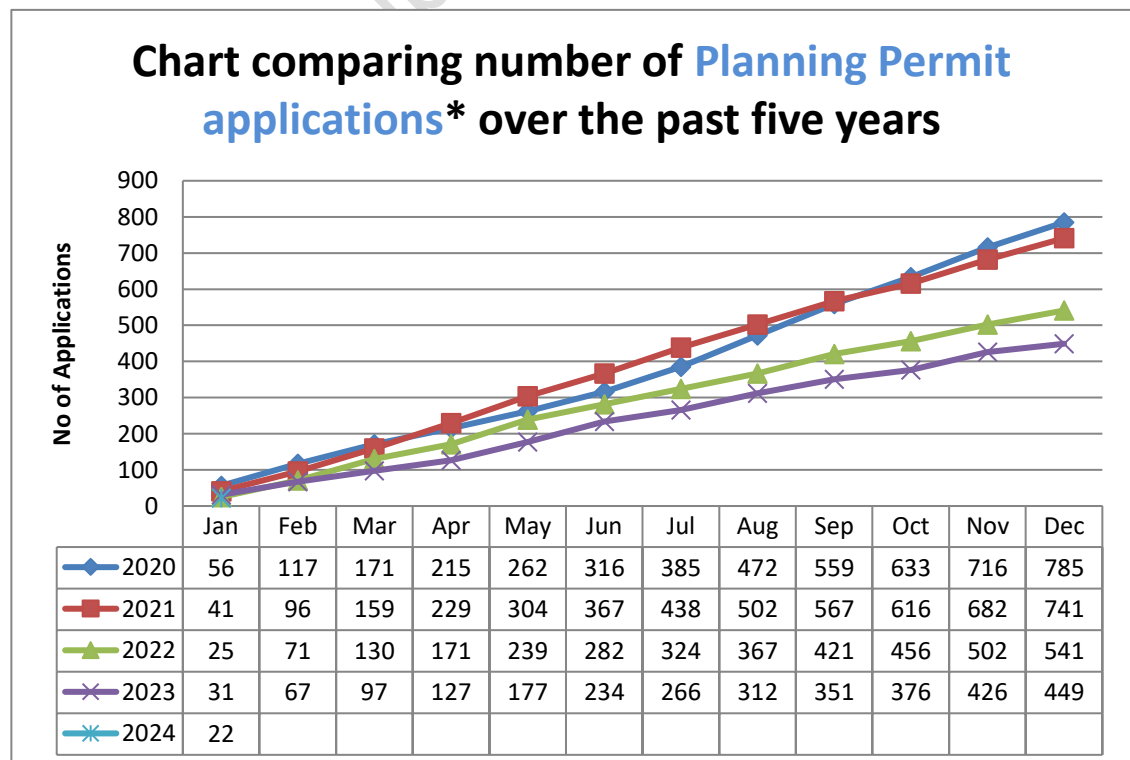
Development Services has Planning Authority delegations under the *Land Use Planning and Approvals Act 1993* and is the Permit Authority for plumbing and building applications under the *Building Act 2016*. These responsibilities include related enforcement functions. Kingborough is one of Tasmania's fastest growing municipalities.

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

2. PLANNING**2.1 Planning application lodgement numbers (calendar year)**

The chart below details the number of planning applications lodged this year to date (until end of January 2024) compared with the number of applications lodged over the past five years.

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

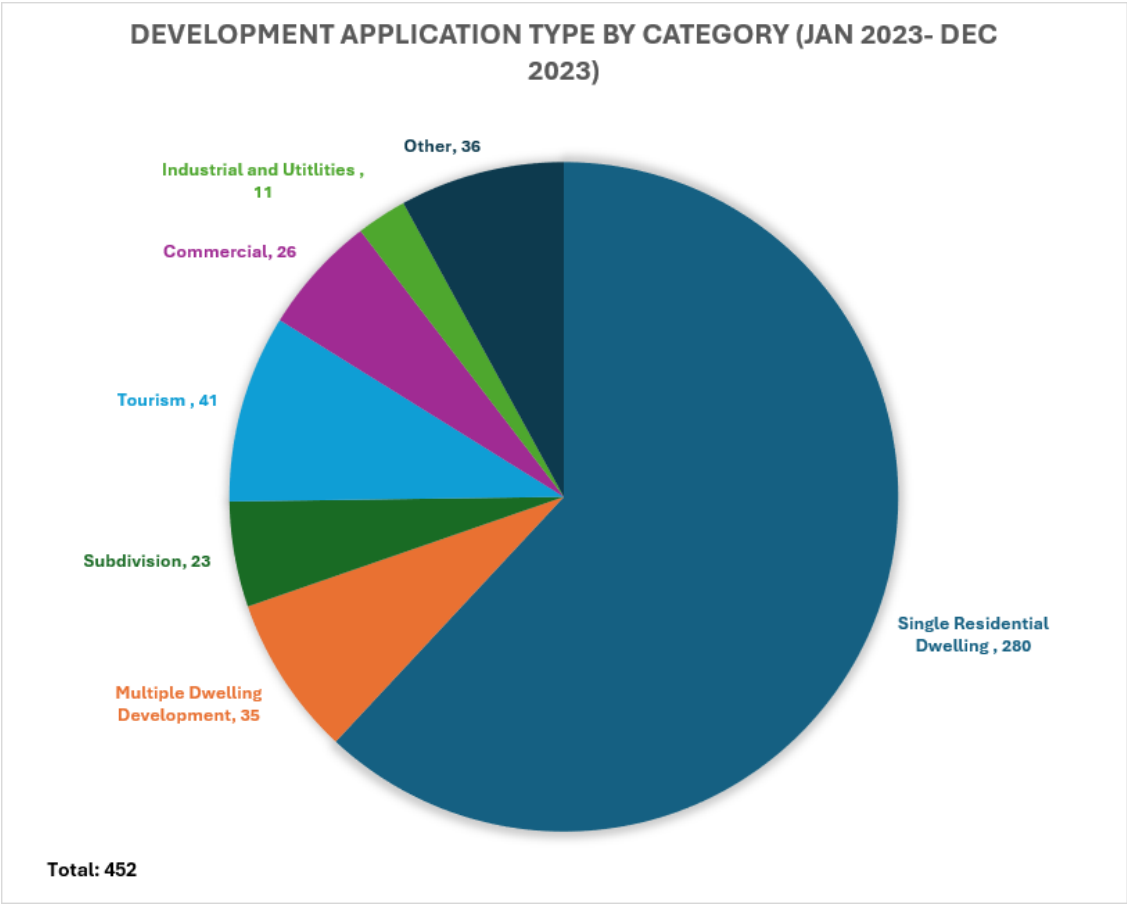


The chart shows that in 2023 there were fewer applications lodged than previous years. It is likely that external factors such as increased interest rates, cost of materials, ability

to contract tradespeople have influenced the number of people applying for development applications. External data shows that the number of property sales in Kingborough specifically is trending down from the peaks seen 2018 and 2019, which correlates with the slowdown of development applications as often a change of ownership can bring with it a desire for a new build or renovation/extension of existing buildings.

The start of 2024 shows low application lodgements compared to previous years. It is known that much of the private industry closed for either two or three weeks of January, as they had typically done historically. The closure of those businesses influences how many new applications are lodged with the supporting reports and designs. Further, it impacts on people responded to further information requests made in 2023.

2.2 Development Application Type by Category for 2023



The data included is for development and subdivision applications lodged within the year; application types not captured in the table include sealed plan amendments, strata applications, adhesion order applications, planning scheme amendments, minor amendments, extensions to the life of a permit or pre-application meetings or appeals. The data also does not include live applications that rolled on from previous years.

The chart shows that the majority of Planning Permit applications within Kingborough are for residential purposes.

2.3 State Government's development of the Tasmanian Planning Policies (TPP's)

The Tasmanian Government is developing a suite of Planning Policies that are integral to the overall Planning Reform project. Consultation on the drafted policies commenced in October 2021 with a scoping process, followed by consultation on a first draft of the policies commencing in September 2022. In total, 73 submissions, including from Kingborough, were received.

In February 2023, Councils were invited to the State Planning Office to discuss the consultation, the outcomes so far and the development of those policies. The meeting highlighted a number of key issues raised from the consultation, including implementation and proposed general application statement for the policies – it also proposed removal of the implementation strategies for each policy.

