

# Kingborough

## **PUBLIC MINUTES**

These Minutes are provided for the  
assistance and information of members  
of the public.

# MINUTES

**24 July 2017**



Back (L – R): Cr Paul Chatterton, Cr Mike Percy, Cr Sue Bastone, Cr Dean Winter, Cr Richard Atkinson  
Front (L – R): Cr Dr Graham Bury, Cr Flora Fox, Mayor Cr Steve Wass, Deputy Mayor Cr Paula Wriedt, Cr David Grace

# ORDER OF BUSINESS

Minute No's		Agenda Page No.	Minute Page No.
C354/16-17	Apologies	2	1
C355/16-17	Confirmation of Minutes of Council Meeting No. 15 held on 10 July 2017	2	2
	Workshops held Since Council Meeting on 22 May 2017	2	2
	Declarations of Interest	2	2
	Questions on Notice from the Public	4	
C356/16-17	Purchase of Former Kingston High School Site	4	2
C357/16-17	Council Vehicles	4	3
C358/16-17	Questions without Notice from the Public	5	4
	Questions on Notice from Councillors	6	6
C359/16-17	Decisions of Planning Authority	6	6
C360/16-17	Jet Ski Operation at Coningham Beach	6	6
C361/16-17	Roadworks at The Neck	7	7
C362/16-17	Snug and Electrona Youth Infrastructure	8	8
C363/16-17	Kingston Beach Pontoon	9	9
C364/16-17	Kingston Park Development	9	9
C365/16-17	Questions without Notice from Councillors	10	10
	Motions of Which Notice has been Given	10	15
	Petitions Still Being Actioned	10	15
	Petitions Received in Last Period	10	15
	Officers Reports to Planning Authority	11	16
C366/16-17	Delegated Authority for the Period 28 June 2017 to 11 July 2017	11	16

# ORDER OF BUSINESS

Minute No's		Agenda Page No.	Minute Page No.
C367/16-17	DA-2017-160 - Development Application for Demolition of Existing Dwelling and Construction of 4 Units at 49-51 Hutchins Street, Kingston for Mapaleke Nominees Pty Ltd	14	16
	Officers Reports to Council	51	22
C368/16-17	25a Osborne Esplanade, Kingston Beach and Kingston Beach Surf Life Saving Club	51	22
C369/16-17	Policy 3.14 - Rates and Charges Policy	74	24
C370/16-17	Policy 3.3 – Disaster Relief Donations Policy	87	24
C371/16-17	Information Reports	95	24
	Mayor's Communications	96	
	Financial Report for the Period 1 July 2016 to 30 June 2017	99	
	Kingborough Waste Services - Bi-Monthly Report	161	
	Governance & Property Services Quarterly Report for the Period April to June 2017	174	
	Planning Enforcement	181	
	Councillor Attendance at Meetings from 1 July 2016 to 30 June 2017	185	
	Councillor Allowance and Expense Table for Period 1 July 2016 to 30 June 2017	186	
	Bruny Island Ferry Tickets to Councillors 1 July 2016 to 30 June 2017	187	
	Donations Table for the Period 1 July 2016 to 30 June 2017	188	
C372/16-17	Confirmation of Items to be Dealt With in Closed Session	190	25

MINUTES of an Ordinary Meeting of Council held at the Kingborough Civic Centre, Kingston on Monday, 24 July 2017 at 5.30pm.

	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Council	5.30pm	5.58pm	28 minutes
Planning Authority	5.58pm	6.05pm	7 minutes
Open Council	6.05pm	7.40pm	1 hour, 35 minutes
Closed Council	7.41pm	7.43pm	2 minutes
Open Council	7.43pm	7.44pm	1 minute
<b>TOTAL TIME OCCUPIED</b>			<b>2 hours, 13 minutes</b>

## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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The Chairman will acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which we now meet, and acknowledge elders past and present.

