

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on Monday, 16 February 2026 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, 16 February 2026 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Deleeze Chetcuti
ACTING CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by the
Kingborough Council pursuant to section 61 of the
Local Government Act 1993 (TAS)

Tuesday, 10 February 2026

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Public Copy

GUIDELINES FOR PUBLIC QUESTIONS

Division 4 of the *Local Government (Meeting Procedures) Regulations 2025*

This guide helps community members understand how to ask questions during Public Question Time at a Council meeting or sending in questions to be placed on the meeting Agenda, based on the [Local Government \(Meeting Procedures\) Regulations 2025](#), as well as any other determinations made by Council.

Please remember, this time is for asking questions only—there will be no discussion or debate about the questions or the answers.

How to Ask a Question:	<p>You can ask a question either:</p> <ul style="list-style-type: none">• In writing (before the meeting) (see questions on notice below), or• In person at a regular Council meeting (see questions without notice below). <p>Your question must be about Council activities only.</p>
Purpose of Question Time:	<ul style="list-style-type: none">• This time is for asking questions, not for debating them.• Answers will be given, but there won't be any discussion.
Written Questions (Questions on Notice):	<ul style="list-style-type: none">• Must be sent at least 7 days before the meeting.• The 7-day period includes weekends and public holidays, but not the day you submit the question or the day of the meeting.• Title your submission clearly as "Question/s on Notice."
Verbal Questions (Questions Without Notice):	<ul style="list-style-type: none">• At least 15 minutes will be set aside during the meeting for these.• A maximum of three (3) questions will be allowed per person, per meeting.• You can't ask about topics already on the meeting agenda.• If your question can't be answered right away, it will be answered at the next meeting or as soon as possible.
Rules for Asking Questions:	<p>Your question should:</p> <ul style="list-style-type: none">• Be short and clear;• Not be a statement;• Have little or no introduction. <p>The Chairperson may reject your question if it:</p> <ul style="list-style-type: none">• Is offensive, defamatory, or illegal;• Doesn't relate to Council business;• Is unclear, repetitive, or about confidential matters.

**AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 16 February 2026 at 5.30pm**

WELCOME

The Chairperson will declare the meeting open and welcome all in attendance. The Chairperson will advise all persons attending the meeting that they are to be respectful of, and considerate towards, other persons attending the meeting.

AUDIO RECORDING

The Chairperson will 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.

1 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.

2 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
Councillor C Street

3 APOLOGIES

4 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the open session of the Council Meeting No. 2 held on 2 February 2026 be confirmed as a true record.

5 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
26 January	AFL High Performance Centre	Update on the progress of the AFL High Performance Training Centre at the Twin Ovals and associated infrastructure developments.
10 February	1. Browns Road Upgrade 2. Community Resilience 3. LPS	1. Update on upcoming works on Browns Road 2. Update on Community Resilience programming and future work 3. Update on progress of LCZ review for draft LPS

6 DECLARATIONS OF INTEREST

In accordance with Regulation 10 of the *Local Government (Meeting Procedures) Regulations 2025* 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.

7 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 2025*.

8 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

9 QUESTIONS ON NOTICE FROM THE PUBLIC

Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.

9.1 Biodiversity Offsets

At the Council meeting on 2 February 2026, **Ms Natisha Knight** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

Over the past five years, how many development applications remained undetermined or significantly delayed where the applicant has not agreed to either pay a biodiversity offset, or voluntarily enter into a Part 5 Agreement?

Officer's Response:

Council does not maintain data that specifically records whether development applications have remained undetermined or experienced delays due to an applicant not agreeing to a biodiversity offset or not entering into a Part 5 Agreement. Identifying this information would require a detailed review of individual applications over the past five years, which is not routinely undertaken.

For clarification, development applications involving offsetting requirements proceed to determination within the normal statutory process. Where biodiversity offsets are required, they are included as conditions of approval. These conditions must be met before works can commence, rather than affecting the determination of the application itself.

In practice, applicants are generally aware of the offsetting requirements contained within the performance criteria of the Kingborough Interim Planning Scheme (and the incoming Tasmanian Planning Scheme). As a result, these conditions are typically satisfied and developments progress once requirements are met.

Deleeze Chetcuti, Acting Chief Executive Officer

9.2 Section 35G Statement

At the Council meeting on 2 February 2026, **Ms Karen Groves** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

Were both the Section 35(G) and Section 35(F) report submitted on the same day for Councillors?

Officer's Response:

At its meeting on Monday, 21 July 2025, Council considered the Section 35F Report together with a separate Section 35G Statement. The Section 35G Statement is not part of the Local Provisions Schedule process and instead outlines recommended amendments to the State Planning Provisions. Any review of the State Planning Provisions would occur through a separate statewide process, which would provide opportunities for both Council and the community to make submissions once commenced. At this stage, no timeframe for the commencement of that process has been advised by the State Planning Office.

As part of its consideration of the Section 35F Report, Councillors were provided with copies of all representations. The report included detailed commentary on the key themes raised, including matters relating to the Landscape Conservation Zone (LCZ). A covering letter from Council accompanied the submission of both the Section 35F Report and the Section 35G Statement, highlighting and emphasising the community concerns identified in the representations regarding the LCZ.

Deleeze Chetcuti, Acting Chief Executive Officer

9.3 Tree By-law Consultation

At the Council meeting on 2 February 2026, **Mr Nick Booth** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

In August 2021, Kingborough Council ceased having a tree by-law provisions within their existing environmental by-laws. In July 2022, Council passed a resolution by absolute majority of its intention to make trees on a private property a bylaw. In October 2023, a draft finally went out to public consultation. What was the response to the consultation and where is that information available?

Officer's Response:

The consultation process generated 79 written submissions. Of these, 62% expressed support for the proposed Tree By-law, while the remaining submissions indicated non-support, mixed views, unclear positions, or did not provide sufficient information to determine a position. More detailed information on the background and current status of the draft By-law is available in the report included in this agenda titled 'AGM Motion Response: Trees on Private Property By-law'

Deleeze Chetcuti, Acting Chief Executive Officer

10 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**11 QUESTIONS ON NOTICE FROM COUNCILLORS**

Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.

11.1 Sproules Road, Snug

At the Council meeting held on 2 February 2026, **Cr Richardson** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

There's been a couple of development applications been approved up that road recently increasing the road traffic from four properties to 6. What requirements do we have for the construction phase on a narrow road and are there any plans in place to upgrade, widen and generally fix up Sproules Road?

Officer's Response:

Council does not normally impose specific requirements on construction traffic travelling on public roads unless works are proposed within the road reserve itself. Where a development requires construction of new or modified accesses, or service connections, those works are managed through a Road Works Permit, which includes conditions for traffic management and reinstatement of the road.

Planning permits cannot place conditions on how construction vehicles travel on an existing public road.

Sproules Road currently meets Council's standards for the level of traffic it carries. While the approved developments increase the number of properties from four to six, the resulting traffic volumes remain very low and consistent with a lightly trafficked local road.

Council has no plans to upgrade or widen Sproules Road at this time. Routine maintenance will continue to be undertaken as required to keep the road trafficable, in line with Council's service intervention levels.

Renai Clark, Senior Roads Engineer

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

12 OFFICERS REPORTS TO PLANNING AUTHORITY

12.1 DEVELOPMENT APPLICATION FOR CHANGE OF USE TO VISITOR ACCOMMODATION AT UNIT 9/9 MARANOA ROAD, KINGSTON

File Number: DA-2025-417
Author: Benjamin Allen, Planner
Authoriser: Sarah Silva, Senior Statutory Planner

Applicant:	Y Liu
Owner:	Y Liu
Subject Site:	Unit 9/9 Maranoa Road, Kingston (CT 174902/9)
Proposal:	Change of use to visitor accommodation
Planning Scheme:	Kingborough Interim Planning Scheme 2015 <i>Assessment is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)</i>
Zoning:	Inner Residential
Codes:	E6.0 Parking and Access
Use Class/Category:	Visitor Accommodation
Discretions:	Clause 3.1 (e) A2/P2 of Planning Directive No. 6
Public Notification:	Public advertising was undertaken between 20 December 2025 and 14 January 2026 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Section 52(1B) Owner consent requirements:	The development is wholly contained within land in private ownership, no further consents required.
Representations:	Eight (8) representations This includes one by the body corporate on behalf of 11 owners representing 16 dwellings within the strata scheme.
Recommendation:	Approval

1. PROPOSAL

1.1 Description of Proposal

The proposal involves a change of use of one strata lot within a 27-lot strata scheme from residential use to visitor accommodation at 9/9 Maranoa Road, Kingston.

No physical works or development are proposed as part of the application.

The visitor accommodation use is proposed to be managed by Hosting Hobart – a professional holiday home management group, who would be responsible for guest management, including the application of house rules, management of waste and recycling, and the arrangement of cleaning between guest stays.

1.2 Description of Site

The subject lot is located within a strata scheme at 9/9 Maranoa Road, Kingston and is legally described as Lot 9 on Certificate of Title 174902/9.

The strata scheme comprises 27 units, with common property limited to shared driveways, accessways and rights-of-way. The common property does not include any shared storage or service rooms, internal corridors, foyers, lobbies, stairwells, or recreational amenities.

Parking provision comprises one (1) private parking space within individual carports for each unit, together with an additional 14 spaces within common property for visitor and overflow parking.

The site is located within the Inner Residential Zone, approximately 250 metres north-east of Kingston's Central Business Area and bus interchange. The proposal is subject to the Parking & Access Code, the Inner Residential Zone provisions, and Planning Directive No. 6.



The original approval for the multiple dwelling development was granted under DA 2013-172 (*Demolition and Construction of 27 Units*), staged under STG 2018-1 (*Stage Development Application*) and strata titled under STR 2018-36 (*Strata Title*).

Council records confirm that this application represents the first proposal to Council for Visitor Accommodation within the subject strata scheme.

2. ASSESSMENT

2.1 State Policies and Act Objectives

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

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Inner Residential zone

The relevant zone purpose statements of the Inner Residential zone are:

- 11.1.1.1 *To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*
- 11.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 11.1.1.3 *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- 11.1.1.4 *To encourage residential development at higher densities in locations that offer good access to services and employment including activity centres and public open spaces.*

Clause 11.1.2 & 11.1.3 – Local Area Objectives and Desired Future Character Statements

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

Local Area Objectives	Implementation Strategy
(a) Land will be utilised for residential purposes to the maximum extent and in a manner that optimises high quality design and amenity outcomes	(a) Infill opportunities will be taken up with larger lots being developed at higher residential densities.
Desired Future Character Statements	Implementation Strategy
(a) Increased inner urban residential living opportunities will be provided that enable residents to have improved access to local services and public facilities.	(a) Further subdivision and/or strata development will be encouraged within this zone in a manner that encourages high quality design outcomes in both the private and public realms.

The proposal is consistent with the broader strategic intent of the Inner Residential Zone. Clause 11.1.1.2 seeks to support compatible non-residential uses that primarily serve the

local community, and Visitor Accommodation is identified under Planning Directive No. 6 as a Permitted use within the zone when assessed in accordance with the Directive's provisions.

While the assessment of this application is undertaken pursuant to the specific Performance Criteria arising from Planning Directive No. 6, regard may be had to the zone purpose and associated Local Area Objectives and Desired Future Character statements insofar as they provide contextual guidance. In this instance, those provisions are directed toward built form outcomes such as infill development, subdivision, and strata development, and do not introduce additional amenity considerations beyond those expressly identified in the relevant Performance Criteria.

Accordingly, while the proposal does not conflict with the zone's strategic intent, the determination of the application is appropriately confined to the assessment of residential amenity impacts under the specific Performance Criteria of Planning Directive No. 6.

2.3 Statutory Planning

Planning Directive No. 6 (PD6) – *Exemption and Standards for Visitor Accommodation in Planning Schemes*, issued by the Minister for Planning in 2018, modifies the assessment framework for visitor accommodation across Tasmania. Of relevance to this proposal, the Directive substitutes the visitor accommodation use standard that would otherwise apply under the zone provisions of the Scheme.

The proposed use is classified as Visitor Accommodation which has a permitted use status as per PD6. However, as the application does not demonstrate compliance with all relevant Acceptable Solutions contained within Planning Directive No. 6, the proposal must be assessed as a discretion against the applicable Performance Criteria of the relevant clauses.

The relevant standard is as follows:

Visitor Accommodation

A2 Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.

P2 Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

- (a) the privacy of residents;*
- (b) any likely increase in noise; (c) the residential function of the strata scheme;*
- (d) the location and layout of the lots;*
- (e) the extent and nature of any other non residential uses; and*
- (f) any impact on shared access and common property.*

The Performance Criteria requires that Visitor Accommodation must not result in an *unreasonable loss of residential amenity*. The inclusion of the term *unreasonable* makes clear that some level of amenity impact may be anticipated and is not, of itself, determinative. The assessment task is therefore not to determine whether any impacts exist, but instead to determine whether any impacts exceed what is reasonable.

The Performance Criteria further confines the scope of assessment to *long-term residents occupying other lots within the strata scheme*. Amenity impacts beyond that cohort, or

unrelated to residential amenity, are not contemplated by the standard. In assessing residential amenity, consideration is expressly limited to the matters set out in sub-items (a)–(f). No broader amenity considerations arise under the clause, and discretion is subsequently confined to those matters to which the planning authority is required to have regard.

The obligation to act “*having regard to*” sub-items (a)–(f) does not require that each matter be satisfied as a standalone or mandatory test. Rather, it requires a balanced planning assessment in which each consideration is weighed according to its relevance and significance in the circumstances of the specific proposal. This approach is consistent with the Tribunal’s reasoning in *G Batey v King Island Council and Australian Tungsten Pty Ltd* [2022] TASCAT 147, which confirmed that similarly structured provisions do not impose mandatory compliance with each individual sub-item.

While each application must be assessed on its own merits, relevant Tribunal authority provides guidance as to the application of this discretion. In *Rich Tapestry Pty Ltd v Hobart City Council* [2023] TASCAT 178, the Tribunal overturned a refusal of Visitor Accommodation within a strata scheme assessed under the Planning Directive No. 6. The key findings were:

- If a property is arranged in a way that protects privacy, noise separation, and independence between dwellings, then using one lot for visitor accommodation is unlikely to cause an unreasonable loss of residential amenity, even if neighbours are long-term residents.
- If shared spaces are limited or unaffected, then a proposal won’t generally be considered harmful to the scheme’s residential function.

The details of this decision can be found here [Rich Tapestry Pty Ltd v Hobart City Council \[2023\] TASCAT 178 \(5 October 2023\)](#)

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 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 20 December 2025 to 14 January 2026).

A total of eight (8) representations were received during the public exhibition period.

Representations have been collated and summarised by issue, rather than addressed individually, consistent with common practice where multiple submissions raise similar concerns. Matters relevant to the applicable assessment criteria are addressed in the assessment section of this report, while non-material matters are identified separately. This approach avoids duplication and ensures the report focuses on issues that are capable of being given weight under the relevant planning criteria.

The issues raised included the following:

2.4.1 Residential Character

- The complex was built and approved for long-term residential living, not short-stay or tourist use.
- Short-term letting is a commercial activity that doesn’t fit the intended residential character.

Response

Visitor accommodation is a permitted use in the zone, and an application can be made for its use. Residential character is considered A1/P1 of Planning Directive 6 Clause Visitor Accommodation. The proposal meets A1.

2.4.2 Residential Amenity

- Residents expect a peaceful, predictable living environment, which short-stay use disrupts.
- Short-stay guests bring more noise and irregular hours (late arrivals, early departures).
- Extra activity from cleaning, servicing, and deliveries would add further disturbance.
- Frequent change of occupants reduces privacy for neighbours.
- Short-stay guests are unfamiliar and increase the number of unknown people in the complex.
- Residents value a quiet, friendly, long-term community; short-stay use erodes that
- Extra cars pose safety risks and increase noise within the complex.
- Unit 9 is accessed via a single shared driveway past 12 other homes, so extra vehicle movement affects many people.

Response

These matters are relevant insofar as they relate to whether the proposal would cause an *unreasonable* loss of residential amenity when considered in context of the relevant performance criterion. A detailed assessment has been undertaken in section 2.6 of this report.

2.4.3 Parking and Traffic

- Each unit only has one parking space, and visitor parking is very limited
- Short-stay guests may bring multiple cars, causing overflow parking and congestion

Response

Council's development engineers have assessed the proposal against the applicable provisions of the Parking and Access Code and have confirmed that it meets all permitted standards under the planning scheme.

2.5 Matters raised outside of the scope of the planning assessment

2.5.1 Strata Governance, By-Laws and Management Issues

- Risks include misuse of shared access, security codes, and common areas.
- Visitors are unlikely to know or follow strata rules, likely rule breaches include noise, parking, rubbish disposal, and misuse of shared spaces.
- Short-stay use creates more complaints, monitoring, and enforcement effort.
- All owners would share the increased costs, but only one owner benefits financially.

- Short-term guests often misuse bins or dispose of rubbish incorrectly

Response

These are private strata management matters governed by strata legislation and body corporate arrangements and are not matters for determination under the planning scheme.

2.5.2 Perceived Safety and Security Risks

Some residents fear increased risk of bad behaviour or unsafe activities by unknown guests.

Response

This is a civil matter for the body corporate management or police as required.

2.5.3 Conversion of complex to short stay

Approving one unit could lead to more short-stay applications, changing the whole character of the complex.

Response:

Any change of use from residential to visitor accommodation will require a planning permit and will be assessed on its own merits.

2.6 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:

Inner Residential Zone

Clause 3.1(e) Visitor Accommodation A2/P2

Acceptable Solution
A2 – Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.
Performance Criteria
P2 – Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to: <ol style="list-style-type: none"> the privacy of residents; any likely increase in noise; the residential function of the strata scheme; the location and layout of the lots; the extent and nature of any other non residential uses; and any impact on shared access and common property.
Proposal
The Visitor Accommodation at 9/9 Maranoa Road, Kingston occurs within a 27 multiple dwelling strata scheme. Accordingly, it does not meet the Acceptable Solution.

The Planning Officer has reviewed the submitted plans, relevant planning approvals, aerial imagery, and undertaken a site inspection. The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

Residential Amenity Impacts

Subclause (a) - the privacy of residents

The strata scheme does not include communal recreational or shared living spaces; common property is limited to vehicle access and parking areas; this is based on the planner's site visit and information provided by the applicant. Each unit is provided with clearly defined private open space within its individual strata lot.

The configuration of the site, including the separation of private open space from common access areas and the absence of shared amenity spaces, limits opportunities for prolonged or intrusive interaction between visitors and long-term residents.

Additionally, it was confirmed during the site visit that there is limited opportunities for direct overlooking with the primary window of concern facing toward an adjoining strata lot being the upstairs north-western window is to a non-habitable room (bathroom) and is glazed and limited in the range of its' opening.

There is standard residential fencing around the private open spaces of the unit of approximately 1.7m which is considered sufficient to screen for privacy.

Accordingly, any privacy impacts arising from the use of the unit for visitor accommodation are considered minor in nature and are not considered to result in an unreasonable loss of residential privacy to long term residents occupying other lots in the strata scheme.



Figure 4 – North-western upstairs window: external (site visit)



Figure 5 – North-western upstairs window: internal (site visit)

Residential Amenity Impacts

Subclause (b)- any likely increase in noise

Council has had regard to advice from the Environmental Health Department, which indicates that noise generated by visitor accommodation is generally comparable in nature and intensity to noise generated by permanent residential occupation. In this respect, there is no inherent form of noise associated with short-stay accommodation that could not also reasonably arise from occupation of a dwelling by a long-term resident.

Noise is therefore assessed under the planning scheme by reference to ordinary residential expectations within a strata environment. The proposal does not include any specific design features, facilities, or ancillary uses—such as shared recreational areas, function spaces, pools, or event-oriented infrastructure—that would reasonably give rise to noise beyond that ordinarily associated with residential use. The scale, layout and configuration of the dwelling

are consistent with a standard residential unit and do not suggest a form of use that is intensified or materially different in character.

While it is acknowledged that atypical or out-of-character noise outcomes can occur in isolated circumstances, such outcomes are not unique to visitor accommodation and may equally arise from conventional residential occupation. Planning assessment must therefore be based on what the proposal enables by design and use, rather than on speculative or exceptional operational scenarios. Nothing in the application indicates that the visitor accommodation would operate in a manner that departs from ordinary residential activity or gives rise to an unreasonable increase in noise.

Having regard to the above, the proposal is not anticipated to result in an unreasonable increase in noise and is considered to satisfy sub-item (b) of the Performance Criteria, without resulting in an unreasonable loss of residential amenity.

Residential Amenity Impacts

Sub clause (c) -the residential function of the strata scheme;

The strata scheme currently operates as a conventional residential development, comprising 27 self-contained dwellings used for long-term permanent occupation. At this scale, the scheme represents a reasonably large residential complex in the context of suburban strata developments and is broadly comparable, in its level of activity and built form intensity, to a small apartment building or medium-density residential cluster. The development has no mixed-use elements, commercial tenancies, or ancillary non-residential components. All units function as stand-alone domestic residences, with private open space located within each lot and common property limited to vehicle accessways, driveways, and shared parking areas.

Based on the site visit conducted by the planning officer and information provided by the applicant, the common property limited to vehicle accessways, driveways, and shared parking areas. Consistent with *Rich Tapestry Pty Ltd v Hobart City Council [2023]* , as there is limited common land confined to parking and access, the proposal is unlikely to affect the residential function.

Residential Amenity Impacts

Subclause (e) - the location and layout of the lots

The subject unit is located toward the rear of the development and is accessed via a single internal shared driveway, consistent with the approved design of the strata scheme.

The strata scheme does not include communal recreational or shared living spaces; common property is limited to vehicle access and parking areas. Each unit is provided with clearly defined private open space within its individual strata lot, essentially operating similar to a single dwelling.

Vehicle parking is predominantly accommodated within private carports located on individual strata lots, with additional visitor and overflow parking provided within designated common areas. While some incidental awareness of activity may occur as vehicles traverse the shared accessway, such interactions are transient and typical of strata-based residential developments.

The configuration of the site, including the separation of private open space from common access areas and the absence of shared amenity spaces, limits opportunities for prolonged or intrusive interaction between visitors and long-term residents.

The proposed change of use is not anticipated to result in unreasonable impacts arising from the location or layout of the lots, nor to adversely affect shared accessways or common property within the strata scheme.

Representors' concerns regarding the layout increasing interaction between short-stay visitors and residents are noted; however, these accessways function as transitional movement corridors rather than spaces intended for shared amenity. Movement through common property is an inherent feature of strata developments and would occur regardless of whether a dwelling is used for long-term or short-term occupancy.

Residential Amenity Impacts

Subclause (d) - the extent and nature of any other non-residential uses

The proposed change of use is not anticipated to compromise the residential function of the strata scheme. Council records do not indicate the presence of other non-residential uses within the scheme, and the development has been approved and established for wholly residential purposes.

It is acknowledged, as a matter of planning principle, that the widespread or cumulative establishment of visitor accommodation within a strata scheme could, if it reached a sufficient scale, alter the residential function of the development and warrant closer scrutiny. However, such an outcome is contingent on extent, prevalence, and demonstrable change in character, rather than the isolated approval of a single dwelling.

In this case, the proposal relates to one unit within a 27-unit strata scheme and does not, by itself, represent a scale or intensity of use capable of significantly altering the residential character or function of the development in so far as it affects residential amenity. Planning intervention on the basis of potential future uptake, absent evidence of an emerging pattern or cumulative impact, would be premature and speculative. Each application must be assessed on its own merits, and the change of use of a single unit does not represent a threshold at which the residential function of the strata scheme is compromised or at which refusal would be justified on amenity grounds.

Residential Amenity Impacts

Subclause (f) any impact on shared access and common property

While representations raise concerns that this configuration may amplify interactions between short-term occupants and other residents, these access arrangements function primarily as transitional spaces for vehicular and pedestrian movement rather than areas of shared amenity or prolonged activity. The movement of residents and visitors through common property is an inherent characteristic of strata-based residential development.

Council has had regard to advice from the Development Engineering Department, including reference to the RTA *Guide to Traffic Generating Developments*, which indicates that visitor accommodation typically generates approximately 3 daily vehicle trips per unit, compared to 5–6.5 daily vehicle trips for a standard residential dwelling. As noted by Council's Development Engineering Officer, the strata scheme was originally designed to accommodate the higher traffic volumes associated with full residential occupation. Accordingly, the proposed change of use is not anticipated to adversely affect the operation, safety, or capacity of shared accessways or common property.

Assessment against the Scheme's Parking and Access Code confirms that the visitor accommodation parking requirement of one space can be accommodated entirely within the individual strata lot. The overall design of the strata scheme, established for residential use, results in a surplus of parking relative to the needs of the proposed visitor accommodation, further reducing the likelihood of congestion or conflict within common areas.

Summary

Having regard to the above, the change of use of a single unit within a 27-unit strata scheme does not represent a scale or intensity of activity capable of altering the functional operation of shared accessways or common property, nor does it introduce layout-based impacts

sufficient to warrant refusal. Accordingly, the proposal is considered to satisfy sub-items (d) and (f) of the Performance Criteria and is not expected to give rise to an unreasonable loss of residential amenity.