The policies were released for general public consultation from 28 March to 26 June 2023 as part of the independent review process undertaken by the Tasmanian Planning Commission. During October 2023, the Tasmanian Planning Commission hosted hearings for submitters. The hearings have been split into topics and Kingborough has been represented for each of those. Further information is available at www.planningreform.tas.gov.au. The Tasmanian Planning Commission will finalise its review of the TPPs following the conclusion of the hearings. This includes consideration of the submissions and information gathered at the hearings. The Commission will make recommendations to the Minister for Planning, including any modifications that may be necessary. The Minister will consider the recommendations before determining whether to make the TPPs, including any modifications. The making of the TPPs triggers reviews of the regional land use strategies and State Planning Provisions for consistency.

2.4 State Government's current review of the State Planning Provisions (SPP's)

The SPPs are the State-wide set of planning rules in the [Tasmanian Planning Scheme](#) (TPS). The SPPs are used for the assessment of applications for planning permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the TPS, along with the administrative, general, and exemption provisions.

It is a legislative requirement that the State Planning Provisions are reviewed every five years. Even though several Councils are not yet using the Tasmanian Planning Scheme, including Kingborough, and most have only been using it for around one year, the SPP's were approved more than five years ago (at the time when Councils were required to move over to the 'Interim Schemes').

The State Government has commenced the work on the five-year review. Between May and August 2022, scoping consultation was undertaken with Councils with follow-up workshops for those who made submissions. Kingborough made a submission and attended workshops. There was a total of 163 submissions made. A summary of the key issues raised in the SPP scoping consultation has been released and is available on the State Planning Office (SPO) website. To deal with the vast number of Clauses to be considered and the numerous submissions, the SPO has broken the Clauses up by topic and assigned seven 'action groups' to focus on those groups. The Action Groups have commenced, with Kingborough participating in them. The most recent (February) action group was reviewing boundary adjustment, subdivision across zones and sheds on vacant sites.

The SPO has advised that the next stage involves a review of the SPPs for consistency with the TPPs, once they are made. This may lead to further amendments to the SPPs. Amendments flowing from the five yearly SPPs review, and the review for consistency with the TPPs, will occur throughout 2024 and 2025.

2.5 Stakeholder engagement: Improving residential standards in Tasmania discussion paper.

A sub-project of the SPP's is a review of Tasmania's residential use and development standards. The project will deliver improvements to the residential use and development standards in the SPPs, including requirements for medium density housing (e.g. apartments) in conjunction with design guidelines being delivered through the Greater Hobart Plan. A technical reference group, including nominated representatives from 9 councils in the State, has been established to provide detailed input into the project. The first step in delivering the project is to develop a discussion paper, which has been developed by ERA Planning. The discussion paper was on exhibition between December 2023 and 2nd February 2024. The discussion paper contains an introduction to the project and its background, an analysis of Tasmanian housing profile and best practice review across Australia; conversation starters for potential change and proposed methodology for testing recommendations. Kingborough has participated in discussions and made a submission. Draft recommendations will be made available for public consultation in around March 2024 with the recommendations finalised around the middle of 2024. The recommendations will inform amendments to the residential use and developments in the SPPs which will be progressed through the legislated process during the second half of 2024.

2.6 State Government's Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

The [Land Use Planning and Approvals Act 1993](#) (LUPA Act) provides for the making and, to a limited extent, the review of the Regional Land Use Strategies (RLUSs). Kingborough is included in the Southern Regional Land Use Strategy (STRLUS). The State government intends to deliver reforms to the regional planning framework in two stages.

A discussion paper on the review was released for comment between November 2022 and February 2023. The discussion paper sought feedback on options for the Stage 1 improvements to the regional planning framework, including how it can better provide for the scope and purpose of the RLUSs and processes around their assessment, review and amendment. The improvements were intended to support the current reviews of the RLUSs, with potential legislative and administrative changes.

The discussion paper also introduced draft Structure Plan Guidelines (SPGs) for comment. Structure plans provide an important strategic link between the RLUS and the Local Provisions Schedules in the Tasmanian Planning Scheme. They should guide the development or redevelopment of settlements by integrating and coordinating future land uses, development, and infrastructure provision in a sustainable and orderly manner.

A copy of the submissions to the discussion paper received are available on the State Planning Office website. Kingborough was involved in workshops to help inform the preparation of the discussion paper.

After considering the submissions received, the Minister for Planning determined to prioritise the reviews of the RLUSs over progressing any legislative change to the regional planning framework. The State Government is currently preparing draft memorandums of understanding (MoUs) with each region to progress the RLUS reviews. The MoUs will ensure the comprehensive reviews can continue in a timely manner whilst providing the flexibility to trial some of the processes identified through the regional planning framework consultation process and inform potential legislative and regulatory amendments in the future.

The STRLUS review is being coordinated by the recently appointed Southern Regional Planning Coordinator. The Coordinator was appointed by the Southern Tasmanian

Councils Authority and is funded by the State Planning Office and co-contributions from Councils, including Kingborough. The State Government has indicated a preference for a revised draft STRLUS to be completed by the end of 2024 ready for public consultation in 2025.

2.7 Progress of Kingborough's Local Provisions Schedule – moving to the 'Tasmanian Planning Scheme' and public consultation.

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

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

Post lodgement meetings were held on 30 October 2020 and 20 November 2020. Following Council submissions, meetings were held on 18 May 2022 and 3 June 2022 with focussed discussion on the proposed SAP's. The most recent post lodgement meeting with the TPC was on 15 December 2022, however it should be noted that there is regular communication (generally weekly) with the TPC about the progress and responses to matters that were raised at post-lodgement meetings. Since that time there has been continued dialogue and requests with the most recent submission of adjustments provided to the TPC being in December 2023. We await formal response and direction, which the TPC indicated was likely to occur in February 2024. Until the requirements have been satisfied, the TPC will not provide direction for Council to exhibit the draft LPS; it is expected that public exhibition of the LPS will not occur until 2024.

An extensive communications strategy has been developed in anticipation of the LPS statutory public exhibition period. The *Land Use Planning and Approvals Act 1993* specifies minimum exhibition requirements for the LPS, however Kingborough intends to go beyond the minimum requirements to maximise the number of people who are made aware of the changes to Planning Controls within the municipality. The communication strategy focusses on making information easily available to assist people to understand the new provisions and by allowing face-to-face questions at a number of locations across the municipality.

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

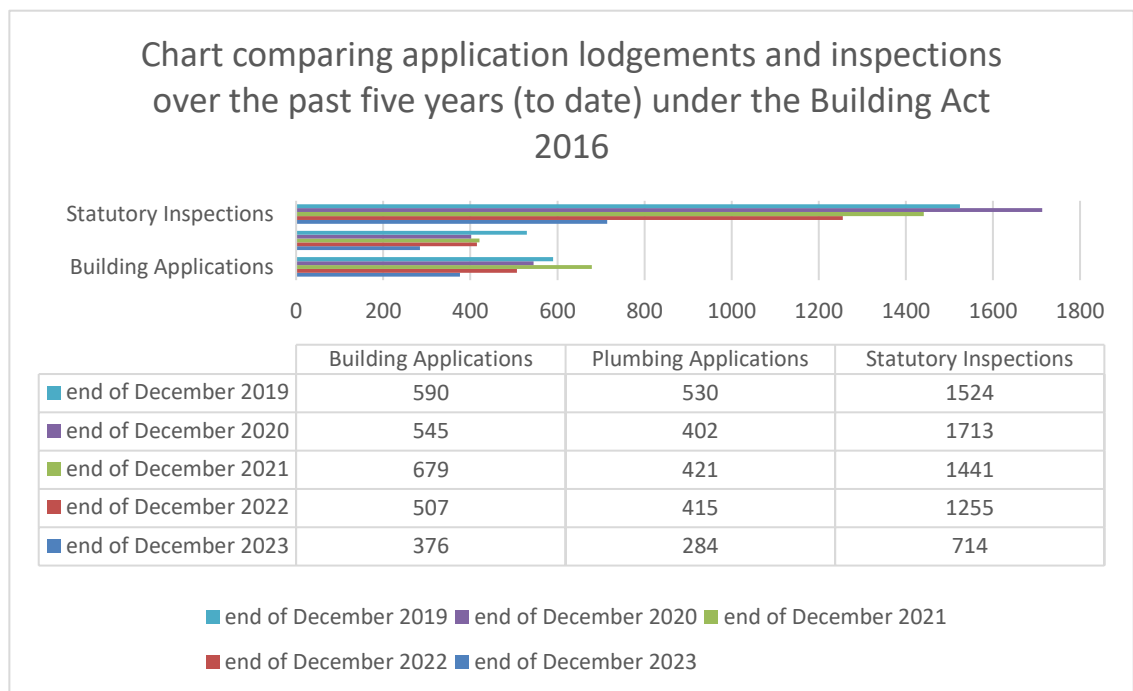
2.8 Active Planning Appeals

APPLICATION DETAILS	PROPOSAL	APEAL TYPE	KEY DATES / LATEST ACTIONS
P/2023/46 DAS2022-7 37 Nebraska Road, DENNES POINT	Subdivision of 10 lots, works and vegetation removal	Applicant against conditions	Prelim Conference: 21/04/2023 Mediation: Still occurring. Hearing Date: vacated, to resolve by agreement.
P/2023/45 DA2022-103 528 Manuka Road, KETTERING	Visitor accommodation and vegetation removal	Applicant against conditions and Part 5 Agreement	Prelim Conference: 17/04/2023 Mediation: Still occurring. Hearing Date: vacated, to resolve by agreement. 90 day extended to 24/11/2023.
No TASCAT reference	Quarry and associated works	Appeal against request for	Appellant lodged appeal documents with TASCAT on Sunday 4 February 2024; no