## **ATTENDEES**

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### **Councillors:**

Mayor Councillor S Wass	✓
Councillor R Atkinson	✓
Councillor S Bastone	✓
Councillor Dr G Bury	✓
Councillor P Chatterton	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor M Percey	✓
Councillor D Winter	✓

### **Staff:**

<b>TITLE</b>	<b>NAME</b>
Deputy General Manager	Mr Tony Ferrier
Chief Financial Officer	Mr John Breen
Manager Finance	Mr Tim Jones
Manager Governance & Property Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Media & Communications Officer	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton

C354/16-17

## **APOLOGIES**

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Deputy Mayor, Cr Paula Wriedt

## **CONFIRMATION OF MINUTES OF COUNCIL MEETING NO. 15 HELD ON 10 JULY 2017**

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MOVED            Cr Fox  
 SECONDED      Cr Bastone

That the Minutes of Council Meeting No. 15 held on 10 July 2017 be confirmed.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

## **WORKSHOPS HELD SINCE COUNCIL MEETING ON 22 MAY 2017**

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<b>DATE</b>	<b>PURPOSE</b>
25 May 2017	Antarctic Experience & RV Strategy
3 July 2017	Kingston Park Land Release Strategy
17 July 2017	25a Osborne Esplanade

## **DECLARATIONS OF INTEREST**

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There were no declarations of interest.

## **QUESTIONS ON NOTICE FROM THE PUBLIC**

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### **PURCHASE OF FORMER KINGSTON HIGH SCHOOL SITE**

At the Council meeting on 10 July 2017, **Mr Mervyn Reed** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

*“Given the General Manager’s detailed response to my question on notice in respect of the payment of \$1,350,000 still owed by the Council to the State Government for the purchase of the former Kingston High School site, where he definitively noted that the payment of such monies would not affect the underlying deficit of the Council, my question to you has two parts:*

*Firstly, the capital expenditure is apparently (according to the documents contained in the minutes presented for approval to the Council with the Budget for 2017-2018) to be made with borrowed funds.*

*If this is the case then the costs of the borrowing will affect the budget as a cost being the interest expense on that proportion of the loan, and thus increase the deficit. Is this the case?*

*Alternatively the payment might be being made for cash already held as part of the Council's diminishing reserves, and if so then not only will the reserves be diminished once again, but the interest received on those funds will not be apparent, and thus the deficit will be increased by that amount. Is this the case?"*

**Officer's Response:**

The borrowing cost for the land payment of \$1.35 million is approximately \$40,000. This expense is allowed for in the 2017/18 budget approved by Council and represents approximately 0.1% of Council's total revenue.

Council has recently applied for an interest free loan under the State Government accelerated local government capital program and if successful, borrowing costs for the land purchase will be zero.

*John Breen - Chief Financial Officer*

C357/16-17

**COUNCIL VEHICLES**

**Mr Mervyn Reed** submitted the following questions on notice:

*"In regard to the budget of the Municipality, can you please detail the following information for the benefit of ratepayers:*

- 1. How many passenger vehicles does the Council own or lease?*
- 2. Of those owned vehicles, how many vehicles are not garaged at Council facilities and are taken home. How much FBT is paid each year by the Council on each of those vehicles?*
- 3. What cost benefit analysis has been done on staff using Council vehicles for travelling to and from work assuming that they are on call, versus paying them a mileage allowance to go to the Council depot?*
- 4. How many Officers have council owned vehicles as part of their employment package and how much FBT is paid on each of those vehicles?*
- 5. Why are these vehicles provided in the first place? Why are Motor vehicle allowances not provided, so that officers can purchase their own vehicle and relieve the Council of the depreciation expense?"*

**Officer's Response:**

1. Council has 17 passenger vehicles.
2. All passenger vehicles are garaged at an employee's home. There are no secure garage facilities for Council vehicles available at the Civic Centre. The FBT paid by the Council on these vehicles in 2016/17 is \$68,700.

3. All Council costs are reviewed on an annual basis as part of the budget process. It is not considered practical to have Council employees who work from the Civic Centre or other locations collect work vehicles from the Municipal Depot at the beginning and end of each day. In addition, there could be considerable time delays in responding to emergency situations for employees who are on call for out of hour's duties. There is no FBT on tool of trade vehicles.
4. There are 13 Senior Managers who are provided with vehicles as part of their salary package. The FBT paid in 2016/17 was \$66,100.
5. During the working day, all passenger vehicles become part of the Council car pool and are extensively utilised by all employees to conduct their normal Council activities.