3. FOLLOWING ADVERTISING

It is noted that following advertising, the applicants have submitted proposed management mitigations measures to address the matters raised during representations which include:

- Limit occupancy to six guests and enforce quiet hours (9 pm–8 am) through house rules communicated pre-booking and on arrival.
- Actively screen bookings and decline any that appear unsuitable for a quiet residential setting.
- Require guests to arrive and depart quietly, avoid outdoor congregation, and respect neighbours' privacy.
- Impose fees and sanctions for non-compliance; serious or repeated breaches trigger cancellation and guest bans.
- Limit guest parking to one car in the garage only, with clear instructions prohibiting use of visitor bays.

4. CONCLUSION

The application for Visitor Accommodation has satisfied all applicable standards of the Scheme and Planning Directive No. 6 and is therefore recommended for approval subject to conditions.

5. RECOMMENDATION

That the Planning Authority resolves that the development application for change of use to visitor accommodation at Unit 9/9 Maranoa Road, Kingston for Y Liu 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-2025-417 and Council Plan Reference No. P1 submitted on 25 November 2025.

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 use and development must be managed so that the amenity of the area is not detrimentally impacted upon through any of the following:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or waste products (rubbish).
3. The visitor accommodation is for short term stay only. Accommodated guests must not stay any longer than a total of three (3) months on any one occasion.
4. Guests must park within the designated car parking area for the strata lot.

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. This permit does not include approval for any signage to be erected on site. Further approval may be required for the erection of signage on the site.
- D. Food must not be sold or served to guests without prior consent from Council's Environmental Health Officer.

ATTACHMENTS

1. **Assessment Checklist**
2. **Plans**

Assessment Checklist for Development Applications for Non-Dwelling/Non-Residential Use and/or Development within the Inner Residential Zone

Application No: DA-2025-417	Description: Change of use to visitor accommodation
Applicant: Y Liu	Owner: Y Liu
Location: Unit 9/9 Maranoa Road, Kingston	

Use Status

Use Class	Residential
Use Status	Discretionary

Inner Residential Zone Provisions (non-dwelling/non-residential use and/or development)

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

Clause	Compliance/Comments
Clause 11.3.1 - Non-Residential Use A1 – Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	A1 – N/A. Visitor Accommodation.
A2 - Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008 issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	A2 – Complies. Visitor Accommodation only.
A3 - External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	A3 – N/A. Visitor Accommodation only, existing lighting configuration.

Clause	Compliance/Comments
<p>A4 - Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:</p> <ul style="list-style-type: none"> (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays. 	<p>A4 – Complies. Visitor Accommodation only.</p>
<p>Clause 11.3.2 - Visitor Accommodation</p> <p>A1 - Visitor accommodation must comply with all of the following:</p> <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. 	<p>A1(a) – N/A – Superseeded by PD6 requirements</p> <p>A1(b) – N/A.</p> <p>A1(c) – N/A.</p>
<p>Clause 11.3.3 – Local Shop</p> <p>A1 - A local shop must comply with both of the following:</p> <ul style="list-style-type: none"> (a) have a gross floor area no more than 100m²; (b) not displace an existing residential use. 	<p>A1(a) – N/A.</p> <p>A1(b) – N/A.</p>
<p>Clause 11.4.9 – Non-dwelling Development</p> <p>A1 – Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling:</p> <ul style="list-style-type: none"> (a) 11.4.2 A1 and A3; (b) 11.4.3 A1 (a) and (c); (c) 11.4.7 A1. 	<p>A1(a) – N/A. No development proposed.</p> <p>A1(b) – N/A.</p> <p>A1(c) – N/A.</p>
<p>A2 – Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to a dwelling:</p> <ul style="list-style-type: none"> (a) 11.4.2 A2; (b) 11.4.5 A1. 	<p>A2 – N/A. No development proposed.</p>
<p>A3 - Outdoor storage areas must comply with all of the following:</p> <ul style="list-style-type: none"> (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas. 	<p>A3 – N/A. No development proposed.</p>
<p>Clause 11.4.2 - Setbacks and building envelope for all dwellings</p> <p>A1 - Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into</p>	<p>A1(a) – N/A. No development proposed.</p> <p>A1(b) – N/A.</p>

Clause	Compliance/Comments
<p>the frontage setback, must have a setback from a frontage that is:</p>	<p>A1(c) – N/A.</p>
<p>(a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p>A1(d) – N/A.</p>
<p>A2 - A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 4m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>A2(a) – N/A. No development proposed.</p> <p>A2(b) – N/A.</p> <p>A2(c) – N/A.</p>
<p>A3 – A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 11.1, 11.2 and 11.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and</p>	<p>A3(a) – N/A. No development proposed.</p> <p>A3(b) – N/A.</p>

Clause	Compliance/Comments
<p>(b) only have a setback within 1.5m of a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser) 	
<p>Clause 11.4.3 - Site coverage and private open space for all dwellings</p> <p>A1 - Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and (b) n/a, only applicable to multiple dwelling. 	<p>A1(a) – N/A. No development proposed.</p> <p>A1(b) – n/a, only applicable to multiple dwelling.</p>
<p>Clause 11.4.5 - Width of openings for garages and carports for all dwellings</p> <p>A1 - A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p>A1 – N/A. No development proposed.</p>
<p>Clause 11.4.7 - Frontage fences for all dwellings</p> <p>A1 - No Acceptable solution (when not exempt)</p>	<p>A1 – N/A. No development proposed.</p>

Code Provisions

Clause	Compliance/Comments
<p>E5.0 Road and Railway Assets Code</p>	
<p>This code does not apply to this proposal as it does not involve use or development of land that:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 	
<p>E6.0 Parking and Access Code</p>	
<p>Clause E6.6.1 - Number of car parking spaces</p> <p>A1 - The number of on-site car parking spaces must be:</p> <ul style="list-style-type: none"> (a) no less than the number specified in Table E6.1; <p>except if:</p> <ul style="list-style-type: none"> (i) the site is subject to a parking plan for the area adopted by Council, in which case parking 	<p>A1 – Complies.</p> <ul style="list-style-type: none"> - Existing garage available

Clause	Compliance/Comments
provision (spaces or cash-in-lieu) must be in accordance with that plan;	
Clause E6.7.1 - Number of vehicular accesses A1 – The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	A1 – Complies. <ul style="list-style-type: none"> - There is existing one (1) access point provided for each road frontage.
Clause E6.7.2 - Design of vehicular accesses A1 – Design of vehicle access points must comply with all of the following: <ul style="list-style-type: none"> (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) 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. 	A1 – Complies. <ul style="list-style-type: none"> - The existing vehicle access point complies with the Australian Standard.
Clause E6.7.3 - Vehicular passing areas along an access A1 – Vehicular passing areas must: <ul style="list-style-type: none"> (a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) it meets a road serving more than 6000 vehicles per day; (d) have the first passing area constructed at the kerb; (e) be at intervals of no more than 30 m along the access. 	A1 – Complies. <ul style="list-style-type: none"> - Existing double width driveway
Clause E6.7.6 - Surface treatment of parking areas A1 – Parking spaces and vehicle circulation roadways must be in accordance with all of the following:	A1 – Complies. Existing concrete driveway

Clause	Compliance/Comments
<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>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>	<p>A1 – Complies.</p> <ul style="list-style-type: none"> - The parking spaces and turning areas are provided behind the building line.
<p>Clause E6.7.14 - Access to a road</p> <p>A1 – Access to a road must be in accordance with the requirements of the road authority.</p>	<p>A1 – Complies.</p> <p>The existing access is in accordance with Council's requirements.</p>
<p>E7.0 Stormwater Management Code</p>	
<p>Clause E7.7.1 - Stormwater drainage and disposal</p> <p>A1 – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p>A1 – N/A</p> <ul style="list-style-type: none"> - No new impervious surface proposed. - Using existing SW system
<p>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:</p> <p>(a) the size of new impervious area is more than 600 m²;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p>A2 – Complies.</p> <ul style="list-style-type: none"> - Existing system from the development available
<p>A3 – A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(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;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>	<p>A3 – Complies.</p> <ul style="list-style-type: none"> - The stormwater design meets the ARI 20 years and the increase can be accommodated in the existing system.
<p>A4 – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	<p>A4 – Not applicable.</p>

Clause	Compliance/Comments
	<ul style="list-style-type: none">- The scale of the proposal and stormwater generated does not warrant a major drainage system.
E15.0 Inundation Prone Areas Code	<i>"The subject site is not affected by this code, therefore an assessment against the code is not required." – confirmed by Development Engineer</i>

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

Public Copy

Raine&Horne.



All measurements are internal and approximate.
This plan is a sketch for illustration, not valuation.
Produced by Open2view.com

Total Approx. Floor Area : 140 sqm

Kingborough Council

Development Application: DA-2025-417
Plan Reference No: P1
Date Received: 24/11/2025
Date placed on Public Exhibition: 20/12/2025

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

13 PETITIONS STILL BEING ACTIONED

A report on the petition 'Kerbside Collection, Leslie Vale' will be provided to a future Council meeting.

14 PETITIONS RECEIVED IN LAST PERIOD

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

15 OFFICERS REPORTS TO COUNCIL

15.1 REVIEW OF THE SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY (STRLUS)

File Number: 17.266

Author: Adriaan Stander, Lead Strategic Planner

Authoriser: Deleaze Chetcuti, Acting Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 2. Growing together with well-planned spaces and infrastructure.

Strategic Outcome: 2.2 Embedded and contemporary land use planning systems to manage the current and future impacts of development.

1. PURPOSE

1.1 The purpose of this report is to:

1.1.1 Provide Council with an overview of the [draft Southern Tasmania Regional Land Use Strategy \(STRLUS\)](#), which is now open for public comment, with particular focus on the implications for the southern region and Kingborough; and

1.1.2 Identify key matters recommended for inclusion in Council's submission.

2. BACKGROUND

2.1 Regional Land Use Strategies are a key component of Tasmania's land use planning system and establish strategic directions for land use and development over the short, medium and long term. They provide an integrated framework to guide sustainable settlement patterns, protection of environmental values, resilience to environmental hazards, economic development, coordinated infrastructure provision and the conservation of cultural and historic heritage.

2.2 The current draft STRLUS has been reviewed through a collaborative process with southern councils and the Tasmanian Government to incorporate updated evidence relating to housing pressures, climate change, infrastructure constraints and demographic change. The draft is on public exhibition until 22 February 2026.

3. STATUTORY REQUIREMENTS

- 3.1 Once declared under section 5A of the *Land Use Planning and Approvals Act 1993* (LUPAA), the STRLUS becomes a statutory instrument that must inform:
 - 3.1.1 Local Provisions Schedules;
 - 3.1.2 Structure plans and local strategic planning;
 - 3.1.3 Rezoning proposals, particularly for residential, industrial and urban expansion areas; and
 - 3.1.4 Infrastructure coordination and sequencing decisions at the regional and local level.
- 3.2 The STRLUS does not directly regulate development; this occurs through the Tasmanian Planning Scheme (TPS).

4. DISCUSSION

- 4.1 The draft STRLUS is intended to address a broad range of interrelated land use planning issues across the southern region. The key strategic elements of the strategy and their implications for the southern parts of the state, particularly Kingborough are summarised below.
- 4.2 A detailed analysis and explanation of recommendations for inclusion in Council's submission are provided in Attachment 1.

Growth Management and Settlement Structure

- 4.3 The draft STRLUS is based on projected regional population growth of 43,000 - 48,000 people by 2046, generating demand for 21,000 - 25,000 dwellings. For Kingborough, growth of approximately 7,300 residents is forecast, with ongoing reductions in household size increasing housing demand.
- 4.4 The Strategy reinforces:
 - 4.4.1 Metropolitan consolidation within the Metropolitan Urban Boundary;
 - 4.4.2 Increased housing diversity in activity centres and serviced areas; and
 - 4.4.3 Managed, settlement-based growth in non-metropolitan towns such as Margate, Snug, Kettering, Woodbridge and Bruny Island communities.
- 4.5 Opportunities for improvement of the Strategy include clearer regional guidance on density expectations, the role non-metropolitan settlements can play, structure planning requirements and support for long-term growth planning beyond the 25-year horizon. A region-wide monitoring dashboard is recommended.

Sustainable Economic Growth and Regional Economic Assets

- 4.6 The Strategy identifies and seeks to protect key economic assets including agricultural land, aquaculture support infrastructure, industrial precincts and freight networks. It also recognises the role of tourism and emerging renewable energy sectors.
- 4.7 Further clarification would assist regarding:
 - 4.7.1 Sub-regional and localised economic planning;
 - 4.7.2 Economic interdependencies across municipal boundaries;
 - 4.7.3 Managing tourism impacts on local housing and infrastructure; and
 - 4.7.4 Approaches to temporary and transitional workforce accommodation.

Physical Infrastructure and Service Networks

- 4.8 The STRLUS promotes efficient use of existing infrastructure, coordinated planning with service providers, and the protection of key transport and energy corridors. However, the Strategy provides limited practical guidance on how infrastructure sequencing, funding and prioritisation are expected to operate at a local level.
- 4.9 Opportunities improvement to the Strategy include;
 - 4.9.1 Clearer expectations on infrastructure thresholds outside metropolitan areas;
 - 4.9.2 Integration of hazard resilience in growth sequencing; and
 - 4.9.3 A potential supporting regional or sub-regional infrastructure framework.

Environmental Values and Natural Assets

- 4.10 The Strategy establishes an avoidance, minimisation, mitigation hierarchy for biodiversity, waterways, wetlands and landscape values. It also promotes ecological connectivity, total water cycle management and protection of scenic and coastal environments.
- 4.11 Further refinement is needed to assist councils in balancing environmental protection with housing provision, hazard exposure and infrastructure feasibility, particularly in high-growth or constrained settlements.

Environmental Hazards

- 4.12 The STRLUS appropriately emphasises avoiding new exposure to hazards such as bushfire, flooding, coastal inundation and landslip. It acknowledges that there are existing settlements already subject to risk but provides limited guidance on how adaptation, land-use transition or staged retreat should be planned.
- 4.13 Further strategic clarity is needed on;
 - 4.13.1 Place-based hazard approaches;
 - 4.13.2 Integration of hazard risk with settlement planning and infrastructure sequencing; and
 - 4.13.3 Long-term adaptation pathways.

Climate Change and Adaptation

- 4.14 The STRLUS explicitly recognises climate change as a key influence on land use and settlement planning in Southern Tasmania. The Strategy supports compact settlement, hazard avoidance, urban greening and climate-resilient infrastructure
- 4.15 However, further regional guidance would assist in;
 - 4.15.1 Translating long-term climate risk into local decision-making;
 - 4.15.2 Identifying areas likely to require future land-use transition; and
 - 4.15.3 Supporting collaborative regional planning mechanisms for climate adaptation.

Heritage

- 4.16 The STRLUS distinguishes between Aboriginal and historic cultural heritage and acknowledges the need for early engagement, sensitive planning and collaboration with Aboriginal people to better understand Country and cultural landscape values.

4.17 Greater clarity is needed on how heritage objectives should be balanced against growth, housing and infrastructure pressures, and how planning should interface with broader Aboriginal heritage legislation and governance.

Implementation, Monitoring and Review

4.18 The Strategy sets a robust high-level framework but requires stronger implementation support to ensure consistent local delivery. Key gaps include:

- 4.18.1 Clear guidance for translating regional intent into local planning instruments;
- 4.18.2 Guidance on navigating competing objectives;
- 4.18.3 Defined monitoring indicators for land supply, development activity and infrastructure capacity; and
- 4.18.4 Transparent links between monitoring, review and future STRLUS updates.

5. FINANCE

5.1 There are no direct financial implications in providing a submission on the draft STRLUS.

6. ENVIRONMENT

6.1 There are no direct environmental implications in providing a submission on the draft STRLUS.

7. COMMUNICATION AND CONSULTATION

7.1 The draft STRLUS is currently on public exhibition from 19 November 2025 to 22 February 2026, providing the formal opportunity for councils, State agencies, organisations, community groups and individual members of the public to review the document and provide comment on its proposed strategic directions.

7.2 The draft strategy and its supporting background reports are publicly available through the Tasmanian Government's Shaping Tasmania consultation platform ([Regional Land Use Strategies Reviews](#)) and the State Planning Office "Have Your Say" webpages (<https://www.stateplanning.tas.gov.au/have-your-say>).

7.3 Following the close of the exhibition period, all submissions will be reviewed and considered in finalising the STRLUS. The final draft will then be provided to the Tasmanian Planning Commission for review, before being considered by Government for declaration. The updated strategy is anticipated to be finalised after the Tasmanian Planning Policies come into effect in mid-2026.

8. RISK

8.1 No risks to Council are identified in providing a submission on the draft STRLUS.

9. CONCLUSION

9.1 The draft STRLUS establishes a strong regional framework and is supported in principle.

9.2 From the analysis undertaken, a consistent issue identified is the practical translation of regional strategic intent into locally deliverable outcomes, particularly where objectives intersect or compete at the local level. This is most evident in areas relating to non-metropolitan settlement planning, environmental and heritage constraints, hazard exposure, infrastructure capacity and sequencing, and climate adaptation.

9.3 It is therefore recommended that Council lodge a submission that supports the overall intent and structure of the draft STRLUS, while seeking targeted refinements to strengthen

implementation, clarity and place-based application. Council's submission should rely on, and be read in conjunction with, the detailed commentary contained in the thematic sections of the detailed analysis in Attachment 1.

10. RECOMMENDATION

It is recommended that:

- (a) Council provide a submission on the draft Southern Tasmanian Regional Land Use Strategy (STRLUS), noting that the Strategy's overall intent and strategic direction are supported in principle.
- (b) In that submission, express support for the Strategy while advocating for targeted refinements to strengthen clarity, implementation and place-based application, consistent with the themes, analysis and commentary set out in this report and in Attachment 1.
- (c) Council authorise the Chief Executive Officer to finalise and lodge Council's submission on the draft STRLUS.

ATTACHMENTS

1. STRLUS Review - detailed analysis and recommendations

Attachment 1

STRLUS review - detailed analysis, commentary and recommendations.

The draft STRLUS is intended to address a broad range of interrelated land use planning issues across the southern region, including settlement patterns, growth management, environmental protection, natural hazards, economic development, infrastructure provision and cultural heritage. The key strategic elements of the strategy and their implications for the southern parts of the state, particularly Kingborough are discussed below.

1. GROWTH MANAGEMENT AND SETTLEMENT STRUCTURE

- 1.1 The draft STRLUS is informed by projections by [RemPlan](#) that Southern Tasmania's population will increase by approximately 43,000–48,000 people by 2046, generating demand for around 21,000–25,000 additional dwellings over the same period. This projected growth underpins the strategy's focus on managing where and how population and housing growth should occur in order to achieve more efficient, sustainable and resilient settlement outcomes across the region.
- 1.2 For Kingborough, the projections indicate population growth from approximately 41,300 people in 2023 to around 48,500 people by 2046, representing an increase of roughly 7,300 residents. Growth is forecast to moderate over time, with average annual growth of around 0.7 per cent, driven primarily by net migration, while natural increase is expected to decline. The projections also identify a continued reduction in average household size, reflecting demographic change and population ageing, meaning that housing demand is not solely a function of population growth.
- 1.3 Based on population and housing data from 2023, Kingborough is estimated to require approximately 170 additional dwellings per year on average between 2023 and 2046, reflecting ongoing population growth and changing household needs. Analysis by RemPlan indicates that, under a "practical vacant" land supply scenario, Kingborough may experience a medium-term residential land supply constraint, with available residential land projected to be exhausted in approximately 11 years from the 2023 baseline. While this does not indicate an immediate shortage, the time elapsed since the data was prepared means a portion of this supply horizon has now passed.
- 1.4 In this context, continued monitoring and timely planning responses remain important to ensure housing supply can respond to demand, including shifts in household composition and demand for a broader range of dwelling types. In response to projected growth, the STRLUS establishes a regional growth management framework that promotes more compact and efficient settlement patterns. This framework is implemented through spatial growth boundaries, an activity centre hierarchy, and strategies that support consolidation and infill development within existing urban areas, while managing outward expansion. The Strategy seeks to align growth with existing and planned infrastructure, employment locations, services and transport networks.
- 1.5 At the regional scale, growth management is supported through the STRLUS activity centre hierarchy, which provides a strategic framework for the distribution of housing, employment, services and community infrastructure across Southern Tasmania. The hierarchy identifies a network of centres ranging from Hobart Central Business Area (CBD) and Principal Centres, including Glenorchy, Rosny Park and Kingston, through to district, rural and village centres, to support coordinated planning and infrastructure provision.
- 1.6 Within Greater Metropolitan Hobart, the STRLUS directs that urban growth is to be contained within the Metropolitan Urban Boundary, with an emphasis on consolidation and increased housing diversity in well-serviced locations. Priority Growth Areas, activity centres and high-frequency public transport corridors are identified as key locations for

accommodating a significant share of future growth. For Kingborough, this includes areas forming part of Greater Hobart Metropolitan Area such as Kingston, Blackmans Bay and Huntingfield, where the strategy anticipates that consolidation and housing diversity will contribute to meeting future demand.

- 1.7 Outside the Metropolitan Urban Boundary, the STRLUS supports continued population and housing growth across towns, villages and rural and coastal communities, subject to a more managed growth approach. Growth in these areas is generally directed within defined town or village boundaries or existing urban-zoned land, with larger or more complex growth expected to be guided through structure planning that considers housing need, infrastructure capacity, environmental values, landscape character and exposure to natural hazards.
- 1.8 Within Kingborough, this non-metropolitan growth framework is particularly relevant to Margate and to towns, villages and coastal and island communities such as Snug, Kettering, Woodbridge and settlements on Bruny Island. In these locations, the STRLUS supports growth in principle, subject to planning approaches that manage the scale and location of development and respond to servicing constraints, environmental sensitivity and natural hazard exposure.
- 1.9 The draft STRLUS removes the application of the Urban Growth Boundary to Margate and Snug and instead identifies these settlements as towns with defined settlement boundaries supported by structure planning. This approach differs from the treatment of core metropolitan areas and reflects the Strategy's application of town-based growth management outside the Metropolitan Urban Boundary. The nominated town boundaries include areas previously identified for future growth in the *Kingborough Land Use Strategy (2019)*, maintaining continuity with existing local strategic planning.
- 1.10 Through this approach, the STRLUS provides for growth in Margate and Snug to be managed through settlement-specific planning rather than metropolitan-scale growth controls. Future growth in these locations is expected to be guided by local strategic planning and structure plans that respond to settlement character, infrastructure capacity, environmental constraints and hazard considerations.
- 1.11 While the overall regional approach to settlement planning, consolidation, urban growth boundaries and the activity centre hierarchy is understood and supported in principle, there is an opportunity for the STRLUS to provide clearer complementary guidance to support implementation at the local level.
 - 1.11.1 The STRLUS promotes increased density and consolidation within metropolitan urban areas, particularly within established urban areas, activity centres and locations with good access to infrastructure and transport. However, this direction is largely expressed at a strategic level, with limited guidance on the intended form, character or outcomes of densification. Additional regional-level guidance on matters such as urban structure, connectivity, walkability, housing form and design expectations would assist councils in local strategic planning and review of the Tasmanian Planning Scheme (for example the residential standards) and provide greater clarity for the community regarding how change is intended to occur over time.
 - 1.11.2 The STRLUS also supports growth across non-metropolitan towns and villages, but provides less detailed guidance on how sustained and appropriately scaled growth in these locations should be planned and sequenced. Clearer articulation of the role of well-located non-metropolitan settlements in accommodating growth where supported by employment opportunities, infrastructure and services, and balanced against environmental and hazard considerations and other competing priorities would assist in achieving diverse growth outcomes across metropolitan and non-metropolitan areas.

- 1.11.3 While the STRLUS refers to the use of structure planning in non-metropolitan settlements, there is limited clarity regarding expectations for the timing, scope and role of such plans, particularly in established rural settlements and rural living areas. More explicit strategic direction on where consolidation, modest densification or settlement change may be appropriate would support more consistent and effective local strategic planning, especially for councils managing growth pressures across both metropolitan and non-metropolitan contexts.
- 1.11.4 While the STRLUS provides strategic land use direction over a 25 year timeframe, good planning practice recognises the need to look beyond this horizon to identify longer-term growth potential. Planning for significant land use change, major infrastructure, and coordinated public and private investment requires substantial lead times. Identifying future growth opportunities beyond the formal life of the Strategy does not imply immediate land release, but establishes a strategic framework to support coordinated planning, infrastructure sequencing and investment decisions over time.
- 1.11.5 The timing and staging of land release can continue to be managed through local planning processes and implementation plans, informed by evidence of demand and capacity. To support this, it is recommended that a central, region-wide monitoring dashboard be established to track housing demand and supply, land availability, development activity and infrastructure capacity. A shared monitoring tool would support early identification of emerging risks, improve coordination between State agencies, councils and infrastructure providers, and provide a robust evidence base to inform future reviews of the STRLUS and related planning responses.