APPLICATION DETAILS	PROPOSAL	APPEAL TYPE	KEY DATES / LATEST ACTIONS
number provided at this time. DA2023-420 32 Wooreddy Road, South Bruny		further information	directions from TASCAT at time of writing this report.

3. Building and Plumbing

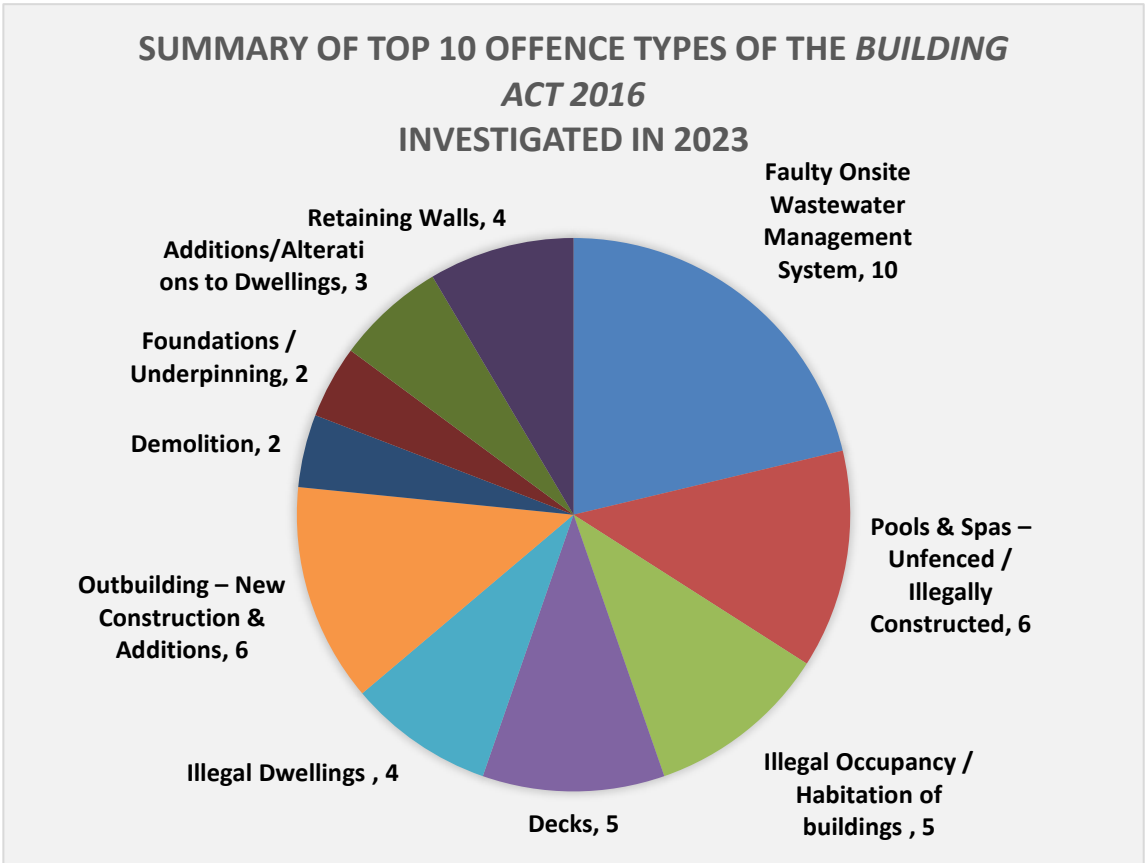
3.1 Building and Plumbing applications and inspection numbers



The chart above shows the total numbers for the calendar year of 2023. The chart demonstrates a slow down of builds that are being completed (and presumably started) in comparison to previous years. It is likely to be the same external influences such as cost of building and high interest rates that are affecting the number of planning permit applications being lodged is affecting how many people are completing builds.

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

3.2 Summary of the top 10 offence types of the *Building Act 2016* that were investigated in 2023



The table above shows that the most common matter for building and plumbing investigation last year was faulty onsite wastewater management systems, followed by non-compliance issues for outbuildings and pools spas/including those constructed and filled without the required pool fencing.

3.3 Building in Bushfire Prone Areas

The Justice Departments Director of Building Control has released proposed new determinations on building within bushfire-prone areas for comment by Council's. The changes in the new determinations include the following:

1. A move to quantified performance requirements for the design of Class 1,2,3 buildings and associated class 10 structures that are located in bushfire prone areas to provide greater clarity for the Designers and Certifiers of these buildings;
2. New provisions for certain Class 9 buildings (Childhood centres, residential care buildings and healthcare buildings) located in bushfire prone areas to ensure they can be used as a shelter of last resort during bushfire incidents;
3. Clarity for Designers and Certifiers that construction in BAL-40 or BAL-FZ must be assessed under the performance solutions of the National Construction Code (the Code) rather than the Deemed to Satisfy Solutions of the Code; and
4. Introduction of consistent definitions and terminology in the new determinations to improve interpretation.

3.4 Inspection of Plumbing Work & Resourcing Challenges

The Justice Departments Director of Building Control has released proposed new Guidelines for the inspection of plumbing work for comment by Council's. The proposed Guidelines aim to provide guidance to Councils and their Permit Authorities in exercising their statutory inspection obligations of plumbing work under the Building Act 2016. It also provides additional information to assist Council's with the current challenges around the resourcing the limitations for Plumbing Inspectors.

3.5 Tiny Homes

The Consumer Building and Occupational Services (CBOS) has released a Regulatory Note on Tiny Houses that provides guidance on the building and plumbing regulatory requirements for the use of these buildings and for the use of road registerable vehicles on land for the purpose of accommodation.

3.6 Plumbing Approval Requirements for Prefabricated Buildings

The Consumer Building and Occupational Services (CBOS) has released a Regulatory Note on Pre-fabricated buildings for Permit Authorities and Certifying Plumbers. The manufacturing location of these buildings may be local, interstate or international. In most cases the plumbing pipework and fixtures are installed during the manufacturing processes and then connected to the water supply and drainage by local plumbers when transported to site. The Regulatory Note provides clarification on the statutory approvals process and associated responsibilities for testing and certifying the plumbing installations in these type of buildings to ensure the consumer is confident that this plumbing work has been certified as complying with the National Construction Code.

3.7 2024 Communications Plan for Education of Building Regulation

A key objective of the 2024 *Permit Authority Compliance Program* and the associated *Annual Compliance Communications Plan (attached)* is to inform the Kingborough Community of their responsibilities under the *Building Act 2016* regarding building and plumbing work and the use of buildings.

The Programs Annual Communication Plan has been developed to deliver community focused information in the following two areas:

- distribution to the Kingborough Community of updates from Consumer Building and Occupational Services (CBOS) on building, demolition and plumbing related matters; and
- distribution of focussed public information on areas of building and plumbing where the need has been identified to increase community awareness in specific areas of building and plumbing matters.

The communication plan includes focus areas based on trend analysis taken from Kingborough enforcement data and creates the priority prevention focus categories. That data is summarised earlier in this report in section 3.2. A full copy of the Compliance Communication Plan is attached.