The provision of vehicles as part of salary packages is a contemporary employment practice required to attract senior staff to Council.

*John Breen - Chief Financial Officer*

C358/16-17

*(Commences at 3 minutes of audio recording)*

## **QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**Ms Eva Marjanovic** asked the following question without notice:

*"I'm a newcomer to Tasmania and I'm not sure who is responsible for the Channel Highway. What I'm wanting to know is, who do I approach to advocate a change in the speed limit at the end of where the Channel Heritage site is? As you approach the hill it changes to 60 just before the turn off into the Heritage Museum and into Parish Lane. As you approach Margate from Snug it becomes 50 after those two turnoffs, closer into town. In Parish Lane I have a young grandson who is going to grow up in there. There are five other children in Parish Lane who move about either by vehicle or walking or on a bicycle and it makes sense to me that that 60 sign would be better pushed beyond the Museum so that people coming up the hill are still doing 50 and as they approach into Margate they've slowed down to 50 before they could to the Museum and the Parish Lane turnoff. So who do I approach for that?"*

**Mayor responds:**

The owners of the road are in effect the State Government, the Department of State Growth. I will ask Mr Ferrier because he can give you some indication as to who you need to contact here and we can certainly supply information for you.

**Deputy General Manager responds:**

The organisation to contact is the Department of State Growth, it's in their roads and traffic section of that department. The normal procedure would be that they would then contact the Council and Council would provide some advice as to what our views would be on that matter as well. So Council is involved but you need to initiate it through the Department and it's their decision at the end of the day.

**Mr Mark McBride** asked the following questions without notice:

- “1. *Mayor Wass, in the development of the Kingston Park has there been much visualising or conceptualising of it in terms of a bus terminus for South East Tasmania?*”

**Deputy General Manager responds:**

There has, there has been considerable thought given as to its role as a bus interchange. A final decision hasn't been made in that regard because we need to ensure that Metro agree to that proposal.

**Mr McBride:**

My outgoing comment is from little things big things come and I think we need to start with transport in South East Tassie if we want to get the tourism up and underway. The bus terminus will be a good start.

- “2. *Over the last week I have covered many, many kilometres in the upper Huon. If I wanted to share the upper Huon with you councillors, it would be impossible because there is no signage, no signage whatsoever. So much for tourism in the upper Huon. It doesn't exist. I'm sure the air walk would like a back road from ..... Mill?? out to the airwalk actually labelled. My question is, if I wanted to share with you Lake Skinner I couldn't because it's not on the map. If I wanted to share with you Reuben Falls, I couldn't because Weld Road is not named, South Weld Road is not named. Mayor Wass, in the event of an amalgamation between the Kingborough and Huon Valley Councils, would you come up and tame the Huon's wild west?*”

**Mayor responds:**

Any signs like that would be one of the things that this Council will do. But I would ask and suggest to you that you contact Commissioner Taylor.

**Mr McBride:**

Then again I don't know whose roads they are. I'm just saying that I'm unable to share any of this information with you people because it's also not on Kingborough's maps and Kingborough's radar either.

**Mayor:**

Unless it's a forestry road, any of those, they would be owned by the Huon Valley Council, apart from the Highways like the Channel Highway, the Huon Highway they are State roads. But if they are not owned by Forestry then they will a Huon Valley Council road.

**Mr Hilbrand Schuringa** asked the following questions without notice:

*“At its meeting on 24<sup>th</sup> October 2016, Council approved the sale of 153m<sup>2</sup> of Council owned land, one of four public laneways, to the owner of 65 Roslyn Avenue. The sale of this land, which is conditional upon Council approving the development application for a three lot subdivision and boundary adjustment of 65 Roslyn Avenue was not publically advertised and the decision to sell this land was made in a closed session of Council. My questions are:*

1. *What was the method used by Council for the sale of this land and is this method normally used for the sale of Council owned land?*



2. *When did Council approve the particular method for the sale of this land?*
3. *The Local Government Act 1993 requires Council to obtain a valuation of the land before it is sold. When was the valuation obtained? What was the valuation? And what is the contract price?"*

**Deputy General Manager:**

We will take the question on notice and provide you with the information.