2. SUSTAINABLE ECONOMIC GROWTH AND REGIONAL ECONOMIC ASSETS

- 2.1 The STRLUS identifies a range of productive and strategic economic assets across Southern Tasmania that require protection through land use planning, including prime and significant agricultural land, marine farming areas, regionally significant industrial precincts, and key freight and logistics infrastructure. The Strategy supports value-adding activities associated with agriculture and aquaculture, recognises the industrialised nature of marine farming and the need for land-based support facilities, and seeks to manage land use conflicts that could constrain the ongoing operation or expansion of these activities. This framework provides a basis for managing economic land uses alongside urban growth and land use change.
- 2.2 Tourism is recognised in the STRLUS as an important component of the regional economy and one that is closely linked to environmental values and cultural heritage. While the Strategy acknowledges the contribution of tourism and visitor activity, it provides limited settlement- or location-specific guidance on managing the interaction between visitor accommodation demand, local housing markets and infrastructure capacity, particularly in high-amenity and coastal locations. Additional strategic clarity in this area would assist councils in responding to tourism-related growth while considering longer-term community and infrastructure outcomes.
- 2.3 The STRLUS identifies renewable energy as an emerging driver of economic activity in Southern Tasmania, including through recognition of Renewable Energy Zones, the protection of transmission infrastructure and consideration of land use implications associated with construction and operational workforces. The Strategy acknowledges the need to plan for temporary workforce accommodation and the potential for transition of such accommodation to other longer-term uses. Further guidance on how these transitions could be managed at the local level would assist councils in aligning workforce accommodation with broader housing and settlement planning objectives.
- 2.4 The overall approach to sustainable economic growth set out in the STRLUS is supported in principle. The Strategy recognises that Southern Tasmania's economy is diverse and

evolving, and that economic activity is closely linked to natural assets, workforce capability and strategic infrastructure. Land use planning is positioned as a mechanism to protect key economic land and infrastructure while supporting investment, diversification and economic resilience.

2.5 However, the effectiveness of the regional economic framework would be strengthened through clearer links between regional directions and local or sub-regional implementation. There is an opportunity for the STRLUS to more explicitly support the following:

- 2.5.1 Stronger guidance on complementary local-level and sub-regional economic planning, alongside the protection and consolidation of regionally significant industrial precincts. This could include clearer encouragement for councils to identify and plan for secondary employment areas, service industries and innovation-related activities that support major economic precincts and respond to local economic conditions, including in smaller settlements and rural communities where appropriate.
- 2.5.2 Greater emphasis on collaborative economic planning across municipal boundaries where functional economic relationships exist, including shared labour markets, supply chains, freight movements and economic dependencies. Supporting collaboration in such contexts, without pre-empting specific outcomes, would assist in more coordinated land use and infrastructure planning across Southern Tasmania, including between neighbouring councils such as Kingborough and Huon Valley, while remaining consistent with the overall intent of the STRLUS.
- 2.5.3 Further strengthen the STRLUS by supporting the identification and testing of place-based economic opportunities at both regional and local scales, particularly in rural and island communities such as Bruny Island, where economic activity is closely tied to environmental values, tourism, primary production and lifestyle-based employment. This could include clearer encouragement for councils to explore appropriate forms of economic diversification and value-adding that align with local character and capacity, while recognising that infrastructure limitations, housing availability, workforce constraints and cumulative impacts may restrict the scale or form of development. A more explicit strategic framework would assist in managing these trade-offs, enabling economic resilience without placing unsustainable pressure on services, infrastructure or valued landscapes.
- 2.5.4 Consider establishing a regional economic coordination function or body to support councils in responding to shared economic development challenges, including investment attraction, infrastructure coordination, workforce issues and alignment between land use planning and economic objectives. Such a mechanism could assist in translating regional economic priorities into locally actionable strategies, improve collaboration across municipal boundaries, and reduce duplication of effort, particularly for smaller councils with limited resourcing. However, any regional approach would need to be clearly scoped, advisory in nature and appropriately resourced, recognising existing statutory responsibilities, funding constraints and the diverse economic contexts across Southern Tasmania.

3. PHYSICAL INFRASTRUCTURE AND SERVICE NETWORKS

3.1 The STRLUS sets out regional strategies that support the efficient use of existing infrastructure, the protection of strategic infrastructure sites and corridors, and coordinated planning with infrastructure and service providers. The Strategy recognises a range of infrastructure constraints that influence settlement patterns across Southern Tasmania, including limited sewerage capacity in some towns and villages, pressures on stormwater networks, and the need to protect and plan for energy infrastructure to support population growth and increasing electrification

- 3.2 Transport is identified in the STRLUS as a key consideration for land use and settlement planning, particularly in the context of dispersed settlement patterns and a high reliance on private vehicles. The Strategy promotes greater integration between land use planning and transport networks, including the protection of key freight and passenger corridors, support for ferry infrastructure along the Derwent Estuary, and the prioritisation of active transport and public transport in appropriate locations. These directions are intended to support access to employment, services and activity centres as the region grows.
- 3.3 While the STRLUS establishes a sound strategic framework for infrastructure planning at the regional level, there is limited guidance on how regional infrastructure directions are to be translated into local-level delivery. Although the Strategy recognises the importance of coordination with infrastructure providers and notes the role of mechanisms such as developer contributions, it provides limited detail on funding pathways, delivery responsibilities or the prioritisation of competing infrastructure demands. Greater clarity through the Implementation Plan on matters such as service benchmarks, sequencing triggers and infrastructure resilience considerations would assist councils and infrastructure providers in planning for growth.
- 3.4 For Kingborough, infrastructure planning challenges are particularly influenced by the interaction between growth pressure, exposure to coastal and bushfire hazards, topographical constraints and servicing limitations, especially in areas outside the metropolitan infrastructure network. Clearer regional support for place-based infrastructure sequencing, particularly for stormwater and water cycle management, transport capacity and hazard-resilient access would assist councils in managing growth in non-metropolitan and peri-urban areas, while remaining consistent with the STRLUS emphasis on optimising the use of existing infrastructure within metropolitan areas.
- 3.5 The overall STRLUS approach to physical infrastructure is supported in principle. The Strategy emphasises prioritising infrastructure investment within existing settlements, aligning land use planning with infrastructure capacity, and delivering new infrastructure in a logical and sequential manner. It also recognises that more compact settlement patterns and coordinated planning can assist in managing infrastructure costs, improving service efficiency and reducing exposure to environmental hazards.
- 3.6 Notwithstanding this, there is an opportunity for the STRLUS to strengthen implementation support by more clearly recognising the differing infrastructure contexts between metropolitan and non-metropolitan areas. In particular, greater strategic clarity would assist through:
 - 3.6.1 Clearer expectations for how infrastructure sequencing and service thresholds should be applied in towns and settlements outside the Metropolitan Urban Boundary; and
 - 3.6.2 Additional strategic work to identify priority infrastructure needs and staging in locations where growth cannot rely on metropolitan-scale networks, but where consolidation or intensification is nevertheless anticipated.
 - 3.6.3 In this context, consideration could be given to the development of a supporting regional or sub-regional infrastructure planning framework to sit alongside the STRLUS. Comparable approaches in other Australian jurisdictions use regional infrastructure strategies or infrastructure appendices to provide greater clarity on infrastructure priorities, sequencing and service thresholds, while remaining aligned with strategic land-use directions.
 - 3.6.4 A similar approach for Southern Tasmania could assist in bridging the gap between regional planning intent and local delivery by providing a clearer, place-based understanding of infrastructure capacity, constraints and staging particularly in non-metropolitan and peri-urban areas where growth cannot rely on metropolitan-scale networks. Such a framework would complement, rather than

replace, the STRLUS and local planning instruments, and support more coordinated decision-making by councils, infrastructure providers and the State.

4. ENVIRONMENTAL VALUES AND NATURAL ASSETS

- 4.1 The STRLUS identifies environmental values as an important consideration in guiding land use and development across Southern Tasmania. These values include biodiversity, waterways and wetlands, geodiversity, landscape and scenic character, and coastal environments. The strategy recognises that these environmental assets form part of the region's natural systems and have social and economic relevance, including supporting industries such as tourism, agriculture and aquaculture, and contributing to community wellbeing and sense of place.
- 4.2 While large areas of Southern Tasmania are protected through the reserves system, the STRLUS recognises that significant environmental values also occur outside formal reserves and are subject to pressure from urban expansion, rural land use change, infrastructure provision and legacy impacts from historical industrial activity. The strategy identifies a role for land use planning in managing growth and land use change to avoid, minimise and mitigate impacts on environmental values and support their ongoing protection.
- 4.3 The STRLUS sets out regional strategies for biodiversity and geodiversity that apply an impact management hierarchy to land use and development. The strategy provides that impacts on regional biodiversity values and geoconservation sites are to be avoided where possible, and otherwise minimised and mitigated. This approach supports consideration of cumulative impacts on biodiversity when planning for growth.
- 4.4 The STRLUS recognises the importance of ecological connectivity in supporting regional biodiversity values. Regional biodiversity corridors are identified as areas that contribute to habitat connectivity and the movement of flora and fauna, and the strategy supports their identification, protection and enhancement, including opportunities for regeneration and rehabilitation. This approach reflects the recognition that fragmentation of habitats can affect biodiversity outcomes across the region.
- 4.5 In urban areas, the STRLUS supports measures to enhance urban biodiversity through the maintenance and rehabilitation of greenways, increased tree canopy cover, and the integration of green corridors along transport routes, pedestrian and cycle networks, and waterways. These measures are identified as contributing to urban biodiversity outcomes while also supporting broader land use and environmental objectives, including urban cooling, amenity and access to green spaces.
- 4.6 The STRLUS places emphasis on the protection of waterways, wetlands and estuaries due to their ecological and hydrological significance. The strategy provides that new use and development should avoid impacts on these systems and their natural hydrological functions. To support this outcome, the STRLUS promotes the incorporation of total water cycle management and water sensitive urban design principles into land use and infrastructure planning.
- 4.7 For Greenfield Growth Areas and, where feasible, Priority Growth Areas and Town and Village Growth Areas, the STRLUS supports measures to protect existing riparian vegetation, incorporate riparian buffers, and include water cycle management and rehabilitation approaches that maintain or re-establish natural water flows and habitat values. The strategy also promotes the integration of flood mitigation infrastructure within multi-purpose green corridors that can accommodate environmental, infrastructure and recreational functions.
- 4.8 The STRLUS recognises landscape, scenic and coastal values as important features of Southern Tasmania that require careful consideration in planning for growth and land use change. The Strategy supports the identification and protection of regionally significant

landscapes, vistas, skylines and ridgelines by avoiding development that would result in significant modification of native vegetation, landform or landscape character. In coastal areas, the STRLUS establishes a settlement approach that limits growth to within existing town and village boundaries or existing urban zoned land, avoids ribbon development, and supports the protection of areas identified as future coastal refugia.

4.9 The approach taken in the STRLUS in relation to environmental values is supported in principle, particularly its identification of biodiversity, waterways and wetlands, landscape values and coastal environments as important considerations in planning for long-term regional outcomes. The Strategy establishes a consistent regional framework that emphasises the avoidance, minimisation and mitigation of impacts on environmental values, recognises the use of offsets where this cannot be achieved and promotes coordinated consideration of environmental issues across land use planning. However, further refinement would assist in strengthening the practical application of this framework at the local level.

4.9.1 While the strategy acknowledges growth pressures and competing land use demands, it would benefit from more explicit recognition of the practical tensions and trade-offs that arise where environmental protection intersects with population growth, housing provision, hazard exposure and infrastructure delivery, and clearer strategic guidance on how such trade-offs should be navigated where avoidance is not feasible.

4.9.2 The STRLUS applies a region-wide strategic framework, but it does not explicitly articulate how this framework should be adapted to reflect differing local contexts, particularly in areas experiencing heightened growth pressure, environmental sensitivity or natural hazard exposure. Greater recognition of the role of place-based or localised strategic responses would support more balanced outcomes.

4.9.3 Although the Strategy promotes coordinated regional planning, additional guidance would assist councils where environmental values, settlement expansion, hazard mitigation and infrastructure feasibility intersect or conflict, particularly in translating regional strategies into local planning instruments and decisions.

4.9.4 Stronger support for sub-regional or settlement-specific analysis would assist in locations where environmental values, natural hazards and growth pressures converge, including clearer integration between environmental objectives, hazard management and infrastructure sequencing.

5. ENVIRONMENTAL HAZARDS

5.1 Environmental hazards and climate-related risks are identified in the STRLUS as important considerations for land use and settlement planning across Southern Tasmania. The Strategy recognises a range of hazards, including bushfire, flooding, coastal erosion and inundation, landslip, and contaminated land and air, which present risks to communities, infrastructure and future development. Available hazard mapping and climate change projections indicate that these risks vary across the region and are expected to change over time.

5.2 The STRLUS acknowledges that many existing settlements across Southern Tasmania, including within Kingborough, are already located in areas exposed to one or more environmental hazards. In these locations, opportunities to entirely avoid risk may be constrained by established settlement patterns, existing infrastructure and prior land use decisions. The Strategy recognises the role of land use planning in managing hazard risk in such contexts, including through decisions about the location, scale and nature of future growth and development.

5.3 The STRLUS also acknowledges that climate change may require longer-term adaptation responses, including consideration of retreat or relocation in response to environmental

hazards. However, the Strategy provides limited detail on how such responses should be planned for, sequenced or implemented at the local level where existing hazard exposure cannot be practicably avoided.

- 5.4 The overall approach to environmental hazards set out in the STRLUS is supported in principle. The Strategy reinforces the importance of considering hazard risk early in strategic planning and of avoiding the creation of new exposure to bushfire, flooding, coastal and geotechnical hazards where possible. Its emphasis on strategic land use decision-making, rather than reliance solely on development-scale mitigation measures, is also supported.
- 5.5 However, hazard risk, growth pressure and infrastructure capacity are not distributed uniformly across Southern Tasmania. In a number of coastal settlements, bushland–urban interface areas and locations subject to flooding or landslip, a consistent region-wide policy approach may not fully respond to cumulative or location-specific risk. There is an opportunity for the STRLUS to provide more explicit support for the following:
 - 5.5.1 Greater recognition of place-based hazard responses, particularly in established settlements where hazard exposure is already present and opportunities for avoidance are limited. More explicit acknowledgement of the cumulative and uneven nature of hazard risk across the region would assist councils, including Kingborough, in balancing risk reduction, settlement viability and infrastructure resilience as climate-related impacts intensify.
 - 5.5.2 Clearer guidance on integrating environmental hazard management with settlement planning and infrastructure sequencing, including direction on managing trade-offs where hazard constraints intersect with housing supply, service provision and infrastructure investment. This could include stronger articulation of potential adaptation pathways, such as staged retreat, land use transition or infrastructure relocation, and clearer alignment between hazard mitigation, infrastructure planning and long-term settlement strategies to support consistent and deliverable outcomes at the local level.
 - 5.5.3 Strengthen the role of strategic and statutory planning in supporting hazard awareness and local capacity-building, particularly in established settlements where exposure to environmental hazards is ongoing. While recognising the limits of statutory planning in managing risk at the individual property level, clearer planning signals and accessible information could assist communities to better understand hazard exposure, adaptation options and shared responsibilities. This would support more resilient settlements by complementing regulatory controls with informed community participation, while maintaining planning's primary role in managing land use outcomes in the public interest.

6. CLIMATE CHANGE AND ADAPTATION

- 6.1 The STRLUS explicitly recognises climate change as a key influence on land use and settlement planning in Southern Tasmania. It identifies projected changes in rainfall patterns, temperature, fire weather, storm intensity and sea levels, and acknowledges that these changes will increase the frequency, severity and spatial extent of environmental hazards over time. Climate change is therefore positioned as a cross-cutting consideration that informs growth management, environmental protection, hazard avoidance and infrastructure planning.
- 6.2 Across its regional strategies, the STRLUS promotes responses to climate change that are integrated into spatial planning rather than addressed solely through development-scale mitigation measures. These responses include encouraging compact settlement patterns, directing growth away from hazard-prone land, protecting environmental values that contribute to resilience, incorporating water-sensitive urban design and urban greening, and planning infrastructure to function under changing climate conditions

- 6.3 While the STRLUS provides a clear high-level framework for responding to climate change, its guidance is predominantly strategic in nature. The Strategy provides limited direction on how climate adaptation responses such as infrastructure resilience, changes to settlement patterns or longer-term transition of land uses in high-risk areas should be prioritised, sequenced or implemented at a local level, particularly where existing development is already exposed to increasing risk.
- 6.4 There is an opportunity for the STRLUS to more explicitly link climate change considerations with local implementation by:
 - 6.4.1 Providing clearer guidance on how climate risk should influence settlement planning, infrastructure sequencing and land use decisions, particularly in coastal, bushfire-prone and flood-affected communities; and
 - 6.4.2 Supporting more place-based adaptation responses, including consideration of land use transition, infrastructure adaptation or staged retreat, where long-term climate risk cannot be fully managed through avoidance or mitigation alone.
 - 6.4.3 While the STRLUS appropriately sets a strategic direction over a 25 year timeframe, further consideration could be given to how longer-term climate risk beyond this horizon is identified and signalled for future planning cycles. This could include high-level identification of areas likely to require transformational change over multiple decades, to support early consideration of land use transition, infrastructure planning and investment prioritisation. Such an approach would not pre-empt specific outcomes or land release decisions, but would help ensure that future reviews of the STRLUS and local strategies are informed by a shared understanding of long-term risk trajectories and adaptation lead times.
 - 6.4.4 Consider supporting a regional coordination mechanism or forum to assist councils, State agencies and infrastructure providers in addressing complex climate adaptation and settlement planning challenges that extend beyond individual municipal boundaries. A regional approach could support shared understanding of risk, coordinated sequencing of infrastructure responses and consistent strategic messaging, particularly where climate impacts affect interconnected settlements or shared assets. Any such mechanism would need to be advisory and collaborative in nature, recognising existing statutory roles, resourcing constraints and the primary role of councils and State agencies in decision-making, while providing a practical platform to support longer-term strategic planning and implementation.

7. HERITAGE

- 7.1 The STRLUS includes a distinct regional strategy for cultural heritage, recognising both Aboriginal cultural heritage and historic cultural heritage as important considerations in land use and settlement planning across Southern Tasmania. The Strategy explicitly acknowledges that Aboriginal cultural heritage and historic cultural heritage are understood, identified and managed differently, and that planning responses must be sensitive to these differences. Cultural heritage is recognised as contributing to the character of settlements and landscapes across the region, and as an important consideration in managing growth, renewal and tourism-related development.
- 7.2 In relation to Aboriginal cultural heritage, the STRLUS places emphasis on protecting known sites, collaborating with Aboriginal people to better understand Country and cultural landscape values, and proactively identifying heritage significance early in strategic planning processes. The Strategy also recognises the role of caring for Country practices and traditional knowledge in supporting environmental stewardship and hazard management and encourages greater integration of Aboriginal cultural heritage considerations in regional and local planning for growth and land use change.

- 7.3 The STRLUS also includes regional strategies for historic cultural heritage, particularly in relation to towns, activity centres and settlement areas where heritage values are often concentrated. The Strategy recognises the need to balance urban renewal, consolidation and growth with the protection of historic character, heritage settings and culturally significant landscapes. It supports the identification and protection of regionally significant heritage places and requires structure planning in priority growth areas to consider heritage values and incorporate appropriate urban design responses.
- 7.4 While the cultural heritage framework set out in the STRLUS is supported in principle, the Strategy provides limited guidance on how heritage objectives should be balanced against other regional priorities, particularly in locations experiencing growth pressure, housing demand or infrastructure constraints. In practice, councils are frequently required to manage tensions between consolidation, heritage character, climate adaptation and economic development, often without clear strategic direction on trade-offs or the relative weighting of objectives at a regional level.
- 7.5 There is an opportunity for the STRLUS to strengthen implementation support in relation to cultural heritage through:
 - 7.5.1 Clearer guidance on integrating cultural heritage considerations into structure planning and settlement strategies, particularly in activity centres, priority growth areas and established towns where heritage values and growth pressures intersect; and
 - 7.5.2 Clearer guidance on how the STRLUS is expected to engage with and respond to Aboriginal cultural heritage within the land use planning system, including acknowledgement that Aboriginal cultural heritage is governed through separate legislative and decision-making frameworks outside the Tasmanian planning scheme. Greater clarity on this interface would assist councils and practitioners to better understand the respective roles, limitations and responsibilities of land use planning, while encouraging early and ongoing engagement with Aboriginal organisations and knowledge holders at the strategic planning stage particularly in relation to cultural landscapes, environmentally sensitive areas and places of ongoing cultural significance. This approach should be framed realistically, recognising resourcing constraints, the limits of planning controls in directly regulating heritage outcomes, and the need to avoid duplication of or inconsistency with existing Aboriginal cultural heritage protection processes.

8. IMPLEMENTATION, MONITORING AND REVIEW

- 8.1 The STRLUS establishes a strong regional framework for managing land use change, growth and development across Southern Tasmania. However, the extent to which its strategic intent is realised in practice will depend largely on how clearly regional directions can be translated into local strategic planning, infrastructure delivery and statutory decision-making. Implementation is therefore a critical determinant of whether the Strategy achieves its intended outcomes, rather than remaining a high-level reference document.
- 8.2 The STRLUS anticipates implementation through a range of local and inter-governmental mechanisms, including council strategic plans, structure plans and Local Provisions Schedules under the Tasmanian Planning Scheme, supported by coordination with State agencies and infrastructure providers. The foreshadowed Implementation Plan, with actions and indicative timeframes over a ten-year horizon, appropriately recognises that the STRLUS itself is not a delivery instrument. However, the effectiveness of this approach relies on sufficient clarity around how responsibilities, priorities and sequencing are expected to operate in practice.
- 8.3 This lack of clarity is most evident where multiple regional objectives intersect, such as balancing growth with environmental values, managing development in hazard-prone locations, or aligning settlement expansion with infrastructure capacity. In these

circumstances, the STRLUS provides strong strategic intent but limited guidance on how competing considerations should be weighed when trade-offs are unavoidable. This creates challenges for councils in demonstrating how local planning decisions consistently and transparently give effect to regional policy.

- 8.4 Monitoring and review are identified as key mechanisms for keeping the STRLUS responsive to changing conditions, including population growth, housing demand, economic change and climate-related risks. However, limited detail is provided on performance measures, indicators or reporting processes. Without clearer monitoring arrangements, there is a risk that emerging issues such as housing supply pressure or infrastructure constraints—are identified too late, reducing the Strategy's ability to support timely and proportionate planning responses.
- 8.5 To strengthen delivery and avoid the risk of regional strategies remaining aspirational rather than operational, the following implementation-focused improvements are recommended:
 - 8.5.1 Clearer guidance on implementation pathways, including how regional strategies are expected to flow through local strategic planning, structure plans and statutory controls.
 - 8.5.2 Improved clarity around sequencing, priorities and roles, particularly where growth, infrastructure, environmental values and hazard management intersect.
 - 8.5.3 Stronger direction on the purpose and use of the Implementation Plan, to ensure it functions as an active tool for coordinating actions rather than a high-level companion document.
 - 8.5.4 More explicit monitoring and reporting arrangements, including a practical set of indicators to track housing demand and supply, land availability, development activity and infrastructure capacity over time.
 - 8.5.5 Clearer links between monitoring, review and action, so that evidence of under-delivery or emerging risks can inform timely updates to local planning and future STRLUS reviews.

15.2 AGM NOTICE OF MOTION - DEVELOPMENT APPLICATION REQUESTS FOR INFORMATION

File Number:

Author: Deleeze Chetcuti, Acting Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 5. Doing the essentials efficiently and effectively so we can build for the future.

Strategic Outcome: 5.4 Statutory and governance functions which are delivered to a high standard.

1. PURPOSE

1.1 The purpose of this report is to respond to the Annual General Meeting (AGM) Notice of Motion from 2 December 2025 relating to requests for information made during the assessment of development applications.

2. BACKGROUND

2.1 At the AGM on 2 December 2025, the following motion was made:

'That Council prepare and publish a report detailing the number of requests for information over the past 3 years including the average time added to an application because of the results of an RFI, the proportion of applications shifted to a discretionary application due to an RFI and a comparison with other Tasmanian councils' use of RFI's and that this report be made publicly available'

3. STATUTORY REQUIREMENTS

3.1 Division 2 – Development Control of the *Land Use Planning and Approvals Act 1993* (LUPAA) sets out the requirements for Planning Authorities when assessing applications.

3.2 Under section 54 of LUPAA, a Planning Authority may request additional information (an RFI) if required to assess a proposal against the Planning Scheme.

4. DISCUSSION

4.1 RFIs are a standard and lawful part of the assessment process. Their purpose is to ensure applications are assessed against the Scheme on the basis of sufficient, accurate, and relevant information.

4.2 Multiple RFIs can arise for several reasons, including (but not limited to):

- *Incomplete or absent supporting documentation at lodgement.*

Some applications are submitted without the required reports, plans or certifications; an initial RFI is then required to obtain the baseline information necessary to commence assessment.

- *Staged or piecemeal responses by applicants.*

Applicants sometimes prefer to supply information progressively. In these cases, the Planning Authority issues further RFIs to confirm what has been received, what is satisfactory, and what remains outstanding.

- *Information that is incomplete, inconsistent, or contains errors.*

Further clarification may be necessary to correct discrepancies or resolve conflicts between documents.

- *Design evolution during assessment.*

Applicants may change aspects of the proposal in response to technical advice or third-party inputs, which in turn can require fresh or revised information.