ATTACHMENTS

1. Annual Compliance Communications Plan 2024

Permit Authority Compliance Program

Annual Compliance
Communications Plan
2024

Building Act 2016

Permit Authority: Andy D'Crus

Version Control

Year	2024		
Version	1		
Original Document prepared by:	Mary Magee	Date Prepared:	Jan 2024
Amended	Date:	By:	

Public Copy

Introduction

A key objective of the 2024 *Permit Authority Compliance Program* (the Program) is to inform the Kingborough Community of their responsibilities under the *Building Act 2016* (the Act) regarding building and plumbing work and the use of buildings.

The Programs Annual Communication Plan (the Plan) has been developed to deliver community focused information in the following two areas:

- distribution to the Kingborough Community of updates from Consumer Building and Occupational Services (CBOS) on building, demolition and plumbing related matters; and
- distribution of focussed public information on areas of building and plumbing where the need has been identified to increase community awareness in specific areas of building and plumbing matters.

CBOS Communications

The Permit Authority uses Council's standard communication platforms to distribute CBOS building and plumbing updates to the Kingborough Community as they are released from CBOS.

Some examples of types of CBOS information updates are as follows: release of new determinations from the Director of Building Control, Fact Sheets, Guidelines and Advisory Notes.

Focus Areas

This part of the Plan focuses on areas that Council has identified as having a higher frequency non-compliant event over the previous reporting period.

Analysis of enforcement data enables the Permit Authority to identify commonly occurring offences and develop community focused education material in these areas to reduce offence levels.

Trend Analysis

The Plan uses historical enforcement data (the data) captured through building investigations conducted by the Kingborough Council Permit Authority throughout 2023 (the reporting period).

Analysis of the data has revealed trends of non-compliance. From these trends, categories of related offences have been highlighted and the number of relevant offences under each category assigned.

When all the categories were compared several categories were found to be more heavily represented, in terms of offence numbers, than others. For the purpose of the Plan these heavily represented categories are called Priority Prevention Focus Categories (PPFC's). Appendix 1 of the Plan shows the PPFC's.

Priority Prevention Focus Categories

An underpinning assumption of the Program is that non-compliance could stem from a lack of knowledge of the rules pertaining to the relevant matter. With this as a guiding principle the Plan uses the PPFC's to create focussed community communications aimed at raising community awareness of the areas if the Act that pertain to each PPFC's.

The following PPFC's are the focus of the Plan for 2024 by priority, with Priority 1 being high priority, Priority 2 being routine priority, Priority 3 being low priority (if resourcing allows):

Table 1:1

Priority Rating	Offences	Number of Offences that occurred in 2023
1	Faulty Onsite Wastewater Management System	10
1	Pools & Spas – Unfenced / Illegally Constructed	6
1	Illegal Occupancy / Habitation of buildings	5
1	Decks	5
1	Illegal Dwellings	4
2	Outbuilding – New Construction & Additions	6
2	Demolition	2
2	Foundations / Underpinning	2
3	Additions/Alterations to Dwellings	3
3	Retaining Walls	4

Comparative Findings

Analysis of the data collected from 2022 shows that there has been a noteworthy decrease in the following categories of enforcement in terms of number of offences for 2023:

Table 1:2

Priority Rating	Offence Type	Number of Offences that occurred in 2023	Number of Offences that occurred in 2022
2	Illegal Commercial Work	0	3
2	Dwelling Subfloor Excavations	0	3
2	Stormwater Runoff	0	3

Categories demonstrating an increase from 2022 - 2023 include:

Table 1:3

Priority Rating	Offence Type	Number of Offences that occurred in 2023	Number of Offences that occurred in 2022
1	Pools & Spas – Unfenced / Illegally Constructed	6	2
1	Faulty Onsite Wastewater Management System	10	0
2	Demolition	2	0

Community Awareness

For most of the PPFC's community information literature has been sourced/developed and distributed at specified timeframes through the year via standard Council community engagement platforms with the aim of improving community awareness of the rules pertaining to the relevant PPFC's.

Table 1 below lists the relevant PPFC's and the corresponding community information literature (Community Information Sheets) that will be distributed to the Kingborough community under the 2024 Plan.

Table 1 – PFC & Community Communication

PPFC's	Community Information Sheet
Illegal Occupancy	<i>Kingborough Council Customer Information Sheet – Occupancy of Buildings</i>
Illegal Decks	<i>Kingborough Council Customer Information Sheet – Decks</i>
Illegal Dwellings	<i>Kingborough Council Customer Information Sheet – Building Approval Stages & Landowner Checklist</i>
Pools & Spas	<i>CBOS - Staying Safe Around Pools and Spas</i>
Faulty Onsite Wastewater Management System	<i>Kingborough Council Customer Information Sheet – Onsite Wastewater Management System Guidelines</i>
Foundations / Underpinning	<i>Literature under development at the time of writing this Plan</i>
Retaining Walls	<i>Kingborough Council Customer Information Sheet – Retaining Walls</i>
Sheds / Outbuildings	<i>CBOS Fact Sheet – Building a Shed in Tasmania CBOS Fact Sheet – Low Risk Work by an Owner or Competent Person</i>
Additions / Alterations to Dwellings	<i>CBOS Fact Sheet – Owner responsibilities for Building Work Approvals</i>
Demolition	<i>Literature under development at the time of writing this Plan</i>

Appendix 2 provides a Communications Schedule that will be used to disseminate the Community Information Sheets to the Kingborough Community over the 2024 calendar year.

Coupled with the PPFC that will be conducted over 2024, the Plan will carry out periodic distribution of the Council publication on How to Secure a Building Approval and any new building and plumbing developments from the Consumer Building and Occupational Services Department.

Plumbing Compliance

The 2023 Compliance Program showed very limited data for plumbing compliance matters in 2022, emphasising that additional focus would be put towards plumbing compliance in for 2023. As demonstrated in table 1:3, there has been a substantial increase in the number of reported plumbing offences that occurred during the 2023 reporting period, specifically for faulty Onsite Wastewater Management Systems (OWMS).

The vast majority of OWMS showing non-compliance are minor in terms of risk to the community, however, the data displays a markable increase in the number of incidents reported for 2023. For this reason, OWMS compliance matters have been ranked as priority 1.