## **QUESTIONS ON NOTICE FROM COUNCILLORS**

C359/16-17

*(Commences at 10 minutes of audio recording)*

### **DECISIONS OF PLANNING AUTHORITY**

At the Council meeting on 10 July 2017, **Cr Bastone** asked the following questions without notice to the General Manager, with a response that the question would be taken on notice:

1. *"How many times have Kingborough Councillors (within this term from October 2014) acting as the planning authority made a decision contrary to legal advice?"*
2. *Was the cost of the legal advice covered by the retainer paid by the Council or was it in excess of that?"*

**Officer's Response:**

Following a search of Council records the answer is as follows:

1. Three times.
2. The cost was covered by the retainer paid.

*Tasha Tyler-Moore - Manager Development Services*

C360/16-17

*(Commences at 10 minutes of audio recording)*

### **JET SKI OPERATION AT CONINGHAM BEACH**

At the Council meeting on 10 July 2017, **Cr Wass** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

*"Following the community's knowledge of the jet ski operation commencing at Coningham, State Franklin members took a keen interest and discussed the above with staff and/or elected members. Many chose to write to the Mayor for clarification and responses in all cases were provided.*

*I understand that some time ago Council received a Right to Information (RTI) request. Can Council be advised as to who initiated this request, the hours taken by staff to respond and the cost incurred by Council, including staff costs, to provide this information."*

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

Council received a Right to Information (RTI) request from Dr Rosalie Woodruff MP on 30 March 2017. It is estimated the research required by Council staff to fully respond to the RTI request equated to 11.2 hours and cost Council \$ 518.00.

*Gary Arnold – General Manager*

C361/16-17

*(Commences at 10 minutes of audio recording)*

### **ROADWORKS AT THE NECK**

At the Council meeting on 10 July 2017, **Cr Dr Bury** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*"We have received a copy of an e-mail from the President of the Bruny Island Community Association and suggesting that the order of works has been, in some way, altered. Are staff able to inform us of the situation?"*

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

Council officers have been in contact with the Department of State Growth (DSG) regarding the permit conditions for DA-2017-146 for road upgrade and carpark on Bruny Island Neck in relation to construction and timing.

Condition 1: Requires use and development substantially in accordance with the development application documentation.

Condition 5: Requires that works assessed as having impact on burrows and breeding habitat must not be undertaken during seabird breeding season.

Condition 6: A Construction Environment Management Plan must be prepared in accordance with recommendations and commitments of DA supporting material and approved by Council, prior to commencement of works.

The Development Application Supporting Report contains the following statements in relation to construction:

- *"The new carpark is a project of Parks and Wildlife Service (PWS) and is likely to proceed as a separate construction stage to the road improvements." (Page 4)*
- *"Work on the Bruny Island Main Road and the development of the Parks and Wildlife new car parking facility are planned for construction in mid-2017". (Page 5)*

Advice: The construction works for carpark and road upgrade are being undertaken concurrently. At the time of development application lodgement (April), construction staging was still being confirmed with Parks & Wildlife Services (PWS). Works comply with the statement.

- *"The road and carpark improvements are separate projects by State Growth and PWS respectively and approval is sought for the option for the works to proceed in two construction stages if preferred for contractual or logistical reasons." (Page 9)*

Advice: The construction works for carpark and road upgrade are being undertaken concurrently. At the time of development application lodgement (April), construction staging was still being confirmed with PWS. Works comply with the statement.

- *“The construction component which requires excavation and any other relevant construction impacts for habitat removal will occur outside the breeding season for both species, nominally 1 May to 31 August” (Page 12).*

Advice: Requirement under Condition 5 is that works that will impact on burrows and breeding habitat must not be undertaken during seabird breeding season. The breeding season has been identified by PWS and DPIPW in subsequent approvals as commencing in mid-September (taken as 15 September) and impact works must be completed by this date. Beyond this date, works may occur that do not involve habitat impacts, such as pavement sealing, rock armoury and culvert installation. Penguin movements, being at dusk and dawn, will not be impacted by construction as works will not be undertaken at these times and the site will still allow for these movements. Works comply with the statement.