- 4.3 Each of these factors affects the time taken for complete information to be provided. Consequently, metrics such as the number of RFIs per application or average days added due to RFIs, do not, on their own, reliably indicate administrative delay or process efficiency.
- 4.4 It is important to clarify that applications are determined against the Planning Scheme. If, through the assessment process (including information obtained via an RFI), it becomes clear that a proposal triggers discretionary standards, then the proposal is correctly treated as discretionary. This outcome reflects the underlying Scheme requirements and the full nature of the proposal, not the RFI process itself.
- 4.5 Council's systems record when an RFI is issued for an application, but they do not record why the RFI was issued, how it specifically affected the assessment timeframe, or how much time can be directly attributed to the RFI itself or assessment practices (separate from delays caused by applicants or design changes).
- 4.6 Extracting a meaningful dataset for the past three years would require manual review of individual RFIs (including reading correspondence, plans and reports) to classify reasons, apportion time impacts, and isolate whether an RFI directly led to reclassification from permitted to discretionary. This work would be resource-intensive and would divert staff from statutory assessment and customer service.
- 4.7 To Council's knowledge, there is no readily available, consistent dataset from other Tasmanian councils that captures RFI numbers, reasons, or time impacts in a manner that is comparable and robust.
- 4.8 Council acknowledges that this motion arises from the community's interest in transparency, accountability, and efficiency and Council shares these objectives. However, for the reasons described above RFI-related data requires careful interpretation.
- 4.9 Council is focusing on streamlining its assessment processes, and through this work is aiming to:
 - Reduce RFIs through improved guidance at pre-lodgement and lodgement, clearer checklists, and targeted communications;
 - Developing a practical data capture and reporting methodology that focuses on insights that drive improvements and allows differentiation between what is normal or required, what is influenced by factors outside Council's control, and where any potential process or assessment issues are present or emerging; and
 - Publishing periodic, high-level public data and updates that supports transparency and explain drivers of assessment timeframes.

5. FINANCE

- 5.1 There are no financial implications associated with the recommendation in this report.

6. ENVIRONMENT

- 6.1 There are not environmental implications associated with this report

7. COMMUNICATION AND CONSULTATION

- 7.1 The outcomes of this decision will be recorded and published in the Council Meeting Minutes.
- 7.2 An improvement objective is to publish regular high-level development assessment data to support transparency and community understanding.

8. RISK

8.1 There are no risks associated with the recommendations contained in this report.

9. CONCLUSION

9.1 The AGM motion reflects community interest in community's interest in transparency, accountability, and efficiency and Council shares these objectives.

9.2 RFIs are an important statutory tool to ensure decisions are made on the basis of sufficient and accurate information. Factors influencing the number of RFIs for an application and associated elapsed time include information submitted at lodgement, applicant responses, proposal complexity, and scheme requirements.

9.3 A retrospective, three-year analysis with the specificity sought by the AGM motion is not readily extractable from current systems and would require disproportionate effort.

9.4 Council is working to address the intent of the motion by improving data capture, reducing avoidable RFIs, and publishing periodic insights that clearly explain assessment drivers and support transparency.

10. RECOMMENDATION

That the response to the motion is noted and that Council continue progressing improvement initiatives relating to development assessment processes, including initiatives related to RFIs.

ATTACHMENTS

Nil

15.3 AGM NOTICE OF MOTION: TREES ON PRIVATE PROPERTY BY-LAW**File Number:** 12.274**Author:** Scott Basham, Manager Legal & Property**Authoriser:** Daniel Smee, Director Governance, Recreation & Property Services**Strategic Plan Reference**

Key Priority Area: 3. Caring for where we live and preparing for the future.

Strategic Outcome: 3.1 A Council which demonstrates strong environmental stewardship practices.

1. PURPOSE

- 1.1 At the 6 December 2025 Annual General Meeting (AGM) a motion was carried that *Council abandon any plans to introduce the trees on private land by-law and returns the certificate to create this new by-law back to the State.*

2. BACKGROUND

- 2.1 It is acknowledged that the protection of trees on private property within the Kingborough municipality has a long and complex history, beginning with the 2001 Health and Environmental Services By-law, which first introduced tree related By-law provisions. Given the breadth of this history, this report does not seek to detail all developments leading up to the motion of 6 December 2025. Rather, it provides an overview of the current status.
- 2.2 At its meeting on 16 August 2021 Council on making By-laws resolved to (minute C444/17-2021 refers):
 - a) *Seek advice from senior counsel questioning if c.25 of the Health and Environmental Services By-Law, By-Law 3 of 2011 is contrary to law or is in conflict with any planning scheme in the municipality, and if the advice confirms that c.25 is not contrary to law or in conflict with any planning scheme in the municipality, that Council officers immediately commence the process to develop a Tree By-law, to be brought back to Council for the passing of a resolution pursuant to s.156 of the Act.*
- 2.3 On the 17 August 2021 the matter was referred to senior counsel for determination. Senior counsel resolved the following:
 - a) *Clause 25 of the by-law when read with the planning scheme is another 'classic' example of multiple controls as identified in the various reasons set out in the cases to which I have drawn attention. Accordingly, it is open in my opinion to Council to formulate a new version of the Health and Environmental Services By-law which replicates clause 25 of the 2011 version.*
- 2.4 Due to this advice Council undertook a process to develop the draft *Trees on Private Property By-law, By-law 1 of 2022* (proposed Tree By-law). The development included subject matter expert stakeholder engagement, legal counsel engagement and a Council workshop.
- 2.5 On 15 March 2022, a Council workshop occurred which focused on the proposed Tree By-law. The workshop provided an opportunity for detailed discussion and clarification of Councillor questions regarding the draft provisions.
- 2.6 At its meeting on 18 July 2022, Council passed a resolution that led to the submission of a Regulatory Impact Statement for the proposed Tree By-law to the Director of Local Government. Upon receipt of the Director's certificate, the General Manager was authorised

to give notice of the By-law and undertake public consultation (minute C304/14-2022 refers).

- 2.7 Consultation was undertaken, resulting in 79 written submissions. Of these, 62% supported the proposed Tree By-law, with the remaining submissions expressing non-support, mixed views, unclear positions, or providing insufficient information to confirm a position. These outcomes align with community sentiment expressed in 2021, when tree provisions were removed from the updated *Health and Environmental Services By-law No. 1 of 2021*.
- 2.8 Council elections were held in October 2022, resulting in the appointment of a new Council. This included several Councillors who were not involved in the development of the 2021 By-laws or the resolutions related to the proposed Tree By-law.
- 2.9 On 23 September 2024, a Council workshop occurred focusing on the background and objectives of the proposed Tree By-law, the outcomes of community consultation, and provided an opportunity for discussion. During the workshop, Councillors requested additional information, primarily relating to historical context, and the scheduling of a future workshop.

3. STATUTORY REQUIREMENTS

- 3.1 The power of Council to make By-laws is pursuant to Part 11 of the *Local Government Act 1993* (the Act). Division 1 contains general provisions, Division 2 contains procedural provisions, Division 3 contains By-laws in respect of certain matters and Division 4 contains model By-laws. As past reports have done so, it is not intended or necessary to explore each division within this report.

4. DISCUSSION

- 4.1 Council has undertaken a statutory process in accordance with the Act regarding the proposed Tree By-law. This process has included submission of a regulatory impact statement, obtaining a certificate from the Director of Local Government, publishing a notice of the By-law, and completing an open and transparent public consultation process.
- 4.2 Among other things, s.20 of the Act defines the functions of a Council to include representing and promoting the interests of the community, providing for good government, and consulting with, involving, and being accountable to the community.
- 4.3 In accordance with the motion passed at the AGM on 6 December 2025, it is acknowledged that community views on the proposed Tree By-law are varied, with some members expressing non-support. The statutory public consultation process undertaken by Council was open and transparent and identified support for the proposal. In progressing this matter, Council is required to uphold principles of good governance, including natural justice and procedural fairness, in its decision-making.
- 4.4 Council is also in the process of adopting the Tasmanian Planning Scheme. Although assessment has been undertaken to determine how the proposed Tree By-law may operate under the Scheme, its practical application in real time remains uncertain. A clearer understanding of this interaction is required so that a more informed decision can be made as to whether to proceed with the By-law.
- 4.5 On balance, while Council has the discretion to discontinue progressing the proposed Tree By-law, doing so at this stage may affect the proper performance of Council's functions and does not align with principles of good governance, noting that previous Council decisions and community consultation have supported progressing the By-law.

5. FINANCE

- 5.1 There are no financial implications arising from the recommendation contained in this report.

6. ENVIRONMENT

- 6.1 There are no environmental implications arising from the recommendation contained in this report.
- 6.2 If the work on the proposed Tree By-law was to be discontinued, it is difficult to quantify environmental loss as its practical application in real time remains uncertain.
- 6.3 If the proposed Tree By-law is not progressed, Council would have reduced capacity to manage the environmental impacts of tree removal on private land, outside of what is regulated under the applicable planning scheme.

7. COMMUNICATION AND CONSULTATION

- 7.1 Council has undertaken the statutory process required under the Act in relation to the proposed Tree By-law. The consultation process indicated support for the By-law, however, submissions also reflected non-support, mixed views, and some uncertainty in respondent's positions.
- 7.2 Several Council workshops have been held in relation to the proposed Tree By-law, which have resulted in requests for additional information, primarily concerning the historical context of the matter.
- 7.3 It is recommended that, in light of the motion, a Council workshop be held to further discuss the future of the proposed Tree By-law.

8. RISK

- 8.1 There are no risks arising from the recommendation contained in this report.
- 8.2 As per 6.2 of this report, if progress to implement a Tree By-law was to be discontinued, it is difficult to assess environmental risk as its practical application in real time remains uncertain.

9. CONCLUSION

- 9.1 At the 6 December 2025 AGM a motion was carried that *Council abandon any plans to introduce the trees on private land by-law and returns the certificate to create this new by-law back to the State.*
- 9.2 Council has the discretion to discontinue progressing the proposed Tree By-law but doing so prematurely, has the potential to compromise the proper performance of Council's functions and undermines the principles of governance associated with this process.
- 9.3 As the proposed Tree By-law has not been made, there is currently no disadvantage to community members who do not support it. It is recommended that a Council workshop be held to further discuss the future of the By-law once the Tasmanian Planning Scheme is adopted.

10. RECOMMENDATION

That:

- (a) Council defer any work on the proposed *Trees on Private Property By-law, By-law 1 of 2022* until the Tasmanian Planning Scheme is adopted; and
- (b) On adoption of the Tasmanian Planning Scheme, a Council workshop be held to discuss the future of the *Trees on Private Property By-law, By-law 1 of 2022*.

ATTACHMENTS

Nil

15.4 RECONSIDERATION OF AGM MOTION 2023 - ENVIRONMENTAL REPORTS**File Number:****Author:** Deleaze Chetcuti, Acting Chief Executive Officer**Strategic Plan Reference**

Key Priority Area: 5. Doing the essentials efficiently and effectively so we can build for the future.

Strategic Outcome: 5.4 Statutory and governance functions which are delivered to a high standard.

1. PURPOSE

1.1 The purpose of this report is to reconsider a motion passed at Council's Annual General Meeting on 2 December 2023. The motion was first considered at the subsequent Council meeting on 18 December 2023, where the decision was deferred pending a workshop discussion. Due to an inadvertent oversight, a report was not brought back to Council following the workshop and is now being presented.

2. BACKGROUND

2.1 At the Annual General Meeting held on Saturday 2 December 2023, the following motion was moved by Georgina Kirkpatrick and seconded by Charles Biggins.

- (a) *That Council when requiring an environmental report for a DA from a suitably qualified and insured consultant that the Council honour the findings of the report unless it can be proven to be sub-standard.*
- (b) *If Council wish to challenge the findings of an independent report commissioned by the land owner, Council must provide two alternative reports at Council's expense from two other independent environmental consultants with equal or higher qualifications to the one provided by the land owner.*

2.2 A report on the motion was presented to Council on 18 December 2023 (Attachment 1). Council resolved that the matter should be discussed at a workshop.

2.3 A workshop was held in October 2024, and the outcomes are discussed in Section Four below.

3. STATUTORY REQUIREMENTS

3.1 Section 72B of the *Local Government Act 1993 (Tas)* requires that a motion passed at an AGM be considered at the next meeting of Council, which occurred.

3.2 Development applications are assessed in accordance with the *Land Use Planning and Approvals Act 1993 (LUPAA)* and the applicable planning scheme (Kingborough Interim Planning Scheme 2015) (the Scheme). Various zones and codes require applicants to submit technical reports to demonstrate compliance with certain criteria.

3.3 There is no statutory requirement within LUPAA or the Scheme for external expert review of technical reports submitted with development applications.

4. DISCUSSION

4.1 For the purpose of this motion, any technical report required under the Scheme is considered an 'environmental report' (e.g., geotechnical, natural values, contaminated land, arboriculture, bushfire reports etc.) and will be referred to as a technical report.

- 4.2 When a report is submitted, it is reviewed internally to ensure:
 - it addresses Scheme requirements
 - it aligns with other submitted material (e.g., drawings, site plans)
 - methodology and conclusions are appropriate
- 4.3 On occasions reports may be deemed unsatisfactory due to incorrect scope, inconsistencies, omissions, incorrect methodology, or changes to application details and plans. In such cases, a s54 Request for Further Information is issued which outlines items for clarification and/or required amendments.
- 4.4 Where clarification is needed, referrals may be made to external agencies (e.g., TFS, NRE Tas, Heritage Tasmania). Where internal expertise is limited or there are significant concerns regarding the methodology or recommendations in a report, an independent peer review may be commissioned at Council's cost.
- 4.5 At the workshop on the motion held in October 2024 the following was noted;
 - Technical reports submitted with development applications need to adequately address the relevant requirements of the Scheme and may require revision for various reasons (outlined above).
 - Current assessment processes include internal expert review. Where clarification is needed or internal expertise are limited, advice is sought from relevant external agencies.
 - Where the assessing officer has concerns regarding the methodology or recommendations of a report, an independent peer review may be commissioned.
 - That the assessment approach for technical reports should be supported by a clear and documented escalation process, ensuring that when an assessing officer has concerns regarding the recommendations or methodology of a technical report, the matter is escalated to the relevant Executive member for advice, which may include commissioning an external review.

5. FINANCE

- 5.1 If the motion is supported, the cost to Council to obtain two alternative reports would vary depending on development scale and site complexity. A single peer review is likely to cost between \$1,000 and \$8,000.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 The decision outcome of this report will be communicated to the public via meeting minutes, and the actions required will be communicated directly to relevant staff.

8. RISK

- 8.1 Adopting Point (b) of the motion is likely to increase the assessment time for applications and potentially compromise the ability to meet statutory timeframes.

9. CONCLUSION

- 9.1 The motion brought forward at the 2023 AGM seeks to alter Council's assessment processes by requiring that external reports be accepted unless proven sub-standard and

requiring Council to fund two additional reports when further review of the findings is considered necessary.

- 9.2 While the intent of the motion reflects a desire for fairness and transparency, the operational and statutory implications are substantial.
- 9.3 In accordance with the outcome of the workshop, the current assessment and peer review process should be maintained and be supported with a clear documented process for staff outlining the escalation process.

10. RECOMMENDATION

It is recommended that:

- (a) Council determines that the change proposed in the motion is not required at this time and reaffirms its existing processes, noting that these already include internal expert review, requests for further information where clarification or additional detail is needed, seeking advice from external agencies and the option to commission an external review.
- (b) Council notes that the escalation process described in the report will be documented in an internal process and communicated to staff.

ATTACHMENTS

1. **Council Report - AGM Motion 2023 Environmental Reports - 18 Dec 2023**

ATTACHMENT 1

15.4 AGM MOTION - ENVIRONMENTAL REPORTS

File Number: File#

Author: Tasha Tyler-Moore, Manager Development Services

Authoriser: Deleaze 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 enable Council to consider a motion that was supported at the recent AGM.

2. BACKGROUND

2.1 At the Annual General Meeting held on Saturday 2 December 2023, a motion was moved by Georgina Kirkpatrick (member of the community) and seconded by Charles Biggins. The motion was:

- (a) *That Council when requiring an environmental report for a DA from a suitably qualified and insured consultant that the Council honour the findings of the report unless it can be proven to be sub-standard.*
- (b) *If Council wish to challenge the findings of an independent report commissioned by the land owner, Council must provide two alternative reports at Council's expense from two other independent environmental consultants with equal or higher qualifications to the one provided by the land owner.*

3. STATUTORY REQUIREMENTS

3.1 The relevant Act for this subject is the *Land Use Planning and Approvals Act 1993* (the Act). Each municipality has a Planning Scheme, that sets out the requirements for use or development of land in accordance with the Act; the provisions of the Scheme should be read together with the Act.

3.2 Pursuant to Planning Schemes, there are several zones and overlay codes that require an applicant to submit an 'environmental report'. The motion above does not define 'environmental report', for the purpose of this report we consider the following types of reports as 'environmental':

- Natural Values Assessment
- Geo-technical Landslide Report
- Bushfire Assessment Report
- Environmental Management Plan
- Contaminated Land Assessment
- Coastal Processes Assessment
- Hydraulic Report

ATTACHMENT 1

- Coastal Works Management Plan
- Coastal Erosion Hazard Assessment Report
- Acid Sulfate Soils or Dispersive Soils Assessment Report
- Onsite Waste-Water Report
- Arboriculture Report

3.3 There is no statutory requirement in the Scheme or Act to have reports reviewed by an expert outside of Local Government.

3.4 Officer delegations granted by the Planning Authority that authorises an officer to enact the Act and Scheme are stipulated in the Planning Authority Delegations Policy (Policy 1.1A).

4. DISCUSSION

4.1 The motion put forward is referring to environmental reports associated with Planning Permit applications. Required environmental reports should be submitted with an application at the time of lodgement in response to the requirements of the Planning Scheme (as specified in the zone, codes or as part of application requirements at the front of the scheme).

4.2 However, if they are not provided at the time of lodgement, they may be requested by Council as part of a Section 54 'further information request'. Such requests align with the requirements of the Scheme in the zones and codes.

4.3 The practice currently is that when a report is submitted, it is reviewed by the relevant subject experts, including officers in Environmental Services, Environmental Planning, Environmental Health, Engineering Service, Stormwater Engineers and Planners. The review of a plan or report is to ensure that the report addresses the requirements of the scheme and is referencing or including plans that correctly correlate with other documents (such as the design drawings, site plan and other documents or reports).

4.4 On occasions, reports are not satisfactory for various reasons. Examples include the report not being for the correct building or area of the site; inconsistent numbering/reference of trees (inconsistent with another report such as arborist report); incorrect species/community identification; incorrect methodology; omissions in scheme requirements; changes in the scope of the application since the report was undertaken. If such a request is made, the s54 further information request includes reasons why the report is not acceptable and what is required to satisfy the request.

4.5 In the abovementioned situation, there are occasions where there is referral to another agency for clarification of interpretation or expert opinion, such as Tasmania Fire Service, Department of Natural Resources and Environment, Forest Practices, Mineral Resources Tasmania or Heritage Tasmania.

4.6 In some instances, where there is a potential disagreement about opinion of what is an acceptable recommendation or methodology, or if there is limited internal expert opinion in a particular field a peer review may be commissioned.

4.7 Kingborough's approach to assessing reports and requests for further information is consistent with all other Southern Councils.

5. FINANCE

5.1 If the motion is supported the cost to Council to obtain alternative reports depends on the scale of the development and complexity of the site; it is likely that each assessment would be \$2,000 - \$8,000, depending on the type and complexity of the report.

ATTACHMENT 1

6. ENVIRONMENT

- 6.1 There is no direct impact on the environment through the appointment of consultants to write reports.

7. COMMUNICATION AND CONSULTATION

- 7.1 The decision outcome of this report will be communicated to the public by way of meeting minutes, and the actions required communicated directly to staff that are affected.

8. RISK

- 8.1 The risk in adopting Point (b) increasing assessment timeframes for applications.
- 8.2 Under Section 48 of LUPAA, Council as Planning Authority has a legal obligation to observe and enforce the planning scheme. This requires the Planning Authority to form an independent view on the conclusions and recommendations in an Environmental Report meet the requirements of the planning scheme. There is a risk that accepting consultant reports without the relevant subject Council experts undertaking a review, the Planning Authority is in breach of Section 48 of LUPAA.

9. CONCLUSION

- 9.1 Point (a) is already in practice. Point (b) is already occurring in part, however unless for an exceptional circumstance, only a single peer review by a suitably qualified person is commissioned.

10. RECOMMENDATION

That

- (a) The processes for application assessment including review of proposed plans and supporting documents be continued in the same manner as currently;
- (b) The mover of the motion be advised of Council's decision.

ATTACHMENTS

Nil

15.5 LAND LEASE - KINGBOROUGH SPORTS PRECINCT

File Number: 51.1

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

Authoriser: Deleaze Chetcuti, Acting Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 4. Fostering a welcoming, vibrant and thriving Kingborough.

Strategic Outcome: 4.1 Vibrant, welcoming local areas that spark social connection and recreation.

1. PURPOSE

1.1 The purpose of this report is to recommend a lease of land in the Kingborough Sports Precinct to the Tasmanian Devils Football Club.

2. BACKGROUND

2.1 Council signalled its intention to make land available for the purpose of the construction of the AFL High Performance Training Centre (HPTC) through its publicly available submission to offer the Kingborough Sports Precinct as the location for this facility.

2.2 At its meeting of 16 December 2024, Council resolved the following:

That Council confirms its support for the development of the Tasmanian Devil's High Performance Training Centre at the Kingston Twin Ovals and authorises the Chief Executive Officer to commence negotiations with the State Government regarding the Heads of Agreement and transfer of land required for the construction of the facility.

2.3 At its meeting of 3 November 2025, Council resolved as follows:

That Council advertises its intent to dispose of ~3.298Ha of land within the Kingborough Sports Precinct by means of a long-term lease to the Tasmanian Football Club for the purpose of constructing a High Performance Training Centre for the Tasmanian Devils AFL Team.

3. STATUTORY REQUIREMENTS

3.1 The Kingborough Sports Precinct is classified as Public Land, and it is therefore necessary that consideration of its potential disposal is considered in Open Session of Council in accordance with Section 178 of the *Local Government Act 1993*.

3.2 The provisions of Section 178 of the Act state that Council must publicly advertise its intention to dispose of the land and consider any objections received following this process. This process has been completed.

4. DISCUSSION

4.1 Council received no objections to the proposed lease of the land in question following the prescribed advertising process, with the only correspondence received being one of support for the proposal.

4.2 Given the lack of objections received and on the basis that making the land available for the construction of the HPTC formed part of Council's original bid to secure the facility, it is recommended that a long-term lease be offered to the Tasmanian Devils Football Club.

- 4.3 As the land is currently contained within the Kingborough Sports Precinct title, it will be necessary to undertake a subdivision of the 3.298Ha footprint required for the HPTC to create a discrete lot for a long-term lease agreement.
- 4.4 Council's Heads of Agreement for the AFL HPTC project includes a condition that the lease will be assigned to the State Government in the event of termination by the Devils. This clause will be referenced in the long-term lease agreement.

5. FINANCE

- 5.1 The cost of the construction of the HPTC and reconstruction of any displaced infrastructure is being met by the State Government and the AFL.
- 5.2 Other than any relevant statutory obligations associated with use of the land, Council will not be responsible for any aspect of the operations of the facility, including maintenance, insurance or depreciation of the asset.
- 5.3 Independent advice has confirmed that a lease agreement can be structured such that Council is protected against incurring depreciation costs for any asset constructed on the leased land.
- 5.4 The re-assignment clause contained within the Heads of Agreement with the State Government provides further protection against asset depreciation costs being transferred to Council in the event of termination of the lease agreement.
- 5.5 In accordance with Section 177 of the Local Government Act, an independent valuation on the land has been obtained that indicates a freehold value of \$1,650,000 (exclusive of GST).
- 5.6 The AAV for the land is \$135,000 (as determined by the Valuer General's calculation for the entire Kingborough Sports Precinct and applied on a pro-rata basis).
- 5.7 In line with the terms and conditions of Council's bid to secure the HPTC facility within the Kingborough Sports Precinct, it is proposed that a peppercorn rental would apply, however, the Devils Football Club would be required to pay full rates applicable to the property as part of the lease agreement.

6. ENVIRONMENT

- 6.1 There are no environmental issues that are directly associated with this matter.
- 6.2 A planning permit for the construction of the HPTC has been issued, with the assessment process including consideration of environmental impacts.

7. COMMUNICATION AND CONSULTATION

- 7.1 The process as prescribed by Section 178(4) of the Local Government Act was followed in relation to public notification of Council's intent to lease the land.

8. RISK

- 8.1 The lease agreement will be structured to minimise risks to Council. Given the lack of objections to the proposed lease, there is a low likelihood of a negative public reaction to Council's decision and no risk of appeal.

9. CONCLUSION

- 9.1 Council's intent to lease land within the Kingborough Sports Precinct to the Tasmanian Devils Football Club for the purpose of the construction of a High-Performance Training Centre has been publicly advertised, with no objections received.

10. RECOMMENDATION

That:

- (a) On completion of a subdivision and issue of title for ~3.298Ha of land within the Kingborough Sports Precinct, the Chief Executive Officer be authorised to negotiate a long-term lease agreement with the Tasmanian Devils Football Club with the following key terms and conditions to apply:
 - (i) Term – up to 99 years.
 - (ii) Rental – peppercorn with full rates and charges applicable to the property to apply.
 - (iii) Use – AFL High Performance Training and Administration Centre and associated uses.
 - (iv) Termination – lease agreement to be reassigned to the State Government if terminated by the Tasmanian Devils Football Club.
 - (v) Asset ownership - lease applies to land only with the Tasmanian Devils Football Club to be the owner of all assets constructed thereon and responsible for full asset depreciation costs.
 - (vi) Insurance - \$25m subject to review every 10 years.
 - (vii) Assignment – subject to landlord consent.
 - (viii) Improvements – subject to statutory approvals with GM consent not to be unreasonably withheld.
- (b) Signing of the above lease agreement be subject to confirmation from the State Government that all elements of the project are fully funded.