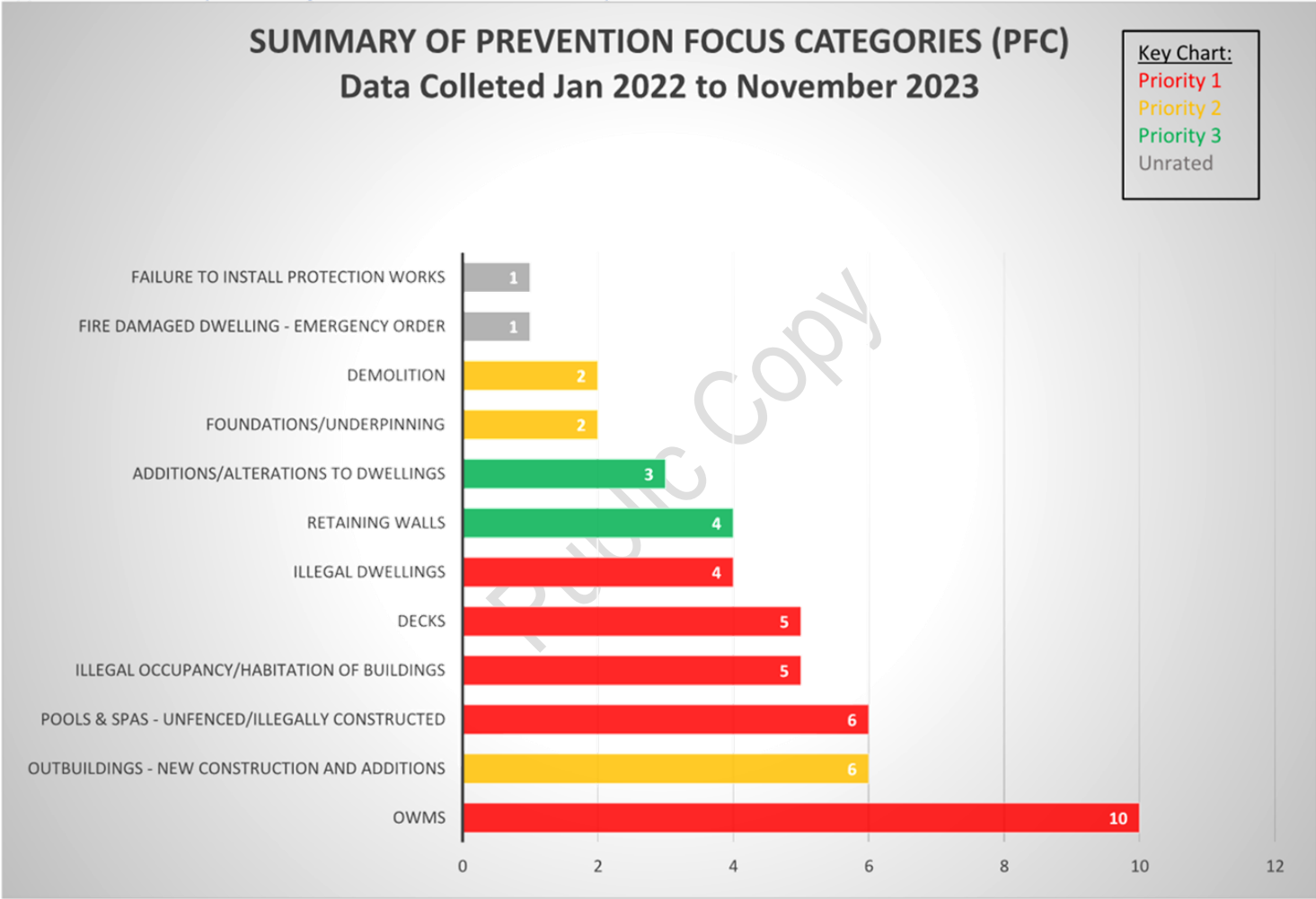
Review

In December 2024 the enforcement data collected from the 2024 reporting period will be reviewed to identify whether the implementation of the Plan has reduced numbers in the PFC's that are the subject of the current Plan and to inform the direction of the 2025 Plan.

Summary

The implementation of the Plan aligns with requirement of the *Building Act 2016* for the Permit Authority and Council responsibilities to make the public aware of building and plumbing requirements in the state. The Plan seeks to improve compliance levels within the community using a focused community education program to raise community awareness and ultimately raise community compliance levels in these highlighted areas.

Appendix 1 – Summary of Building Enforcement Events for January 2022 to November 2022



Appendix 2 – Communications Schedule 2023

Prevention Focus Category	Community Information Sheet	Communications Platform	Timings	Responsibility
Onsite Wastewater Management	Onsite Wastewater Management System Guidelines	Facebook -- link to document on Council website	Third Week Jan 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	First Week Feb 2024	Communications Team
Outbuildings - New Construction & Additions	Consumer Guide to Low Risk Building and Plumbing Work	Facebook -- link to document on Council website	First Week Feb 2024	Communications Team
How to secure a building approval & customer checklist	Checklist for your building project How to – building design info sheet 1 How to – planning approval for building project info sheet 2 How to – plumbing approval for building project info sheet 3 How to – building approval for building project info sheet 4	Facebook -- link to document on Council website	Second Week Feb 2024	Communications Team
Outbuildings - New Construction & Additions	Building a Shed in Tasmania	Facebook -- link to document on Council website	Second Week Feb 2024	Communications Team
Occupancy of Buildings	Occupancy of buildings	Facebook -- link to document on Council website	Third Week Feb 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Third Week Feb 2024	Communications Team
Decks	Building a Deck	Facebook -- link to document on Council website	Final week Feb 2024	Communications Team
Illegal Dwellings	Building Approval Stages & Landowner Checklist	Facebook -- link to document on Council website	Final week Feb 2024	Communications Team
How to secure a building approval & customer checklist	Checklist for your building project How to – building design info sheet 1 How to – planning approval for building project info sheet 2 How to – plumbing approval for building project info sheet 3 How to – building approval for building project info sheet 4	Facebook -- link to document on Council website	First Week March 2024	Communications Team
Onsite Wastewater Management Systems	Onsite Wastewater Management System Guidelines	Facebook -- link to document on Council website	First Week March 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	First Week March 2024	Communications Team
Foundations/ Underpinning	Foundations/ Underpinning	Facebook -- link to document on Council website	Second week of March 2024	Communications Team
Demolition	Demolition	Facebook -- link to document on Council website	Second week of March 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Third Week March 2024	Communications Team
Commercial Buildings – Essential Building Services	Facebook post to Directors Determinations – Building & Plumbing Work	Facebook -- link to document on CBOS Website	Third Week March 2024	Communications Team post on Facebook a link to document on CBOS website
Illegal Dwellings	Building Approval Stages & Landowner Checklist	Facebook -- link to document on Council website	Final Week March 2024	Communications Team
Additions/Alterations to Dwellings	Owner responsibilities for Building Work Approvals	Facebook -- link to document on Council website	Final Week March 2024	Communications Team
Retaining Walls	Does my Retaining Wall Need a Building Approval?	Facebook -- link to document on Council website	First Week April 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	First Week April 2024	Communications Team
Outbuildings - New Construction & Additions	Consumer Guide to Low Risk Building and Plumbing Work	Facebook -- link to document on Council website	Second Week April 2024	Communications Team
How to secure a building approval & customer checklist	Checklist for your building project How to – building design info sheet 1	Facebook -- link to document on Council website	Third Week April 2024	Communications Team

	How to – planning approval for building project info sheet 2 How to – plumbing approval for building project info sheet 3 How to – building approval for building project info sheet 4			
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Third Week April 2024	Communications Team
Decks	Building a Deck	Facebook -- link to document on Council website	Final Week April 2024	Communications Team
Occupancy of Buildings	Occupancy of buildings	Facebook -- link to document on Council website	First Week May 2024	Communications Team
Onsite Wastewater Management Systems	Onsite Wastewater Management System Guidelines	Facebook -- link to document on Council website	First Week May 2024	Communications Team
Demolition	Demolition	Facebook -- link to document on Council website	Second Week May 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Second Week May 2024	Communications Team
Retaining Walls	Does my Retaining Wall Need a Building Approval?	Facebook -- link to document on Council website	Third Week May 2024	Communications Team
Illegal Dwellings	Building Approval Stages & Landowner Checklist	Facebook -- link to document on Council website	Third Week May 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Final Week May 2024	Communications Team
Additions/Alterations to Dwellings	Owner responsibilities for Building Work Approvals	Facebook -- link to document on Council website	Final Week May 2024	Communications Team
Outbuildings - New Construction & Additions	Building a Shed in Tasmania	Facebook -- link to document on Council website	First Week June 2024	Communications Team
Occupancy of Buildings	Occupancy of buildings	Facebook -- link to document on Council website	First Week June 2024	Communications Team
Onsite Wastewater Management Systems	Onsite Wastewater Management System Guidelines	Facebook -- link to document on Council website	Second Week June 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Second Week June 2024	Communications Team
Foundations/ Underpinning	Foundations/ Underpinning	Facebook -- link to document on Council website	Third Week June 2024	Communications Team
How to secure a building approval & customer checklist	Checklist for your building project How to – building design info sheet 1 How to – planning approval for building project info sheet 2 How to – plumbing approval for building project info sheet 3 How to – building approval for building project info sheet 4	Facebook -- link to document on Council website	Third Week June 2024	Communications Team
Pools without Safety Barriers	CBOS – Staying Safe Around Pools and Spas	Facebook -- link to document on Council website	Last Week June 2024	Communications Team
Retaining Walls	Does my Retaining Wall Need a Building Approval?	Facebook -- link to document on Council website	Last Week June 2024	Communications Team

B QUARTERLY SUMMARY ACTION REPORT TO DECEMBER 2023

Key to Status Symbols			
—	●	✓	➔
None	On Target	Ahead of Schedule	Ongoing

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.1 A Council that engages with and enables its community							
Governance, Recreation & Property Services 2023 - 2025							
1.1.1 Implement the Corporate Engagement Framework to provide a consistent approach to community engagement across the organisation	50	50	●	50	50	●	
1.1.6 Undertake stakeholder engagement as part of the review and update of the Kingborough Dog Management Policy 2023	0		—	0	0	●	
Community Services 2023 - 2025							
1.1.2 Deliver services and events to ensure the needs, issues and aspirations of young people in our community are embedded into program delivery by Council	50	50	●	50	50	●	Programs include: Intergenerational pop up cafes with guest speakers and young baristas. Work ready programs in partnership with Kingston High School and offer work experience opportunities. After school workshops and weekly recreational activities in partnership with Mission Australia
1.1.3 Provide services and programs that meet the needs of older people in our community	50		—	50	25	➔	
Environment, Development & Community Services 2023 - 2025							
1.1.4 Collaborate with Destination Southern Tasmania, the Huon Valley Council and the tourism industry to market the region south of Hobart	0		—	0	0	●	
1.1.5 Support the operations of the Kingborough Community Forum as a means of receiving feedback on Council's policies, strategies and projects	0		—	0	0	●	
Finance 2023 - 2025							