- *“The proposed road and carpark improvements are to be constructed as separate stages by State Growth and PWS respectively. Construction is planned to commence in July 2017, with a 3-4 month construction period expected.”(Page 14).*

Advice: The construction works for carpark and road upgrade are being undertaken concurrently. At the time of development application lodgement (April), construction staging was still being confirmed with PWS. Works comply with the statement.

Gary Arnold – General Manager

C362/16-17

(Commences at 10 minutes of audio recording)

## **SNUG AND ELECTRONA YOUTH INFRASTRUCTURE**

**Cr Winter** has submitted the following question on notice :

*“What progress has been made on the Snug and Electrona Youth Recreational Facilities consultation and report agreed to at the 8 August 2016 Council meeting?”*

### **Officer’s Response:**

Consultation was carried out in September and October 2016. Members of the Snug/Electrona community were approached as well as students from Snug School, Margate School and Kingston High School. A total of 130 young people completed a survey which asked them about their current use of recreational facilities in Snug and also further recreational facilities they would like to see installed in Snug/Electrona.

A summary of the findings was produced in mid-November 2016 and it was recommended that a new park/recreational space be built opposite the existing small play park; the most popular ideas amongst the young people consulted were: Flying fox/zip line, climbing structure, basketball court and an improved playground with engaging equipment.

A plan and design of a new park was made available on 8 June 2017. This recreational space would require the balance of Snug public open space funds to construct which currently stands at \$81,000. The plan and design has been sent out to Channel Senior Football Club, Channel Junior Football Club, Snug Cricket Club, North West Bay Scouts, the Snug Hall Committee and

Snug School - meetings are underway to gauge the reaction of the proposed recreational space which so far has been received very positively.

A recommendation that this new recreational space be constructed using \$81,000 of Snug POS funds will be presented to Council within the next few months.

*Carols Swords – Youth Development Officer*

C363/16-17

*(Commences at 11 minutes of audio recording)*

### **KINGSTON BEACH PONTOON**

**Cr Winter** has submitted the following question on notice :

*“Did the placement of the new Kingston Beach pontoon consider storm events and large swells which occasionally impact the southern end of Kingston Beach?”*

*Is Council confident the pontoon will withstand such events?”*

#### **Officer’s Response:**

The new pontoon and anchoring was designed in accordance with the Australian Standards to meet wave loading and conditions. In addition the pontoon was placed in a more sheltered location than previously and used modelling that was undertaken for the adjacent breakwater to check the worst case effects of south easterly swells and wind generated waves from the northeast. Based on this Council Officers are confident that all has been done that is possible to protect the pontoon from future storm events.

*David Reeve - Executive Manager Engineering Services*

C364/16-17

*(Commences at 11 minutes of audio recording)*

### **KINGSTON PARK DEVELOPMENT**

**Cr Winter** has submitted the following question on notice :

*“In relation to the Kingston Park Development:*

- *What is the status of Council's efforts to secure Federal Government funding for the Kingston Park Community Hub?*
- *If Federal Government funding requests continue to be unsuccessful will Council investigate options for State Government funding for the proposed Community Hub?*
- *Has Council investigated whether components of the Kingston Park project could be financed through a loan from the State Government's Tasmanian Economic Stimulus Scheme?”*

#### **Officer’s Response:**

Council has submitted a grant application under the Federal government’s Building Better Regions Program. This application for \$2.8M was submitted at the end February 2017 and we are awaiting news on whether it has been successful. If this grant is unsuccessful, then all other grant opportunities (including those from the State Government) will be pursued, whether they

might be for the Community Hub or for other community facilities within Kingston Park. Investigations have been conducted into the interest free loans that are available for a maximum of five years under the Tasmanian Economic Stimulus Scheme. An application for such a loan has been recently submitted by Council in order to facilitate the implementation of the Kingston Park project as soon as practicable.