ATTACHMENTS

Nil

15.6 OVAL LEASE - KINGBOROUGH SPORTS PRECINCT**File Number:** 51.1**Author:** Daniel Smee, Director Governance, Recreation & Property Services**Authoriser:** Deleaze Chetcuti, Acting Chief Executive Officer**Strategic Plan Reference**

Key Priority Area: 4. Fostering a welcoming, vibrant and thriving Kingborough.

Strategic Outcome: 4.1 Vibrant, welcoming local areas that spark social connection and recreation.

1. PURPOSE

1.1 The purpose of this report is to seek Council approval to commence the public advertising process associated with the leasing of land (specifically the existing Twin Ovals AFL ground) to the Tasmanian Football Club.

2. BACKGROUND

2.1 At its meeting of 3 November 2025, Council resolved to advertise its intent to dispose of ~3.298Ha of land within the Kingborough Sports Precinct by means of a long-term lease to the Tasmanian Football Club for the purpose of constructing a High-Performance Training Centre (HPTC) for the Tasmanian Devils AFL Team.

2.2 The outcome of this process has been reported to Council in a separate report contained within this Agenda.

2.3 Associated with the development of the HPTC is the requirement for an exclusive use oval for the Tasmanian Football Club.

2.4 The existing Twin Ovals AFL Oval has been earmarked for this purpose, with the Kingborough Tigers Football Club to relocate to a new oval to be constructed on the site currently occupied by the Kingston View Drive Dog Exercise Area.

2.5 An alternate Off-Lead Area has been identified in Maddocks Road to replace the loss of this facility, with Council approving an amendment to its Dog Control Policy to formalise this as a declared area at its meeting of 2 February 2026.

3. STATUTORY REQUIREMENTS

3.1 The Kingborough Sports Precinct is classified as Public Land, and it is therefore necessary that consideration of its potential disposal is considered in Open Session of Council in accordance with Section 178 of the *Local Government Act 1993*.

3.2 The provisions of Section 178 of the Act state that Council must publicly advertise its intention to dispose of the land and consider any objections received following this process.

3.3 The land is currently contained within the Kingborough Sports Precinct title and therefore a subdivision application will be required to create a discrete lot for a lease term of more than 10 years.

4. DISCUSSION

4.1 Recent discussions with the Tasmanian Football Club have determined that the best option for tenure over the exclusive use oval is a long-term lease (in line with the proposed term for the land on which the HPTC will be constructed).

- 4.2 Leasing maintains the asset in Council ownership and enables Council to ensure that the use of the facility is for a defined purpose.
- 4.3 The one difference in the terms and conditions for the oval lease is that there won't be a clause relating to reassignment to the State Government if the agreement is terminated by the Tasmanian Devils Football Club.
- 4.4 In the case of the oval, termination of the lease will see the asset returned to Council.

5. FINANCE

- 5.1 In accordance with Section 177 of the Local Government Act, Council is required to obtain an independent valuation on the land.
- 5.2 This will be provided to Council in a future report, along with details of any objections received and any other relevant financial considerations.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

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

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

 - (a) *publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*
 - (ab) *display a copy of the notice on any boundary of the public land that abuts a highway; and*
 - (b) *notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*
- 7.2 This provides an open and transparent process in which the public can make representations to the proposal.

8. RISK

- 8.1 The advertising of Council's intent does not in any way commit the disposal of the land and in this regard, the decision to commence the process has a low level of risk.

9. CONCLUSION

- 9.1 Council has previously signalled its intention to make the Twin Ovals AFL ground available for the exclusive use of the Tasmanian Football Club, and it is now proposed to formalise this intent through the statutory process required under the *Local Government Act 1993*.

10. RECOMMENDATION

That Council advertises its intent to dispose of the Twin Ovals AFL ground by means of a long-term lease to the Tasmanian Football Club.

ATTACHMENTS

Nil

15.7 COMMUNITY SERVICES STRATEGY

File Number: 33.1

Author: Carol Swards, Coordinator Community Services and Hub

Authoriser: Deleaze Chetcuti, Acting Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 1. Helping our community stay safe, healthy and well connected.

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

1. PURPOSE

1.1 The purpose of this report is for Council to note the development of an overarching Community Services Strategy

2. BACKGROUND

2.1 The Community Services team developed and delivered Youth, Positive Ageing, and Arts and Culture Strategies. These strategies, prepared in 2018/19 are due for review.

2.2 Over the past four years, a further three strategies and action plans have been developed.

- Following community feedback in 2022, a two-year LGBTQIA+ Action Plan was devised and delivered in 2022 – 2024
- Following a Notice of Motion in 2023, A two-year Multicultural Action Plan was devised in 2024 and continues to be delivered.
- A five-year Health and Wellbeing Strategy was developed in 2025 making use of \$20,000 in targeted funding from “Healthy Tasmania”

2.3 While each strategy or action plan has included its own consultation and data collection, these processes have been undertaken in isolation rather than guided by a comprehensive assessment of community needs. As a result, the strategies have been developed in response to individual Council motions or specific issues, leading to duplication across documents and other Council activities, as well as gaps in the overall Community Services program and service delivery.

3. STATUTORY REQUIREMENTS

3.1 There are no statutory requirements in relation to this report.

4. DISCUSSION

4.1 The Community Services team oversees the development and delivery of the three established strategies: *Youth, Positive Ageing and Arts and Culture*.

4.2 Over the past four years, the LGBTQIA+ Action Plan, Multicultural Action Plan and Health and Wellbeing Strategy have been added to this portfolio.

4.3 Developing strategies and action plans is a time and resource intensive process that places significant pressure on a small team, such as Community Services.

4.4 Developing separate strategies and action plans tends to limit the ability to recognise and manage overlapping priorities and projects.

- 4.5 Important areas of work, such as the Kingborough Volunteer Program and the Community Grants Program, are currently not reflected in any strategy or action plan.
- 4.6 An overarching strategy organised around the themes below would ensure all of the work undertaken by the Community Services team is captured within a single coherent strategic document. The proposed themes would be:
 - Youth
 - Positive ageing
 - Art and culture
 - Diversity, inclusion and safety
 - Participation, connection and building capacity.
- 4.7 The proposed themes were developed through a review and mapping of Council's existing strategies, plans and programming. This work was complemented by a scan of contemporary community strategies adopted by other Councils across Tasmania and interstate, ensuring the themes align with current practice and reflect a comprehensive approach to community services planning.
- 4.8 By adopting a more integrated approach, Council would achieve several positive outcomes. These include reducing overlap between strategies, delivering an accessible summary of the Community Services team's work and strategic vision for the next five years, and ensuring all community service work is properly captured, planned for and is reflective of our community needs. It will also streamline the ongoing review and update of the strategy.
- 4.9 While the final structure of the strategy is still being developed, the intention is for it to be supported by a responsive framework that enables Council to shift focus between themes as community needs change, rather than being constrained by fixed and standalone strategies. An ongoing data-review process will support annual programming and updates to sub-plans, action plans and the overarching strategy
- 4.10 The strategy will focus on delivering and supporting services that Council has the capacity and mandate to provide, while addressing service gaps and avoiding duplication with work undertaken by other organisations. A strong emphasis will be placed on partnership, strengthening community capacity, and expanding Council's reach across the community. Where appropriate, performance indicators will be identified and monitored to measure the effectiveness of programming and services.
- 4.11 Community engagement undertaken for the LGBTQIA+ Action Plan, Multicultural Action Plan and Health and Wellbeing Strategy remains current and can be incorporated to guide the development of targeted actions in the new strategy.
- 4.12 Community engagement with the youth, positive ageing and arts and culture cohorts is planned to commence in April 2026, with the development of the strategy and associated plans to be completed by end of 2026.
- 4.13 The programming delivered under current strategies and plans (including Youth, Positive Ageing and Arts and Culture) has been refined over time, resulting in strong participation rates and consistently positive community feedback. This programming is intended to continue throughout the development of the new strategy, with much of it expected to be incorporated into the future framework.

5. FINANCE

- 5.1 A current annual allocation of \$5,500 for consultancy services exists in the Community Services budget. These funds may be utilised to compile and analyse demographic and socioeconomic data for Kingborough, which will inform the development of the strategy.

- 5.2 It is expected that the development and implementation of the proposed strategy will result in a more efficient use of staff time and Council resources.
- 5.3 Any actions or programming proposed through the strategy will be assessed against available budget allocations.

6. ENVIRONMENT

- 6.1 There are no environmental matters in relation to this report.

7. COMMUNICATION AND CONSULTATION

- 7.1 A presentation outlining the proposed strategy and anticipated positive outcomes was presented to the Executive Management Team on 13 February 2026.
- 7.2 Initial engagement is planned for April 2026, and ongoing engagement will be integrated into the strategy framework.

8. RISK

- 8.1 There is a risk that continuing to develop multiple strategies will place excessive demands on the limited resources of the community Services team and reduce the likelihood that actions can be realistically implemented.

9. CONCLUSION

- 9.1 The *Youth, Positive Ageing and Art and Culture* strategies are due for review. Council now has an opportunity to form a cohesive and contemporary overarching strategy.
- 9.2 While the strategy is being developed Community Services programming will continue in accordance with the existing strategies and plans.

10. RECOMMENDATION

That:

- a) Council note the development of the Community Services 2027–2032 Strategy which will be presented to Council for endorsement prior to implementation.
- b) During its development, programming under existing strategies, including Youth, Art and Culture and Positive Ageing, will continue.

ATTACHMENTS

Nil

15.8 POLICY REVIEW 4.13 ESTABLISHMENT OF BUSHFIRE HAZARD MANAGEMENT AREAS ON COUNCIL LAND**File Number:** 12.257**Author:** Christopher Salter, Bushfire Planning Officer**Authoriser:** Liz Quinn, Manager Environmental Services**Strategic Plan Reference**

Key Priority Area: 3. Caring for where we live and preparing for the future.

Strategic Outcome: 3.3 The community and Council are prepared for, and resilient to, emergency events.

1. PURPOSE

- 1.1 The purpose of this report is to present a review of the Establishment of Bushfire Hazard Management Areas on Council Land Policy 4.13 (the Policy).

2. BACKGROUND

- 2.1 The Policy was developed in 2017 and updated in 2021 following a Councillor workshop.
- 2.2 A Hazard Management Area (HMA) is required to ensure that potential bushfire fuel surrounding a dwelling in a bushfire prone area is minimised.
- 2.3 Hazard Management Areas are defined as 'the area between a habitable building or building area and bushfire prone vegetation, which provides access to a fire front for firefighting, which is maintained in a minimal fuel condition in which there are no other hazards present which will significantly contribute to the spread of a bushfire' (Planning Directive No. 5.1 Bushfire-Prone Areas Code 2022).
- 2.4 The incorporation of the Australian Standard for Construction of buildings in bushfire-prone areas (AS 3959:2018) into the National Construction Code and State Planning Directive No. 5.1 (Bushfire-Prone Areas Code) in 2017, resulted in a statutory obligation for developers to provide and maintain managed areas (bushfire hazard management areas) around new homes in bushfire prone areas.
- 2.5 In a few cases, the dimensions of the required Hazard Management Area mean that some pre-existing lots are too small to contain the necessary bushfire Hazard Management Area wholly within the subject lot. These lots will rely on the establishment of bushfire Hazard Management Area on adjoining properties, including Council owned and managed land.
- 2.6 Where these pre-existing lots adjoin Council land, and in particular bushland, riparian and coastal reserves, there is a need for a formal Council policy on how Bushfire Hazard Management Areas are assessed and managed for the benefit of adjoining private development.
- 2.7 Under the *Fire Services Act 1979*, Council's powers, responsibilities and obligations include to take all reasonable precautions to prevent any fire lit on their property from spreading to adjoining land. Council maintains a fuel breaks and hazard management areas within the reserve network. These breaks are in place to mitigate risk.

3. STATUTORY REQUIREMENTS

- 3.1 The creation of Hazard Management Areas for new buildings in Bushfire Prone Areas is currently regulated across Tasmania under the Tasmanian State Planning Provisions, the *Building Act 2016* and *Building Regulations 2016*.

3.2 The Bushfire Prone Areas Code (Planning Directive No 5.1), which applies to interim planning schemes, requires a hazard management area to be established and maintained between the bushfire prone vegetation and the building at a distance equal to, or greater than the separation distance specified for the Bushfire Attack Levels (BAL) in Australian Standard 3959:2018 Construction of buildings in bushfire-prone areas.

4. DISCUSSION

4.1 The Policy aims to avoid the use of Council land (specifically bushland and coastal reserves) for use as a Hazard Management Area for residential dwellings. There are several reasons for this including:

- 4.1.1 to manage the impact of vegetation removal on the ecological, cultural, aesthetic and recreation values of the reserve; and
- 4.1.2 minimising the number and extent of hazard management areas for individual benefit reduces the ongoing cost and liability for Council in maintaining these areas to the required standard.

4.2 A review of the Policy has been completed to ensure it is still relevant and will achieve the desired objective. The revised version with tracked changes is in Attachment 1.

4.3 The Policy objectives, scope and procedure remain largely unchanged and fit for purpose.

4.4 The Policy review period has been changed to five years to reflect current practice.

4.5 To manage liability, all works required to establish the HMA, the annual maintenance and compliance are undertaken by Council but paid for by the developer and any subsequent landowner. The current review has found that the administrative burden of this process is high for Council and can be complex for new owners who are unaware of the arrangement. To manage this issue, it is recommended that this procedure is changed to Council taking on the cost of maintenance five years after the creation of a HMA. The costs of establishing and maintaining the HMA for the first five years will still be borne by the applicant and subsequent landowner.

5. FINANCE

5.1 To manage liability, the works required to establish the HMA and ongoing compliance monitoring are undertaken by Council at the cost of the landowner. The new five year period applied to The Policy will reduce staff time and cost to Council without an increase in risk. The associated cost with the proposed change is considered to be minimal due to maintenance works generally already being undertaken near these areas and it will be limited to maintaining grassed areas.

5.2 Since 2021 Council has received eight requests to establish a HMA on Council land. None of the requests were approved, however seven new dwellings were approved to rely on existing reserve firebreaks. The remaining development proposals all proceeded with changes to design and location of buildings to achieve the required Bushfire Hazard Management Plan requirements for the development.

6. ENVIRONMENT

6.1 The establishment of HMAs on Council land, and in particular natural area reserves, requires vegetation thinning, including tree and shrub removal and annual maintenance to ensure a minimal fuel condition (brush cutting, pruning and woody debris removal).

6.2 The vegetation removal negatively impacts the aesthetic and biodiversity values of the reserve. The policy aims to reduce this negative impact by ensuring the creation of HMA's outside of Council's firebreak network are minimised in number and extent.

7. COMMUNICATION AND CONSULTATION

- 7.1 Public communication about the Policy and the assessment criteria used to assess a new HMA on Council land will continue to be available on Council's website.
- 7.2 The Policy has potential implications for a small group of landowners who plan to build on vacant lots established prior to the Bushfire Prone Areas Code (Planning Directive No 5.1). Where the Policy may apply it will be communicated by planning staff to applicants during the development application process.
- 7.3 Accredited Bushfire Practitioners who commonly work in Kingborough and the Tasmanian Fire Service have previously been notified about the Policy.
- 7.4 Given the administrative nature of this Policy update, community engagement is not deemed to be required.

8. RISK

- 8.1 The removal of native vegetation to create and maintain a HMA has the potential to impact the natural, cultural, aesthetic and recreation values of a Council reserve. This Policy manages this risk by minimising the establishment of a HMA for individual dwellings outside of Council's firebreak network.
- 8.2 The Policy sets up criteria to ensure any request for a new HMA on Council land is consistently assessed, the work is managed by Council, and the majority of costs are borne by the applicant.
- 8.3 Allowing HMAs to be established on Council land has the potential to expose Council to liability if the HMA is not maintained to the correct standard and a bushfire impacts the subject property. The Policy seeks to minimise this risk by avoiding the use of Council land for HMAs. Any areas taken over by Council after the proposed five year period will be appropriately scheduled for maintenance.

9. CONCLUSION

- 9.1 Council has an obligation to manage bushfire risk from its own land, but also a responsibility and commitment to maintain a balance between managing bushfire risk and conserving the natural, cultural and recreation values of the reserve network. Avoiding the establishment of new HMA's, except in exceptional circumstances, to benefit individual developments achieves this objective.
- 9.2 A review and update of the Establishment of Bushfire Hazard Management Areas on Council Land Policy has been completed. The Policy objectives, scope and procedure remain largely unchanged. The most notable proposed change is for Council to take on all costs of maintaining the HMA after a five year period.

10. RECOMMENDATION

That Council:

- (a) Endorse the attached Establishment of Bushfire Hazard Management Areas on Council Land Policy 4.13.
- (b) Review the Policy in five years to ensure it remains relevant and consistent with statutory requirements for best practice building in bushfire prone areas.

ATTACHMENTS

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

EXISTING POLICY WITH TRACKED CHANGES



Establishment of Bushfire Hazard Management Areas on Council Land Policy

Policy No:	4.13
Approved by Council:	January February 2024 2026
New Review Date:	January February 2026 2031
Minute No:	E6/1 2024
ECM File No:	12.57
Version:	2.0 3.0
Responsible Officer:	Manager Environmental Services
Strategic Plan Reference:	3.5 Management of environmental assets is based on professional advice and strategic planning. 3.3 The community and Council are prepared for, and resilient to, emergency events.

1. POLICY STATEMENTS

- 1.1 ~~The purpose of this policy is to provide a framework for managing requests to incorporate Council owned or managed land into new Bushfire Hazard Management Areas (HMAs)~~ The purpose of this policy is to state Council's position on the creation of new Hazard Management Areas (HMAs) on Council land for adjacent **residential** development and provide a framework for managing these areas.
- 1.2 Council recognises that HMAs provide a degree of protection for people in a dwelling from the ~~potentially life threatening~~ consequences of radiant heat by providing separation from unmanaged vegetation.
- 1.3 Council is committed to maintaining a balance between managing bushfire risk to **residential** dwellings, ~~and managing additional liability and the protection of~~ values ~~in~~ of its bushland reserves from the impact of new HMAs.

2. DEFINITIONS

- 2.1 **Accredited Bushfire Hazard Practitioners** means a Bushfire Hazard Practitioner accredited under Part IVA of the Fire Services Act 1979.
- 2.2 **AS 3959:2018** means the Australian Standard for Construction of Buildings in Bushfire Prone Areas.
- 2.3 **Bushfire Hazard Management Area (HMA)** is defined in the Bushfire Prone Areas Code under the *Land Use Planning and Approvals Act 1993*. It is the area between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for firefighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
The Bushfire–Prone Areas Code (~~Kingborough Interim Planning Scheme 2015~~within the current applicable planning scheme) requires HMAs to be established and maintained between the bushfire prone vegetation and the building at a distance equal to, or greater than the separation distance specified for the Bushfire Attack Levels (BAL) in AS 3959 – 2018.
- 2.4 **Bushfire Attack Level (BAL)** is a numerical value which relates to heat exposure levels (the severity of radiant heat) that a site may experience during a bushfire. BAL are derived from A3959-2018. Developments that are closer to bushfire-prone vegetation will be assessed as having a higher Bushfire Attack Level (BAL) and as a result, more rigorous building construction standards will be required.
- 2.5 **BAL 29** means a Bushfire Attack Level specification, as defined in AS3959:2009 Section 2.
- 2.6 **Bushfire Prone Area** is defined as:
 - 2.6.1 land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or
 - 2.6.2 where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 ha.
- 2.7 **Bushfire Hazard Management Plan** means a plan drawn up using AS3959:2018 that describes the architectural and land management requirements for a development to achieve an acceptable level of bushfire risk management. Bushfire Hazard Management Plans are drawn up by practitioners accredited by Tasmania Fire Service in the use of AS3959:2018.
- 2.8 **Council Land** is land owned and/or managed by Kingborough Council.

3. OBJECTIVE

- 3.1 ~~To avoid the use of reliance on Council owned or managed land for private use as a HMA for adjacent development except in exceptional circumstances.~~
- 3.2 To ensure that new bushfire ~~HMAs~~hazard management areas for the benefit of residential dwellings are only established on Council land where, without such areas, existing vacant lots

would be unable to be developed for a residential dwelling.

- 3.3 Where the creation of new HMAs on Council land cannot be avoided, to minimise the extent to which Council ~~owned~~ land shall be relied upon to accommodate HMAs.
- 3.4 Provide a clear process and criteria for the assessment of requests to establish new HMAs on Council ~~owned and managed~~ land for residential dwellings.

4. SCOPE

- 4.1 This policy applies to all requests for HMAs on Council ~~owned or managed~~ land associated with new and existing uses and developments and includes:
 - 4.1.1 Applications assessed under the ~~Kingborough Planning Scheme 2000, Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme current applicable planning scheme~~ declared under the *Land Use Planning and Approvals Act 1993* and applicable to the Kingborough Municipal area.
 - 4.1.2 New building work on land classified as being bushfire prone under the provisions of the *Building Act 2016* and/or the Director of Building Control determination.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Applications for new HMAs will be assessed against a set of criteria contained in the ~~related Council~~ document: '*Criteria for assessing requests to establish a Bushfire Hazard Management Areas on Council land*'. *A template request form is provided titled 'Request for Bushfire Hazard Management Area on Council Land'* is available to assist the application.

6. GUIDELINES

- 6.1 Where HMA requirements cannot be met within the private land being developed, an alternate bushfire protection design as a Deemed-to-Satisfy solution that meets the requirements of the National Construction Code to achieve an acceptable level of bushfire risk management for construction of a building to **BAL 29** standard must be developed.
- 6.2 The maximum extent of the bushfire hazard management areas on ~~Council land the reserve~~ will be the minimum necessary to provide a buffer appropriate for a habitable building constructed to BAL-29 under AS3959:2009.
- 6.3 A development application proposing ~~a HMA an HMA~~ on Council ~~owned or managed~~ land will require the consent of the ~~Chief Executive Officer General Manager~~.
- 6.4 In assessing the request for a new HMA, Council will consider the need to balance the management of the threat of bushfires to human life and assets with the need to protect the ecological, cultural, and recreational values of its reserves.
- 6.5 Consent of the ~~Chief Executive Officer General Manager~~ to create ~~a HMA an HMA~~ on council land will not be provided (other than in exceptional circumstances) for developments other than a new single habitable building on an undeveloped title created prior to 2015.
- 6.6 Applicants requesting use of Council land are required to demonstrate that they have minimised the area required for the HMA by:
 - 6.6.1 considering alternate design and construction options.
 - 6.6.2 proposing to establish and maintain ~~a the largest possible portion of the~~ Hazard Management Area within the property that is the subject of the request.
 - 6.6.3 using a bushfire protection design as a Deemed-to-Satisfy Solution that meets the requirements of the National Construction Code to achieve an acceptable level of bushfire risk management for construction of a building to BAL 29 standard.
- 6.7 Where the creation of a HMA on Council land cannot be avoided, each request will be considered on its own merits with regard to:

- 6.7.1 the natural, social and cultural values (including recreational and visual amenity values) of the land;
- 6.7.2 the relevant reserve management plans and/or strategy documents, and
- 6.7.3 resources required to establish and maintain the HMA (accessibility of site, vegetation type etc.).

6.8 The initial establishment of the HMA will be implemented by Council at full cost to the landowner.

(a) 6.8.1 The annual ongoing cost of maintenance will be borne by the landowner for the first five years, after which time Council will assume ongoing responsibility for maintenance and the associated costs.

6.9 The HMA must will be established after a building permit is issued and before a certificate of occupancy.

7. COMMUNICATION

7.1 The policy and the associated criteria for assessing requests for a new HMA are publicly accessible via Council's website.

8. LEGISLATION

8.1 The following legislative requirements should be considered in conjunction with this policy:

- 8.1.1 *Building Act 2016 and Building Regulations 2016*.
- 8.1.2 *Land Use Planning and Approvals Act 1993*.
- 8.1.3 *Fire Service Act 1979*.
- 8.1.4 *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- 8.1.5 *Parks, Recreation and Natural Areas By-law No. 3 of 2021*.

9. RELATED DOCUMENTS

9.1 Criteria for assessing requests to establish a Bushfire Hazard Management Area on Council land:

- 9.1.1 National Construction Code of Australia 2022.
- 9.1.2 AS3959:2018 *Australian Standard for Construction of Buildings in Bushfire-Prone Areas*.
- 9.1.3 Planning Directive No. 5.1 Bushfire – Prone Areas Code.

10. AUDIENCE

- 10.1 Council employees and Councillors.
- 10.2 Developers and landowners.
- 10.3 Accredited Bushfire Hazard Practitioners, building surveyors, and planning consultants.

CRITERIA FOR ASSESSING REQUESTS TO ESTABLISH BUSHFIRE HAZARD MANAGEMENT AREAS ON COUNCIL LAND

To be used in conjunction with the Establishment of Bushfire Hazard Management Areas on Council Land Policy 4.13

To allow Council to assess your application for an HMA to be created on Council land a response to answer against criteria 3a, 3b, 3c and 4 must be submitted.