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.1.7 Undertake community consultation in relation to Council's budget.	0	0	●	0	0	●	
1.2 An inclusive community that has a strong sense of pride and local identity							
Community Services 2023 - 2025							
1.2.1 Deliver a range of civic, cultural and community events that celebrate local attributes	50	50	●	50	50	●	Delivery of Christmas Carols event featuring songs food and activities to engage community. Delivery of citizenship ceremonies with welcome packs for new settlers to the municipality. Ongoing support to multicultural groups in their planning and organisation of celebrations at the KCH
1.2.2 Provide services, events, advocacy and leadership for arts and culture	50	50	●	50	50	●	Delivery of programs to engage and support a wide variety of community members: KIN art workshops, Kingborough Volunteer Program, Learning for Life. Acquisition of Sculpture from Art Farm Birchs Bay to compliment the Kingborough Sculpture Trail.
1.2.3 Maximise the usage of the Kingborough Community Hub as a focal point for community activities.	50	50	●	50	50	●	Ongoing support for community, corporate and business hirers at the Hub. Delivery of a variety of events and activities at the Hub including: Christmas Carols event, community health and wellbeing workshops, youth activities, seniors information sessions, film nights
Governance, Recreation & Property Services 2023 - 2025							
1.2.5 In partnership with local community groups, develop heritage trails and interpretative signage for areas of historical and cultural significance	50	50	●	50	50	●	
1.3 A resilient community with the capacity to flourish							
Emergency Management 2023 - 2025							
1.3.1 Work with local community groups to promote a safe, sustainable and resilient community through practical planning for risk mitigation, preparedness and recovery	50	50	●	50	50	●	Initiatives include: Sparkling Conversations and Igniting Action (Leslie Vale, Bonnet Hill and Longley) Bushfire Ready Neighbourhoods with TFS (Lower Channel Region) North Bruny, South Bruny and Allens Rivulet Community requested events with TFS Tuesday Talks
Environmental Services 2023 - 2025							
1.3.2 Continue to review, update and implement Council's	50	50	●	50	50	●	Review complete. Update in progress.

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
Public Health Emergency Management Sub-Plan to guide the management of risks to the community							
Community Services 2023 - 2025							
1.3.3 Operate the Kingborough Volunteer Program to assist older residents to continue to live in the community with dignity.	50	50	●	50	50	●	Ongoing delivery of the Kingborough Volunteer program with the engagement of corporate volunteers
1.3.4 Enhance organisational support for volunteering opportunities and recognise and celebrate volunteers in the community	50	50	●	50	50	●	Volunteer check in sessions with guest speakers, Christmas volunteer celebration delivered
1.3.5 Provide support to community groups through a transparent and targeted provision of grants for community-based projects	50	50	●	50	50	●	Rapid response community grant applications received and processed
1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond							
Environmental Services 2023 - 2025							
1.4.1 Review, update and implement the Kingborough Climate Change Action Plan 2019-2024. through developing and implementing a governance structure, processes and systems to ensure its implementation and reporting on progress	50	50	●	50	50	●	New governance structure in place.
1.4.2 Implement priority actions from the Kingborough Climate Change Action Plan (2023/24)	50	50	●	50	50	●	Planning for initiatives to reduce waste to landfill commenced. Working on regional projects to improve capacity of local government to respond to impacts of climate change.
1.4.3 Adopt and implement the Coastal Hazards Policy to guide Council coastal works and asset management actions in the context of climate change	50	50	●	50	50	●	Decision making framework to guide works in coastal hazard zones underway.
Engineering Services 2023 - 2025							
1.4.4 Develop and Implement a Stormwater strategy to address the management of the flood risk and within Council's urban drainage catchments	50	50	●	50	50	●	Strategy in draft, resourcing constraints delaying finalisation
1.5 An active and healthy community with vibrant, clean, local areas that provide social, recreational and economic opportunities							
Governance, Recreation & Property Services 2023 - 2025							

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
1.5.1 Review and update the Kingborough Tracks and Trails Action Plan.	50	50	●	50	50	●	
1.5.2 Complete the development of Kingston Parkin partnership with the developer, Traders in Purple and in accordance with the Project Delivery Agreement.	50	50	●	50	50	●	
Engineering Services 2023 - 2025							
1.5.3 Continue to review, update and implement the Recreational Water Quality Management Strategy to improve the water quality of Council's beaches used for recreational activities	50	50	●	50	50	●	continue to actively monitor beaches and work closely with TasWater to resolve issues as they occur
Environmental Services 2023 - 2025							
1.5.3 Continue to review, update and implement the Recreational Water Quality Management Strategy to improve the water quality of Council's beaches used for recreational activities	50	50	●	50	50	●	Winter monitoring completed for Blackmans Bay. 50% of 23-24 summer monitoring complete.
1.5.4 Undertake community engagement and provide guidance and recommendations to Council on how to manage existing and new Council Smoke Free Areas into the future	50	50	●	50	50	●	Community consultation commencing March 2024.
1.5.5 Continue to review, update, and implement Council's Immunisation program providing Kingborough community members access to NIP funded immunisations through school based and community clinics	50	50	●	50	50	●	Major review of Immunisation Program complete. Implementation of improvements ongoing.
2.1 Service provision meets the current and future requirements of residents and visitors							
Governance, Recreation & Property Services 2023 - 2025							
2.1.1 Complete the implementation of the Transform Kingston Program	50	95	✓	50	95	✓	Works nearly complete
2.1.2 Complete the civic works in Kingston Park	50	95	✓	50	95	✓	Works nearly complete
2.1.3 Investigate options for the development of a multi-story carpark in Kingston	50	50	●	50	50	●	
Executive Management 2023 - 2025							
2.1.4 Continue to lobby the State Government to improve	50	50	●	50	50	●	

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
public transport services within Kingborough.							
Information Services 2023 - 2025							
2.1.5 Develop a process to measure community satisfaction with the delivery of infrastructure and services	50		—	50	25	→	
2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population							
Governance, Recreation & Property Services 2023 - 2025							
2.2.1 Implement the Kingston Congestion Package as outlined in the Greater Hobart City Deal Implementation Plan.	50	95	✓	50	95	✓	Transform Kingston works nearly complete
2.2.3 Review and update the Kingborough Sport and Recreation Strategy to provide a coordinated and strategic approach to the development and management of Council's recreational facilities	50	75	✓	50	75	✓	Draft Strategy complete and released for public comment
2.2.5 Implement the Kingborough Community Halls Strategy to provide accessible and functional halls throughout Kingborough	50	50	●	50	50	●	
Engineering Services 2023 - 2025							
2.2.2 Update Central Kingston Parking Strategy	50	75	✓	50	75	✓	strategy developed to be workshopped with Council and finalised shortly
2.2.4 Deliver the annual infrastructure Capital Works program	50	50	●	50	50	●	
2.2.5 Review Strategic Asset Management Plan	50	50	●	50	50	●	draft completed some further adjustments required to take into account internal audit review
2.3 Community facilities are safe, accessible and meet contemporary standards							
Community Services 2023 - 2025							
2.3.1 Through the Disability Inclusion and Access Advisory Committee, improve the accessibility of Council's services, buildings and information to people with a disability	50	50	●	50	50	●	Installation of high visibility bike racks at Kingston Community Hub Installation of beach matting at Kingston Beach in partnership with Kingston Beach Surf Life Saving Club
Governance, Recreation & Property Services 2023 - 2025							
2.3.2 Implement the Kingborough Public Toilet Strategy and ensure effective provision, upgrading and maintenance of Council owned	50	50	●	50	50	●	

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
public toilets throughout the Municipal Area							
2.3.3 Implement the Kingborough Playground Strategy to provide a comprehensive network of quality, accessible and well-maintained playgrounds throughout Kingborough	50	50	●	50	50	●	
2.3.4 Develop a Building Maintenance Schedule and inspection regime to provide proactive maintenance of Council's buildings and community facilities	50	50	●	50	50	●	
2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability							
Works Department 2023 - 2025							
2.4.1 Review and improve the pathway system to ensure that we are closing the loop effectively and efficiently for the customer	50	50	●	50	50	●	
Information Services 2023 - 2025							
2.4.2 Develop and deliver a Customer Service Strategy for the organisation.	50		—	50	25	→	
Executive Management 2023 - 2025							
2.4.3 Develop an operational plan which clearly articulates the values, key results areas, performance measures and deliverables for the organisation and that this plan is clearly conveyed to all emp	50	50	●	50	50	●	
2.4.4 Implement the Kingborough Council Leadership Framework for managers and supervisors as a key driver of continuous improvement and accountability.	50	50	●	50	50	●	
Finance 2023 - 2025							
2.4.5 Review the Long-Term Financial Plan to ensure the strategic actions identified in the Plan are delivered and implement strategies to improve the financial performance of the organisation	50	50	●	50	50	●	
2.5 Council is a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment							
People & Safety 2023 - 2025							