*Tony Ferrier – Deputy General Manager*

C365/16-17

*(Commences at 11 minutes of audio recording)*

## **QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**Cr Grace** asked the following questions without notice:

- “1. As you are aware, Mayor, I raised concerns on the hole in Margate which is proposed for a new shopping centre for the town of Margate. I requested that you provide the developer with the latest stats on the population in that area. Have you been able to supply him with that information as yet?”*

**Mayor responds:**

I phoned the developer as you and I spoke, Cr Grace, and provided him with the information that the Census was going to be released in June or July and on that basis that information would be freely available to him if he wanted. He didn't ask me to follow it through so I assume he was going to get that information himself.

**Cr Grace:**

He was under the impression that you were going to, or Council was going to follow it on to him.

**Mayor:**

I can follow that up if he would like me to do that.

**Cr Grace:**

I think its important Mayor. I'm wondering whether this Council really want to see a shopping centre in Margate so I would appreciate it.

**Mayor:**

So he wants the population figures for Kingborough?

**Cr Grace:**

Yes

- “2. My second question, Council mail that comes to the office. Some time ago, a letter came addressed to myself marked 'strictly confidential'. I received a phone call from one of the staff members to say there was a mistake, it was opened, and apologised for it. I thought, ok, mistakes happen. Just last week I came to the chambers to our workshop and I went into my pigeon hole and here's another letter, addressed to myself, Cr Grace. It also had*

*been opened and this time it wasn't in the original envelope it came in. It was put in a Council envelope. My question is, when stuff, particularly like code of conduct stuff, why is that allowed to occur? The General Manager gave a guarantee, through his staff, that it would not occur again and within a few weeks it has occurred again."*

**Mayor responds:**

Mr Ferrier, would you like to respond to the normal procedures and what we can do so that that doesn't occur again in the future.

**Deputy General Manager:**

I haven't discussed that with the General Manager in relation to what actually happened. I can only apologise for what did happen. In future, I can relay your concerns and I can ensure that it won't happen again but I will need to discuss that with the General Manager when he returns.

**Cr Grace:**

Well, I was assured, and I don't want to dwell on it, but I was assured and guaranteed it wouldn't happen again and it has happened again. And funny enough it was just two letters coming from the Code of Conduct Panel.

**Mayor:**

Thank you Cr Grace and I will also take that up with the General Manager for you.

**Cr Grace:**

Thank you Mayor. I appreciate that.

- "3. *Could Council update us regarding the filming of the 67 Commemoration of the 1967 bushfire. I understand and in your speech to the public down there, you said as you were speaking this is being filmed because the question is we want to get a copy, as I understand, to the Duke of Edinburgh who acknowledged us for the 50<sup>th</sup> year of 1967 Bushfires."*

**Mayor responds:**

Thank you Cr Grace. We will have to take that on notice because I will need to take it up with the General Manager. I did discuss that briefly with him but I haven't had a response from staff where we're at.

- "4. *Also, the presentation to the book, the book written by Roger McNeice, it was agreed by the committee that was set up by Council and the books were paid for by Hazell Bros, not the Council and Max Doyle and Peter Spratt and somebody else were supposed to get a copy of them and to date I haven't been notified, but I've been off for three months as you know, but I'm not aware of those books being presented to those people."*

**Mayor responds:**

The books haven't been presented but staff did indicate to me a week or so ago that they were virtually ready to provide a copy of those books to both Mr Spratt and to Mr Doyle.

**Cr Grace:**

Will that be in the form of a cup of tea here or what?

**Mayor:**

I'm not sure.

"5. *And the final one, again as I've raised with you Mayor, when you were good enough to come and visit me when I was ill, regarding the placard that was supposed to be erected down at the park, the letter that came from Prince Philip, as you are aware he sent us one for the 40<sup>th</sup> year and he also sent us one for the 50<sup>th</sup> year. Again the committee agreed that the left over money from Hazell Bros and Hazell Bros agreed with this also, that that money be used to put that up.*"

**Mayor responds:**

That's to display the letter?

**Cr Grace:**

That's correct Mayor, where the original one is.

**Mayor:**

I have some recollections on that and I will simply .... Sarah, if you would just like to, on tape, where we're at please.