The following details outline how Council will manage requests to establish HMAs on Council land:

1. A development proposing works on Council ~~owned or managed~~ land should not be prepared or submitted without first achieving ~~the consent of~~ Council consent.
2. Council will ensure that the Bushfire Attack Level and the HMA proposed are in proportion with the natural constraints of the land (such as topography).
3. Where the creation ~~of an~~ of an HMAs on Council land cannot physically be avoided, the inclusion of any Council land in a HMA is conditional upon:
 - a) the HMA being required for the development of a new building, or an extension to an existing building, for a lot existing prior to 1 July 2015. Bushfire HMAs required for new subdivisions or for alterations or additions to an existing building lodged after this date will not be provided on Council land. Developments for titles created after 1 July 2015 must rely upon Performance Solutions alone to provide bushfire protection to a building.
 - b) the siting and building design of the proposed building shall be such that all practical attempts will be made to minimise the extent of any vegetation clearing on Council land.
 - c) the maximum extent of the HMA on Council land will be the minimum necessary to provide a buffer appropriate for protection of a building constructed to BAL 29 under AS3959:2018 unless exceptional circumstances (as described in point 8 below) can be established.
4. The initial establishment of a HMA on Council land will be implemented by Council as per an agreed plan, with all costs to be borne by the private property owner. Authority to establish and maintain HMA's on Council land will be detailed in a Part 5 Agreement which will be attached to the title of the private property. Alternatively, the creation of a fire easement for the protection of adjoining developments may be appropriate in limited situations where it can be demonstrated that the ongoing management measures are straight forward and do not require~~d~~ detailed management prescriptions.
5. HMAs on Council land will only be established following the issue of a building permit and the commencement of building works but prior to the issue of a certificate of occupancy.
6. Payment of the cost associated with the establishment and ongoing maintenance of HMAs on Council owned land will be the responsibility of the private property owner for the first five years.
7. Ongoing vegetation management work associated with the maintenance of HMAs on Council land will be supervised and/or carried out by Council employees in accordance with a formal agreement with Council, with all costs to be borne by the private property owner for the first five years.
8. Only where an applicant can demonstrate there are exceptional circumstances will Council consider a request that does not meet all the requirements (1 to 4 above). Exceptional circumstances may apply to developments with an existing title, in a location which is zoned residential and where the natural constraints of the land mean that it is not possible to build anywhere else on the subject lot.

In such cases it is the responsibility of the applicant to provide supporting evidence to substantiate their request which must then be reported to and approved by the Council.

Additional Information:

- a) Applicants for new developments are advised to seek advice on the requirements for Hazard

Management Areas through the Bushfire Hazard Management Plan process *prior* to having concept plans drawn up for new buildings.

- (b) If the Bushfire Hazard Management Plan process indicates that it may be necessary to incorporate Council owned or managed land in the creation of a Hazard Management Area it is important to discuss this with Council before a final concept plan is written for the development site.
- b) Permission to establish a HMA on Council land may require a lease/licence agreement between Council and the property owner, a permit under the relevant by-law and/or a legal agreement on the title such as a Part 5 Agreement or Fire Easement.
- c) The applicant is responsible for gaining all necessary statutory approvals, including all required documentation and associated costs (i.e., planning, legal, environmental and building).
- d) A template titled 'Request for Bushfire Hazard Management Area on Council Land' is available to guide applications.

Standard for vegetation management for establishment of HMAs

Where approval is granted for a HMA to be established on Council owned or managed land, vegetation management for the HMA must be established and maintained in accordance with a Bushfire Hazard Management Plan endorsed by a Tasmania Fire Service accredited person (in the case of a new development) or otherwise follow recommendations to maintain fuel in a 'low condition' – as per TFS Guidelines (Building for Bushfire – Hazard Management Areas, 2016).

http://www.fire.tas.gov.au/userfiles/alanar/file/Nov%202019/190341%20TFS%20Building%20for%20Bushfire_Hazard%20Management%20Area_5%20July.pdf

The extent of vegetation clearance/disturbance for a HMA is to be not more than the minimum necessary for adequate protection from bushfire.

UPDATED POLICY FOR APPROVAL



Establishment of Bushfire Hazard Management Areas on Council Land Policy

Policy No:	4.13
Approved by Council:	February 2026
New Review Date:	February 2031
Minute No:	TBA
ECM File No:	12.57
Version:	3.0
Responsible Officer:	Manager Environmental Services
Strategic Plan Reference:	3.3 The community and Council are prepared for, and resilient to, emergency events.

1. POLICY STATEMENTS

- 1.1 The purpose of this policy is to state Council's position on the creation of new Hazard Management Areas (HMAs) on Council land for adjacent residential development and provide a framework for managing these areas.
- 1.2 Council recognises that HMAs provide a degree of protection for people in a dwelling from the potentially life-threatening consequences of radiant heat by providing separation from unmanaged vegetation.
- 1.3 Council is committed to maintaining a balance between managing bushfire risk to residential dwellings, managing additional liability and the protection of values in its bushland reserves from the impact of new HMAs.

2. DEFINITIONS

- 2.1 **Accredited Bushfire Hazard Practitioners** means a Bushfire Hazard Practitioner accredited under Part IVA of the Fire Services Act 1979.
- 2.2 **AS 3959:2018** means the Australian Standard for Construction of Buildings in Bushfire Prone Areas.
- 2.3 **Bushfire Hazard Management Area (HMA)** is defined in the Bushfire Prone Areas Code under the *Land Use Planning and Approvals Act 1993*. It is the area between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for firefighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.

The Bushfire-Prone Areas Code (within the current applicable planning scheme) requires HMAs to be established and maintained between the bushfire prone vegetation and the building at a distance equal to, or greater than the separation distance specified for the Bushfire Attack Levels (BAL) in AS 3959 – 2018.
- 2.4 **Bushfire Attack Level (BAL)** is a numerical value which relates to heat exposure levels (the severity of radiant heat) that a site may experience during a bushfire. BAL are derived from AS3959-2018. Developments that are closer to bushfire-prone vegetation will be assessed as having a higher Bushfire Attack Level (BAL) and as a result, more rigorous building construction standards will be required.
- 2.5 **BAL 29** means a Bushfire Attack Level specification, as defined in AS3959:2009 Section 2.
- 2.6 **Bushfire Prone Area** is defined as:
 - 2.6.1 land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or
 - 2.6.2 where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 ha.
- 2.7 **Bushfire Hazard Management Plan** means a plan drawn up using AS3959:2018 that describes the architectural and land management requirements for a development to achieve an acceptable level of bushfire risk management. Bushfire Hazard Management Plans are drawn up by practitioners accredited by Tasmania Fire Service in the use of AS3959:2018.
- 2.8 **Council Land** is land owned and/or managed by Kingborough Council.

3. OBJECTIVE

- 3.1 To avoid reliance on Council land as a HMA for adjacent development except in exceptional circumstances.
- 3.2 To ensure that new bushfire HMAs for the benefit of residential dwellings are only established on Council land where, without such areas, existing vacant lots would be unable to be developed for a residential dwelling.

- 3.3 Where the creation of new HMAs on Council land cannot be avoided, to minimise the extent to which Council land shall be relied upon to accommodate HMAs.
- 3.4 Provide a clear process and criteria for the assessment of requests to establish new HMAs on Council land for residential dwellings.

4. SCOPE

- 4.1 This policy applies to all requests for HMAs on Council land associated with new and existing uses and developments and includes:
 - 4.1.1 Applications assessed under the current applicable planning scheme declared under the *Land Use Planning and Approvals Act 1993* and applicable to the Kingborough Municipal area.
 - 4.1.2 New building work on land classified as being bushfire prone under the provisions of the *Building Act 2016* and/or the Director of Building Control determination.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Applications for new HMAs will be assessed against a set of criteria contained in the Council document: '**Criteria for assessing requests to establish a Bushfire Hazard Management Areas on Council land**'. A request form titled 'Request for Bushfire Hazard Management Area on Council Land' is available.

6. GUIDELINES

- 6.1 Where HMA requirements cannot be met within the private land being developed, an alternate bushfire protection design as a Deemed-to-Satisfy solution that meets the requirements of the National Construction Code to achieve an acceptable level of bushfire risk management for construction of a building to **BAL 29** standard must be developed.
- 6.2 The maximum extent of the bushfire hazard management areas on Council land will be the minimum necessary to provide a buffer appropriate for a habitable building constructed to BAL-29 under AS3959:2009.
- 6.3 A development application proposing an HMA on Council land will require the consent of the Chief Executive Officer.
- 6.4 In assessing the request for a new HMA, Council will consider the need to balance the management of the threat of bushfires to human life and assets with the need to protect the ecological, cultural, and recreational values of its reserves.
- 6.5 Consent of the Chief Executive Officer to create an HMA on council land will not be provided (other than in exceptional circumstances) for developments other than a new single habitable building on an undeveloped title created prior to 2015.
- 6.6 Applicants requesting use of Council land are required to demonstrate that they have minimised the area required for the HMA by:
 - 6.6.1 considering alternate design and construction options.
 - 6.6.2 proposing to establish and maintain the largest possible portion of the Hazard Management Area within the property that is the subject of the request.
 - 6.6.3 using a bushfire protection design as a Deemed-to-Satisfy Solution that meets the requirements of the National Construction Code to achieve an acceptable level of bushfire risk management for construction of a building to BAL 29 standard.
- 6.7 Where the creation of a HMA on Council land cannot be avoided, each request will be considered on its own merits with regard to:
 - 6.7.1 the natural, social and cultural values (including recreational and visual amenity values) of the land;

- 6.7.2 the relevant reserve management plans and/or strategy documents, and
- 6.7.3 resources required to establish and maintain the HMA (accessibility of site, vegetation type etc.).
- 6.8 The initial establishment of the HMA will be implemented by Council at full cost to the landowner.
- 6.9 The annual ongoing cost of maintenance will be borne by the landowner for the first five years, after which time Council will assume ongoing responsibility for maintenance and the associated costs.
- 6.10 The HMA must be established after a building permit is issued and before a certificate of occupancy.

7. COMMUNICATION

- 7.1 The policy and the associated criteria for assessing requests for a new HMA are publicly accessible via Council's website.

8. LEGISLATION

- 8.1 The following legislative requirements should be considered in conjunction with this policy:
 - 8.1.1 *Building Act 2016 and Building Regulations 2016*.
 - 8.1.2 *Land Use Planning and Approvals Act 1993*.
 - 8.1.3 *Fire Service Act 1979*.
 - 8.1.4 *Local Government (Building and Miscellaneous Provisions) Act 1993*.
 - 8.1.5 *Parks, Recreation and Natural Areas By-law No. 3 of 2021*.

9. RELATED DOCUMENTS

- 9.1 Criteria for assessing requests to establish a Bushfire Hazard Management Area on Council land:
 - 9.1.1 National Construction Code of Australia 2022.
 - 9.1.2 *AS3959:2018 Australian Standard for Construction of Buildings in Bushfire-Prone Areas*.
 - 9.1.3 Planning Directive No. 5.1 Bushfire – Prone Areas Code.

10. AUDIENCE

- 10.1 Council employees and Councillors.
- 10.2 Developers and landowners
- 10.3 Accredited Bushfire Hazard Practitioners, building surveyors, and planning consultants.

CRITERIA FOR ASSESSING REQUESTS TO ESTABLISH BUSHFIRE HAZARD MANAGEMENT AREAS ON COUNCIL LAND

To be used in conjunction with the Establishment of Bushfire Hazard Management Areas on Council Land Policy 4.13

To allow Council to assess your application for an HMA to be created on Council land, a response to criteria 3a,b, c and 4 must be submitted.

The following details outline how Council will manage requests to establish HMAs on Council land:

1. A development proposing works on Council land should not be prepared or submitted without first achieving Council consent.
2. Council will ensure that the Bushfire Attack Level and the HMA proposed are in proportion with the natural constraints of the land (such as topography).
3. Where the creation of an HMA on Council land cannot be avoided, the inclusion of any Council land in a HMA is conditional upon:
 - a) The HMA being required for the development of a new building, or an extension to an existing building, for a lot existing prior to 1 July 2015. Bushfire HMAs required for new subdivisions or for alterations or additions to an existing building lodged after this date will not be provided on Council land. Developments for titles created after 1 July 2015 must rely upon Performance Solutions alone to provide bushfire protection to a building.
 - b) The siting and building design of the proposed building shall be such that all practical attempts will be made to minimise the extent of any vegetation clearing on Council land.
 - c) The maximum extent of the HMA on Council land will be the minimum necessary to provide a buffer appropriate for protection of a building constructed to BAL 29 under AS3959:2018 unless exceptional circumstances (as described in point 8 below) can be established.
4. The initial establishment of a HMA on Council land will be implemented by Council as per an agreed plan, with all costs to be borne by the private property owner. Authority to establish and maintain HMAs on Council land will be detailed in a Part 5 Agreement which will be attached to the title of the private property. Alternatively, the creation of a fire easement for the protection of adjoining developments may be appropriate in limited situations where it can be demonstrated that the ongoing management measures are straight forward and do not require detailed management prescriptions.
5. HMAs on Council land will only be established following the issue of a building permit and the commencement of building works but prior to the issue of a certificate of occupancy.
6. Payment of the cost associated with the establishment and ongoing maintenance of HMAs on Council owned land will be the responsibility of the private property owner for the first five years.
7. Ongoing vegetation management work associated with the maintenance of HMAs on Council land will be supervised and/or carried out by Council employees in accordance with a formal agreement with Council, with all costs to be borne by the private property owner for the first five years.
8. Only where an applicant can demonstrate there are exceptional circumstances will Council consider a request that does not meet all the requirements (1 to 4 above). Exceptional circumstances may apply to developments with an existing title, in a location which is zoned residential and where the natural constraints of the land mean that it is not possible to build anywhere else on the subject lot.

In such cases it is the responsibility of the applicant to provide supporting evidence to substantiate their request which must then be reported to and approved by the Council.

Additional Information:

- a) Applicants for new developments are advised to seek advice on the requirements for Hazard Management Areas through the Bushfire Hazard Management Plan process *prior* to having concept plans drawn up for new buildings.

If the Bushfire Hazard Management Plan process indicates that it may be necessary to incorporate Council owned or managed land in the creation of a Hazard Management Area, it is important to discuss this with Council before a final concept plan is written for the development site.

- b) Permission to establish a HMA on Council land may require a lease/license agreement between Council and the property owner, a permit under the relevant by-law and/or a legal agreement on the title such as a Part 5 Agreement or Fire Easement.
- c) The applicant is responsible for gaining all necessary statutory approvals, including all required documentation and associated costs (i.e., planning, legal, environmental and building).
- d) A template titled 'Request for Bushfire Hazard Management Area on Council Land' is available to guide applications.

Standard for vegetation management for establishment of HMAs

Where approval is granted for a HMA to be established on Council land, vegetation management for the HMA must be established and maintained in accordance with a Bushfire Hazard Management Plan endorsed by a Tasmania Fire Service accredited person (in the case of a new development) or otherwise follow recommendations to maintain fuel in a 'low condition' – as per TFS Guidelines (Building for Bushfire – Hazard Management Areas, 2016).

http://www.fire.tas.gov.au/userfiles/alanar/file/Nov%202019/190341%20TFS%20Building%20for%20Bushfire%20Hazard%20Management%20Area_5%20July.pdf

The extent of vegetation clearance/disturbance for a HMA is to be not more than the minimum necessary for adequate protection from bushfire.

15.9 KINGBOROUGH WASTE SERVICES - DIRECTOR REMUNERATION

File Number: 45.3

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

Authoriser: Deleaze Chetcuti, Acting Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 5. Doing the essentials efficiently and effectively so we can build for the future.

Strategic Outcome: 5.4 Statutory and governance functions which are delivered to a high standard.

1. PURPOSE

1.1 The purpose of this report is to consider remuneration for the Board of Kingborough Waste Services Pty Ltd (KWS).

2. BACKGROUND

2.1 In 2011 Council appointed an independent Board to manage the operations of KWS.

2.2 The remuneration for the independent Directors is set by Council. This is in accordance with clause 22.5 of the Constitution which states that the company may, by majority resolution of the shareholder(s), remunerate independent directors.

3. STATUTORY REQUIREMENTS

3.1 There are no relevant statutory issues.

4. DISCUSSION

4.1 KWS has two independent directors, one of whom is Chair of the Board.

4.2 The existing level of remuneration for the independent directors was last reviewed by Council in January 2020, when it was increased to \$10,000 for the Chairperson and \$8,000 for the other independent director.

4.3 These fees have not been subject to any increase or indexation since this date.

4.4 Based on a figure of 3.6% for the average rate of inflation over the past six years, it is recommended that directors fees be increased to \$12,500 for the Chairperson and \$10,000 for the other independent director.

4.5 These fees are considered to be appropriate for a director of KWS, taking into account the workload and complexity of the role.

5. FINANCE

5.1 The existing KWS budget accommodates all Board expenses. The proposed increase in remuneration for the independent Directors will result in an increase of \$4,500.

6. ENVIRONMENT

6.1 There are no specific environmental issues to be considered.

7. COMMUNICATION AND CONSULTATION

7.1 Council's decision will be communicated to the KWS Board.

8. RISK

8.1 No risks are identified in increasing the level of remuneration for the independent board members of KWS.

8.2 Failure to provide appropriate remuneration will potentially result in a loss of board members and an inability to attract candidates with appropriate skills and experience.

9. CONCLUSION

9.1 Having remained static for the past six years, it is appropriate that Council increase the remuneration provided to the two independent board members for KWS.

10. RECOMMENDATION

That Council approves an increase to the remuneration for the Chairperson of the Board of Kingborough Waste Services Pty Ltd to \$12,500 and an increase for the other Independent Director to \$10,000.

ATTACHMENTS

Nil

15.10 FINANCIAL REPORT - JANUARY 2026**File Number:** 10.47**Author:** Laura Eaton, Assistant Finance Manager**Authoriser:** David Spinks, Director People & Finance**Strategic Plan Reference**

Key Priority Area: 5. Doing the essentials efficiently and effectively so we can build for the future.

Strategic Outcome: 5.4 Statutory and governance functions which are delivered to a high standard.

1. PURPOSE

1.1 To provide the January 2026 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.

3. STATUTORY REQUIREMENTS

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

4. DISCUSSION**4.1 Operating Revenue and Expenditure**

The summary Operating statement contains several variances to original budget. Both revenue and expenditure are favourable to budget for the YTD Jan 2026.

The following are the major variances and explanations:

REVENUE

- Total Income is \$1.23M over budget.
- Rates income is \$76,000 under budget due to delays in receiving supplementary rates assessments from Office of the Valuer-General. It is anticipated these assessments will be received before the end of financial year.
- Statutory Fees & Fines are \$312,592 over budget YTD, mainly driven by an increase in planning application fees of \$295,000. A FY26 forecast revision of \$280,00 has been made to this line.
- User Fees are \$191,000 better than budget with the main driver being Kingborough Sports Centre (KSC) \$158,000. A KSC full year forecast adjustment of \$150,000 has been made.
- Grants Recurrent \$563,468 in excess of budget YTD due to the receipt of unbudgeted and rollover grants as reported in prior months, in addition to funds incoming from the State Government in relation to cost recovery for project management and

associated costs of the AFL High Performance centre. Forecast revisions have been made to account for this income (as well in expenses below).

- Other Income \$134,000 favourable. Positive variances include interest on overdue rates \$17,000, private works \$21,000, community events \$11,000 and \$55,000 from the container refund scheme (waste). Forecast revisions totalling \$118,000 have been made to account for interest on overdue rates and the container refund scheme.
- Interest income is favourable to budget by \$159,705 at months end due to increase in investments. A revision of \$160,000 has been made to the forecast.

EXPENDITURE

Overall there continues to be an underspend to Budget by \$401,000 YTD, however FY26 forecast is \$744,000 over budget, mostly driven by the costs related to the additional/rolled over grants revenue mentioned above, and also increased use of consultants across the organisation.

- Employment costs are under budget by \$462,000 due to multiple vacancies across the organisation, partially offset by some increases in consulting and labour hire.
- Materials and Services are \$95,000 over budget. The use of un-budgeted consultants in the planning and engineering departments but is offset by savings in employee costs. There has previously been a \$360,000 forecast adjustment to Material and Services to account for additional grants received (as per revenue discussed above). A further adjustment of \$313,000 has been made to account for consultant costs.

4.2 Council's cash position at the end of January amounted to \$17.203M, offset by \$13.922M in borrowings with a net position of \$3.28M.

4.3 The year to date detailed Capital expenditure report against Budget is attached. These budgets have been updated to reflect the revised detailed breakdown of the FY26 capital works budget as presented to Council at the 1 December 2025 meeting.

5. FINANCE

5.1 The year to date underlying result is \$1.986M favourable to budget at the end of January, however this is influenced by a number of timing variances, this will not translate into a full FY26 variance.

5.2 Notwithstanding this, net forecast revisions of favourable \$743,184 have been made to the forecast FY26 result.

5.3 Thus the full year budgeted underlying loss of \$2.524M, is forecast to be \$1.781M (last month \$2.104M).

6. ENVIRONMENT

6.1 There are no direct environmental issues associate with this report.

7. COMMUNICATION AND CONSULTATION

7.1 The financial results for January 2026 are attached to this report.

8. CONCLUSION

8.1 The budgeted underlying deficit of \$2.424M is now forecast at \$1.781M.

9. RECOMMENDATION

That Council endorses the attached Financial Report as at 31 January 2026.

ATTACHMENTS

1. **Financial Report - January 2026**
2. **Capital Report - January 2026**

Public Copy

Kingborough

FINANCIAL REPORT

FOR THE PERIOD

1ST JULY, 2025

TO

31ST JANUARY, 2026

SUBMITTED TO COUNCIL

16TH FEBRUARY, 2026

KINGBOROUGH COUNCIL - January 2026

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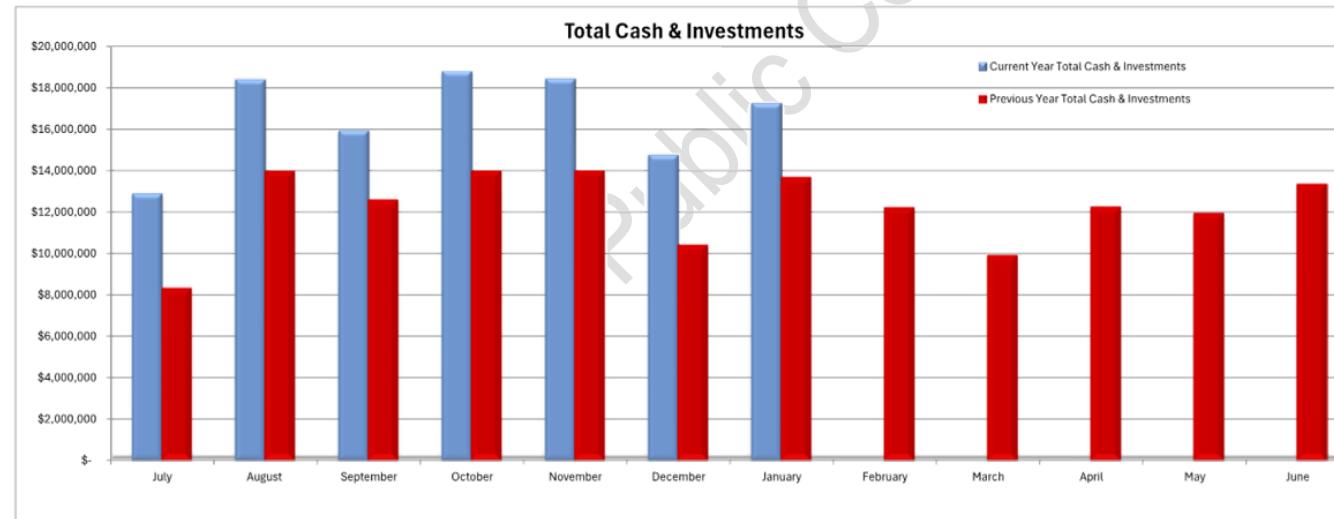
Public Copy

KINGBOROUGH COUNCIL - January 2026

CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 6,098,571	\$ 6,106,269	\$ 7,151,939	\$ 7,162,203	\$ 7,160,358	\$ 7,178,791	\$ 7,187,394	\$ -	\$ -	\$ -	\$ -	\$ -
Held in Trust	\$ 1,875,177	\$ 1,875,177	\$ 1,839,670	\$ 1,820,170	\$ 1,920,170	\$ 1,920,170	\$ 1,974,895					
Unexpended Capital Works*	\$ 1,101,378	\$ 1,835,630	\$ 1,875,584	TBA	TBA	\$ 3,926,843	\$ 4,835,977					
Current Year Total Committed Cash	\$ 9,075,126	\$ 9,817,076	\$ 10,867,193	\$ 9,982,373	\$ 9,080,528	\$ 13,025,804	\$ 13,998,267	\$ -				
Previous Year Total Committed Cash	\$ 6,343,173	\$ 7,734,433	\$ 8,368,823	\$ 8,941,184	\$ 9,199,835	\$ 9,515,684	\$ 11,220,222	\$ 13,719,395	\$ 14,682,747	\$ 15,823,077	\$ 16,954,631	\$ 18,784,766
Uncommitted Funds	\$ 3,770,241	\$ 8,539,189	\$ 5,018,399	\$ 9,773,247	\$ 9,306,953	\$ 1,685,816	\$ 3,204,883	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash	\$ 12,845,367	\$ 18,356,265	\$ 15,885,592	\$ 18,755,619	\$ 18,387,481	\$ 14,711,620	\$ 17,203,150	\$ -				
Previous Year Total Cash	\$ 8,277,781	\$ 13,944,576	\$ 12,546,242	\$ 13,959,674	\$ 13,967,891	\$ 10,363,898	\$ 13,640,312	\$ 12,172,242	\$ 9,869,835	\$ 12,205,764	\$ 11,903,341	\$ 13,304,652