Description	Result			YTD			Comment
	Target %	Actual %	Status	Target %	Actual %	Status	
2.5.1 Undertake negotiations for the 2023 Kingborough Council Enterprise Agreement	50	100	✓	50	100	✓	Enterprise Agreement finalised in August 2023.
2.5.2 Develop and implement the annual Workforce Plan which sets the priorities for workforce strategies, learning and development programs and resourcing capacity	50	75	✓	50	75	✓	Workforce Plan due to be finalised following Manex meeting 13 February 2024.
2.5.3 Undertake the biennial employee engagement survey and link the results into the Workforce Plan	50		—	50	25	➔	
2.5.4 Review the Council's Work Health and Safety Management Plan and System and deliver the identified WHS strategies to meet Council's obligations under the Work Health and Safety Act 2012 (Tas)	50	75	✓	50	75	✓	WHS Safety Management system and risk matrices due for review at Feb 2024 WHS Committee meeting, and will submit draft updates to Exec WHS Committee in Feb 2024.
2.5.5 Implement and deliver an annual employee health and well-being program with a key focus delivering the community action plan for mental health	50	50	●	50	50	●	Health & Wellbeing program to be discussed at JCC meeting in Feb 2024. People at Work psychosocial safety survey completed at KC Dec 2023. Currently underway at Kingborough Sports Centre and KWS. Due for completion by end Feb 2024. Reports expected from People at Work by March 2024, Three reports to be aggregated and presented to Exec for discussion and action plan to be created.
3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth							
Environmental Services 2023 - 2025							
3.1.1 Improve the compliance response for environmental matters to ensure effectiveness of controls	50	25	➔	50	25	➔	
3.1.2 Develop Council's Tree Strategy 2023-2033 and maintain a Register of Significant Trees	50	50	●	50	50	●	Tree strategy scoped. Consultancy due finalised March 2024.
3.1.3 Develop a By-law to ensure that regulations provide appropriate protection for trees on private land	50	50	●	50	50	●	Trees on Private Property By-law consultation complete. Consultation report underway.
3.1.4 Deliver biodiversity offset projects under the Kingborough Environmental Fund Implementation Plan 2019-2023 and update the implementation plan	50	50	●	50	50	●	KEF Implementation Plan 2023-2027 endorsed by Council. Stewardship activities underway at six reserve sites. Potential new reserve to meet Swift Parrot and Forty-spotted pardalote habitat targets assessed.

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
3.1.5 Manage the natural area reserve network through the development and implementation of both new and existing reserve management plans	50	50	●	50	50	●	Hawthorn and Denison Reserve conservation management plans reviewed and being updated. Alum Cliffs Conservation Management Plan in progress.
3.1.6 Develop and implement existing Creek Maintenance Plans that improve the health and function of urban waterways	50	25	➡	50	25	➡	No waterway management activities completed in this quarter.
Development Services 2023 - 2025							
3.1.1 Improve the compliance response for environmental matters to ensure effectiveness of controls	50	85	✓	50	85	✓	Continue working in this space.
Compliance 2023 - 2025							
3.1.1 Improve the compliance response for environmental matters to ensure effectiveness of controls	50	50	●	50	50	●	
3.1.3 Develop a By-law to ensure that regulations provide appropriate protection for trees on private land	50	50	●	50	50	●	
Engineering Services 2023 - 2025							
3.1.6 Develop and implement existing Creek Maintenance Plans that improve the health and function of urban waterways	50	50	●	50	50	●	
Works Department 2023 - 2025							
3.1.6 Develop and implement existing Creek Maintenance Plans that improve the health and function of urban waterways	50	50	●	50	50	●	
3.2 A community that has a well-developed sense of natural and cultural heritage							
Environmental Services 2023 - 2025							
3.2.1 Provide opportunities and engage the community in the conservation and restoration of our natural areas, wildlife and plants	50	50	●	50	50	●	Does of Nature and seniors guided walks. Supported development and distribution of Ducks of Tasmania booklet. Attended a number of community events to provide information on land management.
3.2.2 Foster positive working relationships with landcare groups across the municipality, coordinating the network of volunteers to achieve good environmental outcomes	50	50	●	50	50	●	On ground support, training and materials supplied to Landcare Groups
3.2.3 Implement the North West Bay River Catchment Management Plan in	50	50	●	50	50	●	Facilitated collaboration of project partners to implement priority

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
partnership with the community and key land managers in the catchment							actions in the NW Bay River Catchment Plan.
3.2.4 Work with the Tasmanian Aboriginal community to promote community understanding of cultural heritage, such as through the Wood for Fire walk	50	50	●	50	50	●	Ongoing support of trainee Aboriginal Land Management Program.
3.3 Council is able to demonstrate strong environmental stewardship and leadership							
Engineering Services 2023 - 2025							
3.3.1 Implement the Kingborough Waste Management Strategy 2018 to deliver cost effective and efficient waste and recycling services to residents, improve recycling rates, reduce emissions and energy	50	50	●	50	50	●	Waste management objectives largely complete ongoing tasks continue
Compliance 2023 - 2025							
3.3.2 Review and update the Kingborough Dog Management Policy 2018 and provide education and enforcement of restrictions in areas with environmental values	50	100	✓	50	100	✓	Policy updated and endorsed
Environmental Services 2023 - 2025							
3.3.3 Develop and implement an Environmental Management System to support continuous improvement of environmental performance and ensure that Council meets its statutory responsibilities under environmental legislation	50	50	●	50	50	●	
3.3.4 Promote responsible cat ownership and work with the community and stakeholders to implement programs that minimise the impacts of cats (via predation, disease and nuisance)	50	50	●	50	50	●	Ongoing provision of advice and support to encourage responsible cat ownership. Regulation of Bruny Island Cat By-Law. Monitoring and trapping stray and feral cats on Bruny Island and Cat Prohibited Areas.
3.4 Best practice land use planning systems are in place to manage the current and future impacts of development							
Development Services 2023 - 2025							
3.4.2 Participate in a review of the Southern Regional Land Use Strategy	50	25	➡	50	25	➡	Continue to work with State Representative on this. Including submissions, attendance of working group meetings, provision of data and meetings. Timing and progress is dependent on State Government.
3.4.3 Finalise the Local Provisions Schedule in order to enable the declaration of the	50	35	➡	50	35	➡	Further response and submission provided in December 2023.

	Result			YTD			
Description	Target %	Actual %	Status	Target %	Actual %	Status	Comment
new Kingborough Planning Scheme							Awaiting response from Tasmanian Planning Commission.
Environmental Services 2023 - 2025							
3.4.2 Implement the Kingborough Weed Management Strategy 2017-2027	50	50	●	50	50	●	Implementation of actions on target. Focus on new and emerging declared weeds including tree heaths, serrated tussock and Karamu.
3.4.4 Progress implementation of the Barretta Environmental Management Plan	50	50	●	50	50	●	Monitoring and management of rehabilitated landfill ongoing as per Environmental Protection Notice. New monitoring bores installed adjacent to site to monitor movement of landfill gas.
3.4.5 Implement the Kingborough Weed Management Strategy 2017-2027	50	50	●	50	50	●	
3.5 Management of environmental assets is based on professional advice and strategic planning							
Environmental Services 2023 - 2025							
3.5.1 Develop and implement a Natural Areas and Biodiversity Strategy to underpin the management of Council's natural area reserves network and approach to managing the key threatening processes for biodiversity in Kingborough	50	25	➡	50	25	➡	Not commenced
3.5.2 Implement Bushfire Risk Reduction Strategy for Council land	50	50	●	50	50	●	Fuel breaks and trails maintained and new hazard management areas managed. Bushfire Exposure Index for Greater Hobart released (Council supported project).
3.5.3 Collaborate with key stakeholders to contribute to the recovery of threatened species and threatened vegetation communities	50	50	●	50	50	●	Orchid no mow program completed to allow threatened orchids on Council land to set seed prior to slashing. Habitat restoration projects ongoing.