**Media & Communications Officer:**

The sign has been sent to the designer and it has been approved and it's going to be constructed soon.

**Cr Grace:**

Sarah, with all due respect, I was told that two months ago.

**Media & Communications Officer:**

I've only just approved it recently.

**Cr Grace:**

I was told it was approved and gone to the sign writer's so I don't know who is telling what.

**Media & Communications Officer:**

It's being done.

**Cr Atkinson** asked the following questions without notice:

- “1. *I had a couple of questions relating .... there was some comment in the media, I particularly noted in the Mercury on the 23<sup>rd</sup> July, this Sunday, to do with talks about Council amalgamations and I just wanted to clarify on public record, one of the comments said that, it listed Hobart, Glenorchy, Clarence and Kingborough as being in favour of the Capital Cities Act and I couldn't recall any time that we had said as a Council that we are in favour of it. So I just wanted to clarify whether we did have a current position on that?”*

**Mayor responds:**

We don't have a current position because it hasn't been discussed here. The four Mayors and General Managers discussing it had agreed that we could see some merit and subject to Council agreeing that we would support that whether as a Hobart City Council act or as an alliance between four Councils. But that would be when we come back to Council to bring that back. But of course we are a little bit away from that at this stage.

- “2. *My second question, also relating to the discussions about amalgamations, and that same report said that Kingborough Council was going to discuss with Huon Valley amalgamations after there was an elected Council at Huon Valley. Now, to me that seems different from our motion, I think in April, that we wanted to contact the Minister to urgently ask Huon Valley to give permission to talk to us about amalgamations and so on. I can't recall word for word but the last answer we got to the question about this, so I just wanted to know what the current situation was to that motion and just clarify that my understanding of what was in that report on Sunday was incorrect. That we are happy to talk now and not that we were waiting until there was a Council.”*

**Mayor responds:**

The item went through Council approximately April, I could be wrong on that but it could be April. Mr Gutwein was written to by the General Manager virtually the next day, or certainly the day after. There has been no response and, although I haven't spoken to the General Manager since the end of last week, the General Manager was in fact going to take up with one of the advisors which I circulated in response to Cr Winter's question to me on Thursday or Wednesday or Friday. In relation to the paper, I did indicate to the reporter of the Mercury that we would certainly like to have the Minister allow us to have discussions and that was about it. So from that point of view, that was all my comments were because, until we have a response from Mr Gutwein, we are in the land of the unknown.

**Cr Atkinson:**

Thank you. That was my understanding but I wanted it put on the public record.

**Cr Winter** asked the following questions without notice:

- “1. *Also in reference to one of the articles that Cr Atkinson is referencing, the Sunday Tasmanian story regarding the Capital City Act. Is Council taking any steps to clarify its position in the media with respect to this because the article clearly states that South's big four Councils, including Kingborough, will push for legislation ensuring the strategic approach etc. So is Council taking any counter measures to correct the record?”*



**Mayor responds:**

We have agreed to the concept of that and as I said before whether that's as a full partner or as an alliance, that hasn't been discussed and of course it hasn't been to Council for us to have a decision on that. I think most of what I read was virtually from Clarence. I think Clarence were the drivers of that particular article. That probably hasn't answered your question but it really ... it's a difficult one on the sense that do we come out and say, well we haven't discussed it, well I guess that as the four Mayors and the four General Managers have discussed and we see value in it but again there has been no decision made by that sub-committee to even come back to the Councils at this stage.

**Cr Winter:**

I suppose my point is that we haven't actually agreed to this and it is written in the paper that we are pushing for the legislation so there seems to be a requirement here to correct the record. Anyway, let's .... I've got other questions.

"2. *In relation to Kingston Park and just following on from my questions on notice, question one is:*

2.1 *If Council is successful in obtaining an interest free loan from the State Government's economic stimulus scheme, what impact will that have on Council's submission for federal funding?*

**Deputy General Manager responds:**

My brief response is, no influence, none whatsoever.

"2.2 *My second question is, any components of the Kingston Park project contingent on receiving external grants or interest free loans?"*

**Deputy General Manager responds:**

None. The project will proceed regardless of whether we receive interest free loans or grants. They will obviously, receiving those external funding enables certain aspects of the project to be accelerated.