*Unexpended Capital Works excludes Kingston Park expenditure



KINGBOROUGH COUNCIL - January 2026

CASH, INVESTMENTS & BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June	
CBA - Overdraft Account	3.70%	Ongoing	\$ 952,664	\$ 5,492,681	\$ 4,168,410	\$ 7,481,093	\$ 7,203,027	\$ 3,476,826	\$ 7,501,547						
CBA - Applications Account	3.70%	Ongoing	\$ 425,866	\$ 678,319	\$ 135,869	\$ 47,284	\$ 5,936	\$ 24,267	\$ 229,328						
CBA - AR Account	3.70%	Ongoing	\$ 433,497	\$ 1,114,908	\$ 445,453	\$ 72,190	\$ 4,835	\$ 17,532	\$ 259,909						
CBA - Business Online Saver	3.60%	Ongoing	\$ 7,427,622	\$ 7,453,016	\$ -	\$ -	\$ -	\$ -	\$ -						
Total Cash			\$ 9,239,650	\$ 14,738,924	\$ 4,749,733	\$ 7,600,567	\$ 7,213,798	\$ 3,518,625	\$ 7,990,784	\$ -	\$ -	\$ -	\$ -	\$ -	
INVESTMENTS															
CBA Cash Deposit Account	4.09%	03-Feb-26						\$ 1,000,000	\$ 1,000,000						
Mystate 4 TD	4.00%	02-Jan-26			\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000							
Westpac 2 TD	4.13%	03-Mar-26			\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000							
Westpac 3 TD	4.06%	01-Dec-25			\$ 1,000,000	\$ 1,000,000	\$ 1,000,000								
Tascorp HT - At Call	3.60%	Managed Trust	\$ 1,227,989	\$ 1,231,844	\$ 2,739,928	\$ 2,748,305	\$ 2,756,437	\$ 2,764,865	\$ 2,773,319						
Tascorp CG - 45 Day Wdl term on funds	3.75%	Managed Trust	\$ 2,377,729	\$ 2,385,497	\$ 3,395,932	\$ 3,406,748	\$ 3,417,246	\$ 3,428,129	\$ 3,439,047						
Total Investments			\$ 3,605,718	\$ 3,617,342	\$ 11,135,860	\$ 11,155,053	\$ 11,173,683	\$ 11,192,994	\$ 9,212,365	\$ -	\$ -	\$ -	\$ -	\$ -	
Current Year Total Cash & Investments			\$ 12,845,367	\$ 18,356,265	\$ 15,885,592	\$ 18,755,619	\$ 18,387,481	\$ 14,711,620	\$ 17,203,150	\$ -	\$ -	\$ -	\$ -	\$ -	
Previous Year Cash & Investments			\$ 8,277,781	\$ 13,944,576	\$ 12,546,242	\$ 13,959,674	\$ 13,967,891	\$ 10,363,898	\$ 13,640,312	\$ 12,172,242	\$ 9,869,835	\$ 12,205,764	\$ 11,903,341	\$ 13,304,652	
Borrowings															
Tascorp	4.88%	27-Jun-27	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000							
Tascorp	5.25%	21-Jan-27	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000							
Tascorp	4.70%	19-Feb-26	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500	\$9,422,500							
			\$ 13,922,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						

KINGBOROUGH COUNCIL - January 2026

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	\$ 56,512	\$ 56,512	\$ 56,512	\$ 66,776	\$ 66,776	\$ 66,776	\$ 66,776					
Infrastructure Replacement Reserve	\$ 2,000,000	\$ 2,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000					
Hall Equipment Replacement	\$ 76,300	\$ 76,300	\$ 76,300	\$ 76,300	\$ 76,300	\$ 76,300	\$ 76,300					
IT Equipment Replacement	\$ 330,823	\$ 330,823	\$ 330,823	\$ 330,823	\$ 330,823	\$ 330,823	\$ 330,823					
KSC Equipment Replacement	\$ 120,686	\$ 120,686	\$ 120,686	\$ 120,686	\$ 120,686	\$ 120,686	\$ 120,686					
KWS Replacement Reserve	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000					
Office Equipment Replacement	\$ 71,969	\$ 71,969	\$ 71,969	\$ 71,969	\$ 71,969	\$ 71,969	\$ 71,969					
Plant & Equipment Replacement	\$ 1,903,207	\$ 1,903,207	\$ 1,903,207	\$ 1,903,207	\$ 1,903,207	\$ 1,903,207	\$ 1,903,207					
Public Open Space Reserve	\$ 311,956	\$ 311,956	\$ 355,106	\$ 355,106	\$ 355,106	\$ 371,606	\$ 378,106					
Kingborough Environmental Reserve	\$ 716,386	\$ 724,084	\$ 726,604	\$ 726,604	\$ 724,759	\$ 726,692	\$ 728,795					
Current Year Total Reserve	\$ 6,098,571	\$ 6,106,269	\$ 7,151,939	\$ 7,162,203	\$ 7,160,358	\$ 7,178,791	\$ 7,187,394	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Reserve	\$ 3,213,968	\$ 3,214,557	\$ 3,250,054	\$ 3,265,371	\$ 3,275,427	\$ 3,257,630	\$ 3,340,947	\$ 4,362,437	\$ 4,336,388	\$ 4,368,138	\$ 4,346,819	\$ 6,088,548

KINGBOROUGH COUNCIL - January 2026 YTD

PUBLIC OPEN SPACE FUNDS

Opening Balance 01/01/2026	\$ 371,606
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Add Contributions Received

Date	Details
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29/01/2026	Contribution: DAS#2016-16 for 21 and 23 Dayspring Drive, Margate. Rec#2442264	\$ 6,500
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Closing Balance 31/01/2026	\$ 378,106
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Public Open Space Uncommitted Balance	\$ 378,106
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KINGBOROUGH COUNCIL - January 2026

FORECAST CHANGES TO BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
BUDGET UNDERLYING RESULT	(2,524,453)
Forecast Changes to full year FY26:	
Statutory Fees & Fines – Planning Application Fees associated with large developments including AFL High Performance Centre	280,000
User Fees - Increased Fitness Centre Memberships	150,000
Grants Recurrent - Adjustment for carried forward grant revenue, & AFL Master Plan Grant	649,338
Reimbursements - Adjusted inline with Remission expenses	130,000
Other Income - Adjustment for Container Refund Scheme, & Interest on Overdue Rates	118,000
Interest - higher interest received on investments	160,000
Employment	
Salary savings Governance & Business Services due to vacancies	493,700
Offset by AFL Salaries (Grant Funded), Planning & Reserves Salaries	(445,516)
Materials & Services	
Adjustment for Grant Expenditure	(369,338)
Planning Consulting	(161,000)
Planning Consulting LCZ	(152,000)
Other Expenses – Rates Remissions greater than expected	(110,000)
FORECAST UNDERLYING RESULT	(1,781,269)

The Underlying Surplus/(Deficit) is the measure which is accepted as the primary local government operating result measure. It removes capital income, and other one off or non-recurring items, to derive a result (surplus or deficit) which is considered more representative of ongoing or recurring operations and thus sustainability.

KINGBOROUGH COUNCIL - January 2026

Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	43,592,031	43,668,069	(76,038)	43,781,269	43,781,269	0
Income Levies	2,236,608	2,224,471	12,137	2,224,471	2,224,471	0
Statutory Fees & Fines	1,391,872	1,079,280	312,592	1,874,800	2,154,800	280,000
User Fees	1,321,852	1,130,920	190,932	1,930,900	2,080,900	150,000
Grants Recurrent	1,392,631	829,163	563,468	3,394,000	4,043,338	649,338
Contributions - Cash	99,176	134,190	(35,014)	230,000	230,000	0
Reimbursements	1,416,866	1,284,720	132,146	1,286,000	1,416,000	130,000
Other Income	426,529	291,740	134,789	540,950	658,950	118,000
Internal Charges Income	128,331	128,310	21	220,000	220,000	0
Total Income	52,005,896	50,770,863	1,235,033	55,482,390	56,809,728	1,327,338
Expenses						
Employee Costs	12,622,627	13,084,315	461,688	21,494,389	21,446,205	48,184
Expenses Levies	1,112,236	1,112,236	0	2,224,471	2,224,471	0
Loan Interest	369,654	390,810	21,156	670,000	670,000	0
Materials and Services	8,548,050	8,453,008	(95,042)	14,007,833	14,690,171	(682,338)
Other Expenses	3,789,360	3,803,078	13,718	4,884,749	4,994,749	(110,000)
Internal Charges Expense	128,331	128,310	(21)	220,000	220,000	0
Total Expenses	26,570,257	26,971,756	401,499	43,501,443	44,245,597	(744,154)
Net Operating Surplus/(Deficit) before:	25,435,639	23,799,107	1,636,532	11,980,947	12,564,131	583,184
Carrying Amount of Assets Retired	0	0	0	750,000	750,000	0
Depreciation	9,863,592	9,979,360	115,768	16,945,000	16,945,000	0
(Profit)/Loss on Disposal of Assets	(74,160)	0	74,160	(200,000)	(200,000)	0
Net Operating Surplus/(Deficit) before:	15,646,206	13,819,747	1,826,459	(5,514,053)	(4,930,869)	583,184
Interest	379,645	219,940	159,705	377,000	537,000	160,000
Dividends	677,600	677,600	0	1,601,600	1,601,600	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	200,000	200,000	0
Investment Capping	0	0	0	811,000	811,000	0
NET UNDERLYING SURPLUS/(DEFICIT)	16,703,452	14,717,287	1,986,165	(2,524,453)	(1,781,269)	743,184

NON UNDERLYING SURPLUS TRANSACTIONS

Grants Capital	2,130,467	2,900,633	(770,166)	2,900,633	2,900,633	0
Contributions - Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
NET SURPLUS/(DEFICIT)	18,833,919	17,617,920	1,215,999	1,376,180	2,119,364	743,184

KINGBOROUGH COUNCIL - January 2026

Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	35,040,940	35,111,196	(70,256)	35,224,396	35,224,396	0
Income Levies	2,236,608	2,224,471	12,137	2,224,471	2,224,471	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	61,483	61,460	23	105,400	105,400	0
Grants Recurrent	829,163	829,163	0	3,394,000	3,483,338	89,338
Contributions - Cash	76,414	87,500	(11,086)	150,000	150,000	0
Reimbursements	1,416,866	1,284,720	132,146	1,286,000	1,416,000	130,000
Other Income	78,188	60,560	17,628	121,000	139,000	18,000
Internal Charges Income	0	0	0	0	0	0
Total Income	39,739,663	39,659,070	80,593	42,505,267	42,742,605	237,338
Expenses						
Employee Costs	291,893	630,753	338,860	1,093,492	673,492	420,000
Expenses Levies	1,112,236	1,112,236	0	2,224,471	2,224,471	0
Loan Interest	0	0	0	0	0	0
Materials and Services	82,424	172,960	90,536	216,800	306,138	(89,338)
Other Expenses	2,124,078	2,159,234	35,156	2,619,005	2,749,005	(130,000)
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	3,687,045	4,075,183	388,138	6,153,768	5,953,106	(200,662)
Net Operating Surplus/(Deficit) before:	36,052,618	35,583,888	468,730	36,351,499	36,789,499	438,000
Carrying Amount of Assets Retired	0	0	0	550,000	550,000	0
Depreciation	700	560	(140)	1,000	1,000	0
Loss/(Profit) on Disposal of Assets	(74,160)	0	74,160	0	0	0
Net Operating Surplus/(Deficit) before:	36,126,078	35,583,328	542,750	35,800,499	36,238,499	438,000
Interest	0	0	0	0	0	0
Dividends	677,600	677,600	0	1,601,600	1,601,600	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	200,000	200,000	0
Investment Capping	0	0	0	811,000	811,000	0
NET OPERATING SURPLUS/(DEFICIT)	36,803,678	36,260,928	542,750	38,413,099	38,851,099	438,000
Grants Capital	2,130,467	2,900,633	(770,166)	2,900,633	2,900,633	0
Contributions - Capital	0	0	0	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)	38,934,145	39,161,561	(227,415)	42,313,732	42,751,732	438,000

KINGBOROUGH COUNCIL - January 2026

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	171,607	160,440	11,167	275,000	275,000	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	83,378	81,320	2,058	152,000	152,000	0
Internal Charges Income	87,500	87,500	0	150,000	150,000	0
Total Income	342,484	329,260	13,224	577,000	577,000	0
Expenses						
Employee Costs	1,692,020	1,821,902	129,882	3,135,746	3,062,046	73,700
Expenses Levies	0	0	0	0	0	0
Loan Interest	369,654	390,810	21,156	670,000	670,000	0
Materials and Services	973,088	824,415	(148,673)	1,277,664	1,277,664	0
Other Expenses	1,017,071	1,124,040	106,969	1,433,500	1,433,500	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	4,051,834	4,161,167	109,333	6,516,910	6,443,210	73,700
Net Operating Surplus/(Deficit) before:	(3,709,350)	(3,831,907)	122,557	(5,939,910)	(5,866,210)	73,700
Depreciation	77,900	101,890	23,990	173,000	173,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(3,787,250)	(3,933,797)	146,547	(6,112,910)	(6,039,210)	73,700
Interest	379,645	219,940	159,705	377,000	537,000	160,000
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Capping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(3,407,605)	(3,713,857)	306,252	(5,735,910)	(5,502,210)	233,700
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)	(3,407,605)	(3,713,857)	306,252	(5,735,910)	(5,502,210)	233,700

KINGBOROUGH COUNCIL - January 2026

Summary Operating Statement Governance & Property 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	257,103	250,200	6,903	453,500	453,500	0
User Fees	1,117,539	958,580	158,959	1,635,500	1,785,500	150,000
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	67,593	57,680	9,913	99,000	99,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	1,421,234	1,245,460	175,774	2,146,000	2,296,000	150,000
Expenses						
Employee Costs	2,626,720	2,686,110	59,390	4,611,274	4,611,274	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	1,030,119	1,131,220	101,101	1,839,256	1,839,256	0
Other Expenses	206,996	128,130	(78,866)	213,400	213,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	3,863,835	3,945,460	81,625	6,663,930	6,663,930	0
Net Operating Surplus/(Deficit) before:	(2,442,601)	(2,700,000)	257,399	(4,517,930)	(4,367,930)	150,000
Depreciation	1,078,106	1,037,840	(40,266)	1,762,000	1,762,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(3,520,707)	(3,737,840)	217,133	(6,279,930)	(6,129,930)	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 Capping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(3,520,707)	(3,737,840)	217,133	(6,279,930)	(6,129,930)	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)	(3,520,707)	(3,737,840)	217,133	(6,279,930)	(6,129,930)	150,000

KINGBOROUGH COUNCIL - January 2026

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	963,162	668,640	294,522	1,146,300	1,426,300	280,000
User Fees	65,955	54,320	11,635	93,000	93,000	0
Grants Recurrent	105,924	0	105,924	0	0	0
Contributions - Cash	22,762	46,690	(23,928)	80,000	80,000	0
Reimbursements	0	0	0	0	0	0
Other Income	37,980	25,900	12,080	58,300	58,300	0
Internal Charges Income	0	0	0	0	0	0
Total Income	1,195,784	795,550	400,234	1,377,600	1,657,600	280,000
Expenses						
Employee Costs	3,857,419	3,960,833	103,414	6,835,317	6,870,170	(34,853)
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	623,158	749,215	126,057	1,254,980	1,567,980	(313,000)
Other Expenses	231,975	183,900	(48,075)	302,400	302,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	4,735,314	4,893,948	158,634	8,392,697	8,740,550	(347,853)
Net Operating Surplus/(Deficit) before:	(3,539,530)	(4,098,398)	558,868	(7,015,097)	(7,082,950)	(67,853)
Depreciation	145,233	134,840	(10,393)	232,000	232,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(3,684,763)	(4,233,238)	548,475	(7,247,097)	(7,314,950)	(67,853)
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 Capping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(3,684,763)	(4,233,238)	548,475	(7,247,097)	(7,314,950)	(67,853)
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)	(3,684,763)	(4,233,238)	548,475	(7,247,097)	(7,314,950)	(67,853)

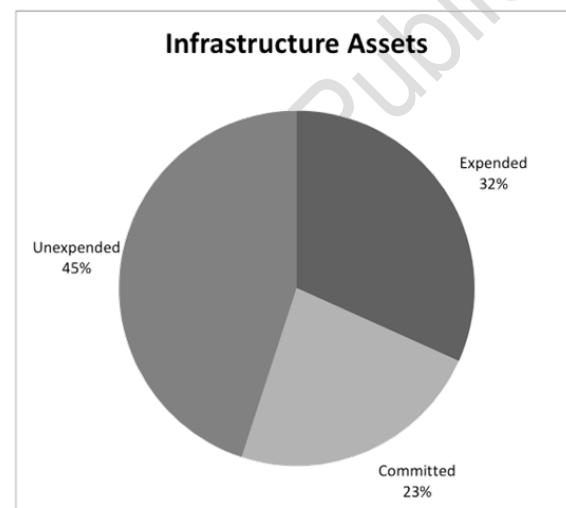
KINGBOROUGH COUNCIL - January 2026

Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	8,551,091	8,556,873	(5,782)	8,556,873	8,556,873	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	76,874	56,560	20,314	97,000	97,000	0
Grants Recurrent	457,544	0	457,544	0	560,000	560,000
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	159,390	66,280	93,110	110,650	210,650	100,000
Internal Charges Income	40,831	40,810	21	70,000	70,000	0
Total Income	9,306,731	8,741,523	565,208	8,876,523	9,536,523	660,000
Expenses						
Employee Costs	4,154,575	3,984,717	(169,858)	5,818,561	6,229,224	(410,663)
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	5,839,261	5,575,198	(264,063)	9,419,133	9,699,133	(280,000)
Other Expenses	209,238	207,774	(1,464)	316,444	336,444	(20,000)
Internal Charges Expense	128,331	128,310	(21)	220,000	220,000	0
Total Expenses	10,331,405	9,895,999	(435,406)	15,774,138	16,484,801	(710,663)
Net Operating Surplus/(Deficit) before:	(1,024,674)	(1,154,476)	129,801	(6,897,615)	(6,948,278)	(50,663)
Depreciation	8,561,653	8,704,230	142,577	14,777,000	14,777,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(9,586,328)	(9,858,706)	272,378	(21,674,615)	(21,725,278)	(50,663)
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 Capping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(9,586,328)	(9,858,706)	272,378	(21,674,615)	(21,725,278)	(50,663)
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)	(9,586,328)	(9,858,706)	272,378	(21,674,615)	(21,725,278)	(50,663)

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/01/2026

	Budget					Actual			Remaining
	Carry Forward	Annual Budget	Grants/ Council	IMG Adjustments	Total	Actual	Commitments	Total	
EXPENDITURE BY ASSET TYPE									
Roads	-	7,628,392	2,832,541	5,000	10,465,933	2,518,041	2,666,751	5,184,793	5,281,140
Stormwater	-	2,648,045	23,000	-	2,671,045	1,039,990	405,275	1,445,265	1,225,780
Property	282,026	3,857,823	290,000	169,188	4,599,037	1,571,240	1,097,768	2,669,008	1,930,029
Other	-	439,525	-	-	439,525	637,150	63,158	700,308	(260,783)
Sub total	282,026	14,573,785	3,145,541	174,188	18,175,540	5,766,421	4,232,952	9,999,373	8,176,167
Kingston Park	(2,000,535)	-	-	-	(2,000,535)	31,818	-	31,818	(2,032,353)
City Deal Funding	(1,816,378)	-	-	-	(1,816,378)	104,029	-	104,029	(1,920,406)
Summerleas Underpass	(284,508)	-	-	-	(284,508)	4,946	-	4,946	(289,454)
LCI 4	-	1,660,398	375,978	-	2,036,376	1,071,639	35,022	1,106,661	929,715
Grand Total	(3,819,395)	16,234,183	3,521,519	174,188	16,110,495	6,978,854	4,267,974	11,246,828	4,863,668



KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/01/2026

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	
1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE														
2	G10095	Total Grant \$939,947 - payable 2024/25 \$563,969 and 2025/26 \$375,978												-
3 No	C03775	KB & Osborne Esp Foreshore Rehab - footpath, pedestrian ramps, etc	New		1,547,929	375,978	-	-	1,923,907	971,627	35,022	1,006,649	917,258	
4 No	C03776	Kingston Beach LATM - Stage 2 Beach Rd	New		112,469		-	-	112,469	100,013	-	100,013	12,456	
5 No	C03777	KB & Osborne Esp Foreshore Rehab - Kerb extensions	New		-		-	-	-	-	-	-	-	
6														
7		TOTAL LOCAL ROADS AND COMMUNITY INFRASTRUCTURE			-	1,660,398	375,978	-	-	2,036,376	1,071,639	35,022	1,106,661	929,715
8														
9 PROPERTY AND RESERVES														
10 No	C03423	Kingston Beach Foreshore Rehabilitation	Reserves	Renewal										-
11 No	C03455	Alamo Close Play Space and Parkland Works (POS)	Property	Upgrade	156,936	-		-	156,936	806	-	806	156,130	
12 No	C03546	Civic Centre HVAC System Upgrade, Design & Install	Property	New		124,657		-	124,657	45,729	78,133	123,862	795	
13 No	C03314	Silverwater Park Upgrade	Property	Upgrade		334,501	115,000	-	449,501	338,232	154,762	492,994	(43,493)	
14 No	C03610	Mt Royal Park Upgrade (POS)	Property	Upgrade	53,898	-		-	53,898	57,783	-	57,783	(3,885)	
15 No	C03622	Barretta Transfer Station Vehicle Storage Shed	Property	New		300,000		-	300,000	38,474	139,705	178,179	121,821	
16 No	C03632	North West Bay River Trail - Stage 2	Reserves	New		134,407		-	134,407	141,560	196	141,756	(7,349)	
17 No	C03639	Kingston Wetlands Access Upgrade (POS)	Reserves	30% R / 70% U	71,192	-		-	71,192	-	-	-	71,192	
18 No	C03640	Sherburd Oval Cricket Net Replacement	Reserves	Renewal		95,975		-	48,558	144,533	61,171	68,769	129,941	
19 No	C03712	Silverwater Park Toilet Replacement	Property	Renewal		33,000		-	33,000	27,692	30,000	57,692	(24,692)	
20 No	C03713	KSC Main Stadium Fire Detection System Replacement	Property	Renewal		180,000		-	180,000	62,404	76,855	139,259	40,741	
21 No	C03719	Sherberd Park Clubrooms Upgrade	Property	New		454,701		-	454,701	15,757	1,295	17,052	437,649	
22 No	C03726	Works Depot Main Gate No 2 Replacement	Reserves	New		20,700		-	7,130	27,830	-	17,100	17,100	
23 No	C03729	Adventure Bay Cemetery Columbarium Wall	Reserves	Renewal		7,420		-	7,420	10,024	-	10,024	(2,604)	
24 No	C03780	Taroona Foreshore path Retaining Structure (vic Nubee	Reserves	Upgrade		50,000		-	50,000	-	-	-	50,000	
25 No	C03784	Kelvedon Park Ground Lighting	Reserves	Upgrade		230,592	15,000	-	245,592	192,623	41,908	234,531	11,061	
26 No	C03789	Dru Point Basketball Court	Reserves	New		150,000		-	150,000	2,292	139,840	142,132	7,868	
27 No	C03733	Alonnah Playground Renewal	Playgrounds	Renewal		35,743		-	35,743	34,280	-	34,280	1,463	
28 No	C03735	Dru Point Timber Play Ship	Playgrounds	Renewal		75,741		-	75,741	57,228	-	57,228	18,513	
29 No	C03769	Old Station Rd to Davies Rd Shared Path	Reserves	New		222,493		-	222,493	202,261	13,176	215,437	7,056	
30 Yes	C03783	Re-Ashphalting Dennes Point Tennis Court	Property	Renewal		50,000		-	50,000	52,460	-	52,460	(2,460)	
31 No	C03785	Margate Hall Disability Access Ramp	Property	New		28,649		-	25,500	54,149	2,649	-	2,649	
32 No	C03786	Blackmans Bay Hall Disability Toilet	Property	New		146,540		-	146,540	6,344	160	6,504	140,036	
33 No	C03787	Kettering Hall Disability Toilet	Property	New		148,480		-	148,480	4,750	130	4,880	143,600	
34 No	C03788	Kingston Beach Disability Toilet	Property	New		88,000		-	88,000	-	-	-	88,000	
35 No	C03790	Alonnah Hall Emergency Equipment (G10102)	Property	New		7,493		-	7,493	11,167	-	11,167	(3,674)	
36 No	C03791	Middleton Hall Emergency Equipment (G10103)	Property	New		5,231		-	5,231	7,867	-	7,867	(2,636)	
37 No	C25001	KSC Storage Area Concrete Floor Slab	Property	New		20,000		-	20,000	-	-	-	20,000	
38 No	C25002	Adventure Bay Community Hall Septic System Upgrade	Property	Upgrade		120,000		(40,000)	80,000	41,933	-	41,933	38,067	
39 No	C25003	Woodbridge Community Hall Toilet Demolition	Property	Renewal		90,000		-	90,000	34,625	-	34,625	55,375	
40 No	C25004	Kingston Hub Door Replacement	Property	Renewal		25,000		-	25,000	7,839	-	7,839	17,161	
41 No	C25005	Margate Oval Changeroom Upgrade - Design Only	Property	Upgrade		36,000		-	36,000	-	-	-	36,000	
42 No	C25007	Cottage Road Track Upgrade	Reserves	Upgrade		46,500		-	46,500	250	48,950	49,200	(2,700)	
43 No	C25008	Blackmans Bay Foreshore Shelter Replacement	Reserves	Renewal		103,000		-	103,000	-	-	-	103,000	
44 No	C25009	Tracks & Trails Signage Upgrades	Reserves	Upgrade		30,000		-	30,000	7,880	-	7,880	22,120	
45 No	C25010	Hollyhock Dr to Whitewater Creek Connector Track - De	Reserves	New		15,000		-	15,000	1,024	-	1,024	13,976	
46 No	C25011	Snug Foreshore Beach Access - Design Only	Reserves	New		20,000		-	20,000	8,531	10,682	19,213	787	
47 No	C25012	Blackmans Bay Community Hall Walkway Lighting	Reserves	New		36,000		-	36,000	15,687	-	15,687	20,313	
48 No	C25013	POS Picnic Table / Bench Seat Replacement	Reserves	Renewal		60,000		-	60,000	1,024	-	1,024	58,976	
49 No	C25014	Spring Farm Playground Shade Shelter (POS)	Reserves	New		20,000		-	20,000	905	20,900	21,805	(1,805)	
50 No	C25039	Longley Reserve Carpark Upgrade (POS)	Reserves	Upgrade		20,000		-	20,000	-	-	-	20,000	
51 No	C25040	Mills Reef Reserve Alonnah Rehabilitation	Reserves	Renewal		165,000		-	165,000	-	-	-	165,000	