C COUNCILLOR ATTENDANCE AT MEETINGS TO DECEMBER 2023

	Council		AGM		Audit Panel		Workshops		Leave of Absence Approved during the period
	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	Number Held	Number Attended	
Mayor Cr Paula Wriedt	12	10	1	1	1	0	13	11	4/9/2023 - 6/9/2023; 12/10/2023 - 29/10/2023
Deputy Mayor Cr Clare Glade-Wright*	12	12	1	1	1	0	13	12	
Cr Aldo Antolli	12	12	1	1	1	0	13	10	
Cr David Bain*	12	11	1	1	1	1	13	11	6/10/2023 - 15/10/2023
Cr Gideon Cordover	12	9	1	1	1	0	13	8	17/7/2023 - 4/8/2023; 10/11/2023 - 21/11/2023
Cr Kaspar Deane	12	11	1	0	1	0	13	9	10/7/2023 - 31/7/2023
Cr Flora Fox	12	11	1	1	1	0	13	12	
Cr Amanda Midgley	12	11	1	1	1	0	13	9	25/8/2023 - 30/8/2023; 11/9/2023 - 16/9/2023; 1/10/2023 - 8/10/2023
Cr Mark Richardson	12	12	1	0	1	0	13	11	25/12/2023 - 29/1/2024
Cr Christian Street	12	12	1	0	1	0	13	12	

* *Audit Panel Member*

Council Minute C390/14-12 determined that Councillor Attendance and Approved Leave of Absences be reported.

D COUNCILLOR ALLOWANCES AND EXPENSES JULY TO DECEMBER 2023

Councillor Allowance and Expense Table for period 1 July 2023 to 30 June 2024

SUMMARY

Councillor	Councillor Allowances			Councillor Expenses						Total
	Mayor \$	Deputy Mayor \$	Councillors \$	Travel Allowances \$	Mayor's Vehicle \$	Bruny Ferry \$	Internet & Telephone \$	Conference & Meeting Attendance \$	Code of Conduct \$	
Mayor Cr Wriedt	41,068		16,428	-	1,359	-	-	1,460		\$ 60,316
Deputy Mayor Glade-Wright		11,415	16,428	-	-	-	-	-		\$ 27,843
Cr Cordover			16,428	-	-	-	-	-		\$ 16,428
Cr Fox			16,428	994	-	-	447	1,205		\$ 19,074
Cr Midgley			16,428	-	-	-	-	908		\$ 17,336
Cr Street			16,428	-	-	-	-	-		\$ 16,428
Cr Antolli			16,428	-	-	49	64	-		\$ 16,540
Cr Richardson			16,428	-	-	-	-	-		\$ 16,428
Cr Deane			16,428	-	-	-	-	-		\$ 16,428
Cr Bain			16,428	-	-	-	-	-		\$ 16,428
			-	-	-	-	-	-		\$ -
			-	-	-	-	-	-		\$ -
			-	-	-	-	-	-		\$ -
			-	-	-	-	-	-		\$ -
Code of Conduct Complaints			-	-	-	-	-	-		\$ -
TOTAL	\$ 41,068	\$ 11,415	\$ 164,278	\$ 994	\$ 1,359	\$ 49	\$ 511	\$ 3,573	\$ -	\$ 223,248

Notes:
Council Minute C390/14-12 determined that Councillor Allowances and Expenses paid under the "Payment of Councillors Expenses and Provision of Facilities" Policy be reported.
Bruny Ferry costs are also included as required in Minute GF101/6-12 Bruny Ferry = cost of fares at \$38 per trip from 01/11/2018

NUMBER OF CODE OF CONDUCT COMPLAINTS DETERMINED				
	Number of Complainers			Cost of Complaints
	Number	Upheld	Dismissed	

E DONATIONS TO DECEMBER 2023**Donations Table**

For period 1 July 2023 to 31 December 2023

MAYORAL DONATIONS

<u>Name</u>	<u>Amount</u>	<u>Description</u>
Illawarra Primary School	\$ 125.00	Movie Licence Fee
Internal Hub Hire	\$ 268.18	Tas Youth Climate Conference 11/9/23
Christine Rumley	\$ 150.00	Development Coach U14s National Basketball Championships
Bruny Island Community Association	\$ 300.00	Christmas Carols Event
Friends of Longley Area Group	\$ 300.00	Picnic in the Park
Howden Progress Associaion	\$ 150.00	Car boot sale
	\$ 1,293.18	
Annual Budget	\$ 4,000.00	

COUNCIL POLICY DONATIONS

<u>Name</u>	<u>Amount</u>	<u>Description</u>
Eve Millar	\$ 150.00	School Sports Aust - National Diving Championships
Callum Degenaar	\$ 150.00	Australian Championships Carnival (Orienteering)
Elsa Pearsall	\$ 300.00	2023 Apollo Project
Archie Watt	\$ 150.00	U/15 State AFL School
Axel Murden	\$ 300.00	Trans Tasman Challenge
Mabel Johnston	\$ 150.00	School Sports Aust - National Diving Championships
Pia Holmes	\$ 150.00	2023 SSA Cross Country
Morgan Holmes	\$ 150.00	2023 SSA Cross Country
Kael Forster	\$ 150.00	National Futsal Champs
Madeline Marshall	\$ 150.00	Athletics Aust Cross Country Championships
Billy French	\$ 150.00	Australian Gymnastics Championships
Amber French	\$ 300.00	World Trampelining Championships
Miles Bacic	\$ 150.00	2023 National Futsal Championships
Margot Marcant	\$ 150.00	Australian Championships Carnival (Orienteering)
Josie Rose	\$ 150.00	National Youth Championships - Soccer
Quincy Green Carlos	\$ 150.00	Neil Hick Victorian Epee Shield
Elizabeth Rumley	\$ 150.00	U14 National Club Championships (Basketball)
Lucy Page	\$ 150.00	National Youth Football Championships
William Pereira	\$ 150.00	Australian All Schools Cross Country Championships
Marcus Raine	\$ 150.00	National Over 40's Cricket Championships
Jaxon Thorpe	\$ 150.00	Aust Mens and Mixed Netball Association Championships
Amber French	\$ 400.00	World Trampelining Championships
Hunter Thorpe	\$ 150.00	Aust Mens and Mixed Netball Association Championships
Christian Hickey	\$ 150.00	Selection to the Shepparton Cup
Andrea Butchart	\$ 150.00	Victorian Ice Skating Competition
Emily Butchart	\$ 150.00	Victorian Ice Skating Competition
Katie Cole	\$ 150.00	Veterans Cricket Championships
Niamh Bawle	\$ 150.00	Australian Basketball College Championships
Charlie Groves	\$ 150.00	Australian Orienteering Championships
Rohan Wilcox	\$ 400.00	World Trampelining Championships
Morgan McGuire	\$ 150.00	National Veterans Cricket Championships
Channel Christian School	\$ 100.00	School Citizenship Award 2023
Woodbridge School	\$ 100.00	School Citizenship Award 2023
Blackmans Bay Primary School	\$ 100.00	School Citizenship Award 2023
Kingston Primary School	\$ 100.00	School Citizenship Award 2023
Snug Primary School	\$ 100.00	School Citizenship Award 2023
Margate Primary School	\$ 100.00	School Citizenship Award 2023
Kingstong High School	\$ 100.00	School Citizenship Award 2023
Illawarra Primary School	\$ 100.00	School Citizenship Award 2023
St Anoysius Catholic College (Middle Sch)	\$ 100.00	School Citizenship Award 2023
St Anoysius Catholic College (Junior Sch)	\$ 100.00	School Citizenship Award 2023
Taroona High School	\$ 100.00	School Citizenship Award 2023
Taroona Primary School	\$ 100.00	School Citizenship Award 2023
Bruny Island District School	\$ 100.00	School Citizenship Award 2023
Calvin Christian School	\$ 100.00	School Citizenship Award 2023
Calvin Christian School (Primary Campus)	\$ 100.00	School Citizenship Award 2023
Southern Christian College	\$ 100.00	School Citizenship Award 2023
Indie School	\$ 100.00	School Citizenship Award 2023
	\$ 7,300.00	
Annual Budget	\$ 12,000.00	

- Council makes Donations under section 77 of the Local Government Act 1993 which states that "Council may make a Grant for any purpose it considers appropriate ". "The details of any grant made ... are to be included in the annual report of the council " Section 77 (2).