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	
52	No	C03793	Electric Vehicle Charging Station (G10115)	Property	New	100,000		-	100,000	52,086	50,000	102,086	(2,086)	
53	No	C25044	Glensyn Unit Refurbishment	Property	New	-		68,000	68,000	21,674	40,252	61,926	6,074	
54	No	C25046	Lightwood Park Access Link (Carpark to NewPavilion	Property	New	67,000		-	67,000	4,231	-	4,231	62,769	
55	No	C25047	KSC Basketball Hoops & Winch Systems (Crt 3 & 4)	Property	New	-	120,000	60,000	180,000	-	164,954	164,954	15,046	
56														
57		TOTAL PROPERTY AND RESERVES				282,026	3,857,823	290,000	-	169,188	4,599,037	1,571,240	1,097,768	2,669,008
58														
59		IT												
60	No	C03130	Multi-function devices - CC, Depot, KSC etc	IT	Renewal	-		-	-	-	-	-	-	-
61	No	C00613	Purchase IT Equipment	IT	New	-		-	-	401,818	398	402,216	(402,216)	
62	No	C03794	AV system for Council Chambers	IT	Renewal	179,525		-	179,525	178,492	-	178,492	1,033	
63	No	C25036	Dynamics NAV implementation (finance system to Clou	IT	Upgrade	90,000		-	90,000	45,000	45,000	90,000	-	
64	No	C25037	Website transformation	IT	Upgrade	150,000		-	150,000	11,840	17,760	29,600	120,400	
65	No	C25038	Website booking system implementation	IT	New	20,000		-	20,000	-	-	-	20,000	
66														
67		TOTAL IT				-	439,525	-	-	439,525	637,150	63,158	700,308	(260,783)
68														
69		DESIGN/SURVEY FOR FUTURE WORKS												
70	Yes	C90003	Design/survey for future works	Design	Renewal	150,000		(5,000)	145,000	-	-	-	145,000	
71	No	C03537	Recreation Street Carpark Rehabilitation	Design	Renewal	-		-	-	-	-	-	-	
72	No	C03645	Belhaven Avenue (vic.2-16) Design	Design	Renewal	-		-	-	53,664	-	53,664	(53,664)	
73	No	C03642	Taroona Bowls & Tennis Club Carpark - Design	Reserves	Renewal	-		-	-	-	-	-	-	
74	No	C03571	Auburn Road Reconstruction	Roads	80% R / 20% U	-		-	-	87	-	87	(87)	
75														
76		TOTAL DESIGN/SURVEY FOR FUTURE WORKS				-	150,000	-	-	(5,000)	145,000	53,751	-	53,751
77														91,249

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CAPITAL EXPENDITURE TO 31/01/2026

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	
ROADS														
78	No	C03499	Wyburton Place and Clare Street Reconstruction	Roads	20% R / 80% U	-	571,752	-	-	571,752	9,788	5,938	15,726	556,026
79	No	C03508	Pelverata Road Slope Failure Repair	Roads	New	220,999	-	-	-	220,999	208,578	-	208,578	12,421
80	No	C03541	Browns River Pedestrian Bridge Replacement	Roads	Renewal	13,238	-	-	-	13,238	-	-	-	13,238
81	No	C03572	Browns Road Stg2 (vic1-19) Reconstruction	Roads	80% R / 20% U	1,736,953	296,301	-	-	2,033,254	11,176	1,639,511	1,650,687	382,567
82	No	C03574	Taroona Bike Lanes Upgrade	Roads	New	543,144	-	-	-	543,144	5,496	870	6,366	536,778
83	No	C03577	Kingston Beach Precinct LATM - Stage 1	Roads	Upgrade	266,246	-	-	-	266,246	156,866	45,722	202,588	63,658
84	No	C03644	Crescent Drive shared path	Roads	50% R / 50% N	3,832	-	-	-	3,832	1,985	-	1,985	1,847
85	No	C03342	Pelverata Road (vic 609) Rehabilitation	Roads	Upgrade	740,000	-	-	-	740,000	632,431	59,793	692,224	47,776
86	No	C03646	Margate Main Street Master Plan	Roads	80% R / 20% U	7,673	-	-	-	7,673	993	-	993	6,680
87	No	C03655	Maranoa Road - Denison Street Black Spot Project (Grar	Roads	Upgrade	-	120,000	-	-	120,000	35,223	-	35,223	84,777
88	No	C03664	Channel Hwy (Vic2216-2236) Snug Footpath	Footpaths	New	242,285	137,500	-	-	379,785	288,464	11,800	300,264	79,521
89	No	C03665	Channel Hwy (vic157-197) Kingston Footpath	Footpaths	New	10,000	-	-	-	10,000	-	-	-	10,000
90	No	C03672	North West Bay Bridge Replacement - Design Only	Bridges	Renewal	14,360	-	-	-	14,360	-	-	-	14,360
91	No	C03737	Stewart Crescent Reconstruction	Roads	60% R / 40% N	18,157	-	-	-	18,157	33,999	7,750	41,749	(23,592)
92	No	C03738	Wells Parade (Illawarra-Suncoast) Reconstruction	Roads	Renewal	11,240	-	-	-	11,240	14,631	-	14,631	(3,391)
93	No	C03591	Davies Road Rehabilitation	Roads	Renewal	599,577	-	-	-	599,577	340,420	155,320	495,740	103,837
94	No	C03706	Simpson Bay Boat Ramp	Design	New	95,400	-	-	-	95,400	3,000	83,560	86,560	8,840
95	No	C03739	Snug Tiers Road (vic166) Bridge Approach Sealing	Roads	Renewal	23,000	-	-	-	23,000	24,653	-	24,653	(1,653)
96	No	C03740	Rowleys Road (vic21) Bridge Approach Sealing	Roads	Upgrade	20,500	-	-	-	20,500	24,978	-	24,978	(4,478)
97	No	C03741	Church St/Beach Rd Junction Signalisation	Roads	Upgrade	249,627	500,000	-	-	749,627	630	-	630	748,997
98	No	C03758	Algonoa Road Shared Path feasibility Study	Roads	New	51,510	-	-	-	51,510	-	-	-	51,510
99	No	C03773	Whitewater Creek Path (KFC-Underpass) Upgrade	Roads	New	264,743	-	-	-	264,743	241,809	14,051	255,860	8,883
100	No	C03761	Barretta Re-Use Yard Upgrade	Roads	Upgrade	218,799	-	-	-	218,799	-	-	-	218,799
101	No	C03774	Sandfly Road Sealed Shoulders	Roads	Upgrade	78,394	400,000	-	-	478,394	6,642	361,665	368,307	110,087
102	No	C25016	Tyndall Road (Christopher Johnson Pk) Slip Failure	Roads	New	90,000	-	-	-	90,000	7,966	19,332	27,298	62,702
103	No	C25022	Burwood Drive (vic69-130) Footpath - Design Only	Roads	New	25,000	-	-	-	25,000	7,321	-	7,321	17,679
104	No	C25023	Esplanade (vic2-4) Snug Footpath	Roads	New	96,000	-	-	-	96,000	18,654	-	18,654	77,346
105	No	C25024	Sirius Dr to Park & Ride Footpath - Design Only	Roads	New	25,000	-	-	-	25,000	920	-	920	24,080
106	No	C25025	Hutchins Street (vic8-10) Footpath Upgrade	Roads	Upgrade	165,500	-	-	-	165,500	4,768	-	4,768	160,732
107	No	C25026	Tinderbox Jetty Dive Platform	Roads	New	40,000	-	-	-	40,000	663	-	663	39,337
108	No	C03795	Barnes Bay Jetty Light and Safety Ladder	Roads	80% R / 20% N	-	10,441	-	-	10,441	10,963	-	10,963	(522)
109	Yes	C90006	Access ramps	Roads	New	-	-	-	-	-	-	-	-	-
110	No	C03736	Redwood Road/Lewan Avenue Access Ramps	Roads	New	13,321	-	-	-	13,321	9,574	720	10,295	3,026
111	No	C25015	Dollery Dr / Jantina Pl / Corina Pl Access Ramps	Roads	New	24,000	-	-	-	24,000	200	-	200	23,800
112	Yes	C90002	2025/26 Resheeting Program	Roads	Renewal	-	-	-	-	-	-	-	-	-
113	No	C25018	Summerleas Rd (vic429-799) Resheet	Roads	Renewal	326,000	-	-	-	326,000	-	58,000	58,000	268,000
114	No	C25019	Betts Road (vic20-126) Resheet	Roads	Renewal	106,000	-	-	-	106,000	7,203	24,190	31,393	74,607
115	No	C25020	Talbots Road (vic9-147) Resheet	Roads	Renewal	139,000	-	-	-	139,000	-	26,100	26,100	112,900
116	No	C25021	Resolution Road Resheet	Roads	Renewal	234,000	-	-	-	234,000	50,726	132,664	183,390	50,610
117	Yes	C90002	2025/26 Resealing Program	Roads	Renewal	-	-	-	-	-	-	-	-	-
118	No	C03700	Hackford Drive (vic15-61) Spray Seal	Roads	Renewal	93,011	-	-	-	93,011	53,427	3,160	56,587	36,424
119	No	C03747	Fergusson Avenue (vic24-52) Spray Seal	Roads	Renewal	32,303	-	-	-	32,303	26,902	8	26,910	5,393
120	No	C03748	Brook Lane (vic6-16) Spray Seal	Roads	Renewal	26,345	-	-	-	26,345	15,015	-	15,015	11,330
121	No	C03749	Dayspring Drive (vic15-19) Spray Seal	Roads	Renewal	3,000	-	-	-	3,000	2,584	-	2,584	416
122	No	C03750	Manuka Road (vic110-122) Spray Seal	Roads	Renewal	11,244	-	-	-	11,244	27,027	-	27,027	(15,783)
123	No	C03751	Bruchs Road (vic38) Spray Seal	Roads	Renewal	221	-	-	-	221	3,640	-	3,640	(3,419)
124	No	C03752	Corbys Road (vic4) Spray Seal	Roads	Renewal	7,807	-	-	-	7,807	12,504	3,000	15,504	(7,697)
125	No	C03753	Rada Road (vic5-15) Spray Seal	Roads	Renewal	20,798	-	-	-	20,798	17,385	-	17,385	3,413

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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		
130	No	C03702	Pelverata Road (vic239-379) Spray Seal	Roads	Renewal	96,682		-	-	96,682	-	-	-	96,682	
131	No	C03701	Adventure Bay Road reseal	Roads	Renewal	91,988		-	-	91,988	112,366	9,903	122,269	(30,281)	
132	No	C25017	Old Station Rd (vic75-101) Reseal	Roads	Renewal	50,000		-	-	50,000	32,721	3,693	36,414	13,586	
133	No	C25042	Adventure Bay Footpath	Roads	Upgrade	-	250,000		5,000	255,000	-	-	-	255,000	
134	No	C25043	Huon Road Safety Improvements	Roads	Upgrade	-	180,000		5,000	185,000	-	-	-	185,000	
135				Roads	Renewal			-	-	-	-	-	-	-	
136	Yes	C90001	Prep works 2025/26	Roads	Renewal	216,940		-	-	216,940	-	-	-	216,940	
137											-	-	-	-	
138	Yes	C90018	Grant Funding Shortfall - Council Allocation	Roads	Renewal	114,555		-	-	114,555	-	-	-	114,555	
139	Yes	C90019	Grant Balance - To be Allocated	Roads	Renewal	366,547		-	-	366,547	-	-	-	366,547	
140															
141			TOTAL ROADS			-	7,478,392	2,832,541	-	10,000	10,320,933	2,464,290	2,666,751	5,131,041	5,189,892
142											-	-	-	-	
143			STORMWATER												
144	No	C03242	Leslie Road Stormwater Upgrade	Stormwater	New	65,767		-	-	65,767	575	-	575	65,192	
145	No	C03447	Woodlands-View-Hazell Catchment Invest incl Survey	Stormwater	50% R / 50% N	5,000		-	-	5,000	-	-	-	5,000	
146	No	C03583	Roslyn Ave / James Ave Stormwater Investigation	Stormwater	50% R / 50% N	5,000		-	-	5,000	-	-	-	5,000	
147	No	C03252	Willowbend Catchment Investigation	Stormwater	50% R / 50% N	3,268		-	-	3,268	-	-	-	3,268	
148	No	C03444	Roslyn, Pearsall & Wells Catchment Investigation	Stormwater	50% R / 50% N	5,000		-	-	5,000	-	-	-	5,000	
149	No	C03544	Illawong to Hinsby Stormwater Upgrade	Stormwater	Upgrade	435,155		-	-	435,155	402,517	11,482	413,999	21,156	
150	No	C03675	KSC Stormwater Strategy - Design Only	Stormwater	50% R / 50% N	-		-	-	-	41,549	-	41,549	(41,549)	
151	No	C03678	Campbell Street SW Upgrade - Design Only	Stormwater	Upgrade	490,613		-	-	490,613	21,783	40,000	61,783	428,830	
152	No	C03680	Drysdale / Whitewater SW Upgrade	Stormwater	Upgrade	5,907		-	-	5,907	-	-	-	5,907	
153	No	C03707	Whitewater-Boddy Creek Flood Investigation	Stormwater	Upgrade	58,664		-	-	58,664	27,860	5,387	33,247	25,417	
154	No	C03763	Baringa / Wandella Road SW Upgrade	Stormwater	Upgrade	380,486		-	-	380,486	8,988	218,367	227,355	153,131	
155	No	C03765	Ewing Ave (vic2) SW Upgrade	Stormwater	Upgrade	293,013		-	-	293,013	259,338	33,362	292,700	313	
156	No	C03766	Kelvedon Ave (vic1-3) SW Upgrade	Stormwater	New	107,361		-	-	107,361	92,483	-	92,483	14,878	
157	No	C03767	Esplanade Middleton Culvert Upgrade	Stormwater	New	5,000		-	-	5,000	3,121	-	3,121	1,879	
158	No	C03768	Kingston Beach/Boriona Hill Flood Investigation	Stormwater	50% R / 50% N	59,216		-	-	59,216	380	44,000	44,380	14,836	
159	No	C03770	O'Connor Dr SW Improvements	Stormwater	Upgrade	13,795		-	-	13,795	-	46,000	46,000	(32,205)	
160	No	C03772	Stirling Ave (vic22-24) SW Upgrade	Stormwater	Upgrade	80,000		-	-	80,000	50,048	3,500	53,548	26,452	
161	No	C25027	Frosts Rd (vic69-81) Margate SW Upgrade	Stormwater	Upgrade	53,000		-	-	53,000	37,561	-	37,561	15,439	
162	No	C25028	Burwood Dr (vic98 & vic102) SW Improvements	Stormwater	Upgrade	74,800	23,000	-	-	97,800	9,528	1,479	11,007	86,793	
163	No	C25029	Millers Road (vic13) Middleton SW Upgrade	Stormwater	Upgrade	39,000		-	-	39,000	45,144	326	45,470	(6,470)	
164	No	C25030	Pullens Rd (vic40) Woodbridge SW Upgrade	Stormwater	Upgrade	51,000		-	-	51,000	-	-	-	51,000	
165	No	C25031	Risby Rd (vic49) Middleton SW Upgrade	Stormwater	Upgrade	40,000		-	-	40,000	35,615	1,372	36,987	3,013	
166	No	C25032	Taranaki Place (vic23-25) Snug SW Upgrade	Stormwater	Upgrade	62,000		-	-	62,000	-	-	-	62,000	
167	No	C25033	Vinces Saddle Rd (vic208) Lower Longley SW Upgrade	Stormwater	Upgrade	60,000		-	-	60,000	-	-	-	60,000	
168	No	C25034	Tramway Creek flood modelling	Stormwater	New	70,000		-	-	70,000	815	-	815	69,185	
169	No	C25041	Snug River flood modelling	Stormwater	New	90,000		-	-	90,000	2,206	-	2,206	87,794	
170	No	C25045	Auburn Rd to Beach Rd (vic 84) Stormwater Improve	Stormwater	New	95,000		-	-	95,000	478	-	478	94,522	
171															
172			TOTAL STORMWATER			-	2,648,045	23,000	-	-	2,671,045	1,039,990	405,275	1,445,265	1,225,780
173											-	-	-	-	
174	B00000	Capital Balancing Account	Other								(174,188)	(174,188)	-	(174,188)	
175	OC	On costs on capital project	Other								-	-	-	-	
176															
177			TOTAL CAPITAL EXPENDITURE EX MAJOR PROJECTS			282,026	16,234,183	3,521,519	-	-	20,211,916	6,838,061	4,267,974	11,106,034	8,931,694
178															
179			MAJOR PROJECTS												
180	Yes	C03277	KP Public Open Space - Stage 2	Kingston Park	New	-	-	-	-	-	31,818	-	31,818	(31,818)	
181	Yes	C03525	Channel Highway - Construct	Roads	Upgrade	-	-	-	-	-	104,029	-	104,029	(104,029)	

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CAPITAL EXPENDITURE TO 31/01/2026

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	
182	KP	Kingston Park	Kingston Park	New	(2,000,535)	-		-	-	(2,000,535)	-	-	-	(2,000,535)
183	CD	City Deal funding	Roads	New	(1,816,378)	-		-	-	(1,816,378)	-	-	-	(1,816,378)
184	No	C03569 Whitewater Ck pedestrian Underpass Summerleas Rd	Roads	New	(284,508)	-		-	-	(284,508)	4,946	-	4,946	(289,454)
185														
186		TOTAL CAPITAL EXPENDITURE INCL MAJOR PROJECTS			(3,819,395)	16,234,183	3,521,519	-	-	16,110,495	6,978,854	4,267,974	11,246,828	(4,242,214)

\$ 174,188.00

	Actual Budget	incl Commitments
Renewal	7,942,901	4,557,340
Upgrade	7,904,918	4,203,153
New	4,364,099	2,345,541
	20,211,918	11,106,034
Kingston Park New	(2,000,535)	31,818
City Deal funding	(1,816,378)	104,029
Summerleas Underpass	(284,508)	4,946
	16,110,497	11,246,827
ERROR		

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

Actuals Check Commitments Check

15.11 APPENDICES

RECOMMENDATION

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

16 NOTICES OF MOTION

16.1 Landscape Conservation Zone

The following Notice of Motion was submitted by **Cr Glade-Wright**:

RECOMMENDATION

That Council:

1. Notes that some community members have reported experiencing challenges with lenders or insurance providers when their development proposals are assessed as discretionary under the *Land Use Planning and Approvals Act 1993* (LUPAA) the Tasmanian Planning Scheme, including reports of:
 - difficulty obtaining finance,
 - higher insurance premiums, or
 - refusal of insurance or lending.
2. Writes to the Minister for Housing and Planning and the State Planning Office to:
 - outline the reports received regarding how the term “discretionary” may be interpreted by some external organisations and the potential implications relating to finance, lending and insurance;
 - request that consideration be given to using a clearer or more accurate term to describe this assessment pathway under LUPAA and the Tasmanian Planning Scheme; and
 - request clearer publicly accessible information explaining the discretionary assessment process, including the statutory limits on decision-making discretion.

Background

In the Tasmanian Planning Scheme, “discretionary” does not mean the planning authority can simply decide yes or no on a whim. Instead, it describes a secondary assessment pathway that applies where a proposal does not meet every Acceptable Solution, but can still be approved if it satisfies the Performance Criteria.

In other words:

- Acceptable Solution = deemed-to-comply pathway
- Discretionary = performance-based pathway

Once an application is assessed against the Performance Criteria, the planning authority’s role is constrained by law. If the evidence shows the proposal meets the relevant standards and objectives of the Scheme, approval must be granted. There is no open-ended discretion.

This is reinforced by:

- the objectives-led structure of the Scheme,
- LUPAA, which requires decisions to be made in accordance with the planning scheme, and

- Tasmanian case law, which consistently holds that discretion is “structured and limited”, not free-ranging.

So “discretionary” really means:

“Not automatically deemed-to-comply, but capable of approval through a prescribed, evidence-based assessment process, and must be approved if performance criteria is met.”

That's a very different thing from uncertainty or risk.

Why the current term causes real-world problems

Lenders and insurance brokers may understandably read the word discretionary in its ordinary English sense:

- optional
- unpredictable
- higher risk
- subject to personal judgement

That misunderstanding may:

- affect finance approvals,
- increase insurance premiums,
- devalue properties that rely on performance-based approvals, and
- discourage sensible, compliant development.

Feedback from residents indicates that lenders and insurance providers often interpret the word “discretionary” in its ordinary English sense — implying uncertainty, higher risk, or arbitrary outcomes. This misunderstanding has led to reports of real and ongoing consequences for property owners, including difficulty securing finance or insurance for developments that have been lawfully approved under the Scheme.

These impacts are not reflective of the actual legal status or robustness of discretionary approvals, but rather arise from the language used to describe the assessment pathway.

More accurate alternatives to “discretionary”

If the goal were clarity rather than inherited planning jargon, much better terms would be:

- Performance-assessed development
- Merits-assessed development
- Non-deemed-to-comply development
- Standards-based assessment
- Secondary assessment pathway

Of these, “performance-assessed” is probably the clearest and least misleading, because it:

- describes how the application is assessed,
- avoids any implication of arbitrariness, and
- aligns with how planners, courts, and experts actually understand the system.

Council has an opportunity to advocate on behalf of its community by drawing attention to this issue at a State level. A relatively simple semantic change — or the adoption of clearer terminology such as

“performance-assessed development” — could significantly reduce confusion for third parties and improve outcomes for residents, without altering the substance of the planning framework.

This motion seeks to raise the matter formally with the Minister for Planning, the State Planning Office, and the Tasmanian Planning Commission, and to encourage consideration of terminology that more accurately reflects how the system operates in practice.

Officer Response

Under the *Land Use Planning and Approvals Act 1993 (LUPAA)*, planning permit applications are classified as permitted, discretionary, or prohibited. Permitted and discretionary applications must meet the relevant standards of the Planning Scheme. The term ‘discretionary’ has a specific statutory meaning and is applied where:

- the proposed use is listed as discretionary in the relevant zone’s Use Table of the Scheme;
- a proposal does not satisfy an Acceptable Solution under Scheme standards and must instead be assessed against a Performance Criterion; or
- the Scheme specifies discretion due to matters such as overlays, precincts, sensitive uses, or demolition within heritage areas.

Even where a use is listed as Permitted an application may still become discretionary if Performance Criteria are relied upon or if a code introduces discretion. In practice, permitted applications are often limited to relatively straightforward proposals. For reference, during the 2024/25 period 91% of assessed applications were discretionary and 1 application was refused (0.3%) of all applications assessed.

Discretionary determinations are not based on preference or choice. Under LUPAA and the Scheme the Planning Authority must:

- consider all applicable standards and requirements in the Scheme;
- assess the proposal against relevant Performance Criteria;
- have regard to the zone purpose, code purposes, any specific area plans, and any site-specific qualifications;
- form a planning judgment based on evidence and the objectives of the zone or standard; and
- Representations received (where relevant to a Scheme provision).

In addition to the above, planning officers assess all applications in accordance with established planning principles and relevant tribunal determinations and judicial precedent. All decisions must be clearly documented and capable of being defended on appeal.

The terminology used in planning legislation is well-defined for statutory purposes but may not be intuitive to people outside the planning system.

An alternative term may more accurately reflect the nature of the assessment and avoid suggesting that it is a matter of choice or not governed by rules. Any terminological changes to the LUPAA and Tasmanian Planning Scheme would require State-level action and legislative amendment. Providing clearer published information about the assessment pathway for discretionary applications could be a helpful interim measure.

Deleeze Chetcuti, Acting Chief Executive Officer

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**RECOMMENDATION**

That in accordance with the *Local Government (Meeting Procedures) Regulations 2025* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 40(6) *At the next closed meeting, the minutes of the previous closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.*

Applications for Leave of Absence

Regulation 17(2)(i) *applications by councillors for a leave of absence*

CEO's Performance Review

Regulation 17(2)(a) *personnel matters, including complaints against an employee of the council.*

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	
CEO's Performance Review	

CLOSURE

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