"2.3 *That leads me into my third question, what impact, if any, would a State Government interest free loan, for example, have on Kingston Parks development time frames?"*

**Deputy General Manager responds:**

I can't answer that precisely. I think that's probably something that I will take on notice. It's difficult to say in relation to time frames because we are waiting on final decisions in relation to things like that before we set our final time frames. All I can suggest is that if we do receive external funding it usually comes with time frames and we will have to meet those shorter deadlines. So there would be a need to do things quicker than we might normally do but I can't specify how much quicker that would be but I will provide further information separately.

**Cr Grace:**

Mayor, could I raise one question? Mr Ferrier just said that the project will go ahead without funding. Well, that's not what I was led to believe. I was led to believe in the Annual Report that if we don't get the \$5 million that Council was requested that the project won't go ahead.

**Deputy General Manager:**

The project is self-reliant on its own funding and that's what working with the Navire Consultants in relation to the land release strategy to ensure that it can be self-funding as much as possible. As has been previously reported to Council over the longer term and by the completion of the project, there is likely to be a financial shortfall. We are trying to keep that to a minimum and that is with the assistance of the Navire Consultants. But the idea is that if we can obtain external funding, it will enable the project to be completed quicker than we might normally have been able to complete it and it will reduce the amount of shortfall at the end of the day that the project might incur.

**Cr Chatterton** asked the following question without notice:

*"At the last Council meeting, I commented on the Boronia Hill and it was mentioned in the Environmental Services report at page 254 in the Agenda for the 10<sup>th</sup> July. It mentioned about the denigration to the reserve, particularly by mountain bike riders. The question was asked of me by a rate payer and that's what the answer was in that Agenda. Since then, the ratepayer has advised me that there has been further denigration to the reserve and apparently, in that report, and I quote "kids can continue to ride their bikes and enjoy the reserve". At the Hutchins Street entrance to the reserves it says, and I have a photocopy here of the sign, it says that bikes are not permitted in the reserve due to erosion problems and at every other point of entry to the reserve there is a no bike signage. So there seems to be some contradiction by one department and someone else, the environmental service report says we are going to encourage the kids to ride there. I don't know quite what is going on and the resident is asking what is going on so perhaps the Deputy General Manager can take that on board for me and come back in due course with some information please."*

**Deputy General Manager:**

I will take that on notice and come back with the information.

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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There were no Notices of Motion received.

**PETITIONS STILL BEING ACTIONED**

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There are no petitions still being actioned.

**PETITIONS RECEIVED IN LAST PERIOD**

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No petitions had been received.

**OPEN SESSION OF COUNCIL ADJOURNS**

## PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 5.58pm

### OFFICERS REPORTS TO PLANNING AUTHORITY

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C366/16-17

*(Commences at 28 minutes of audio recording)*

#### **DELEGATED AUTHORITY FOR THE PERIOD 28 JUNE 2017 TO 11 JULY 2017**

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MOVED            Cr Chatterton  
SECONDED       Cr Percey

That the report be noted.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

C367/16-17

*(Commences at 29 minutes of audio recording)*

#### **DA-2017-160 - DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 4 UNITS AT 49-51 HUTCHINS STREET, KINGSTON FOR MAPALEKE NOMINEES PTY LTD**

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MOVED            Cr Grace  
SECONDED       Cr Percey

That in accordance with Council Policy 1.1 – Delegated Authority Policy, the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for the demolition of existing dwelling and construction of 4 units at 49-51 Hutchins Street, Kingston for Mapaleke Nominees Pty Ltd be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2017-160 and Council

Plan Reference No. P2 submitted on 8 June 2017. 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. At least one (1) visitor parking space must be provided for the proposed development. This visitor parking space must be appropriately signposted and kept available for visitor parking at all times. Any future application for strata title in respect of the property must ensure that the visitor parking space is included within the common property on the strata plan.
3. Landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval by Council's Manager – Development Services prior to the issue of a Building Permit.

The landscape plan must be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;
  - (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
  - (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
  - (d) earth shaping proposals, including retaining wall(s);
  - (e) fencing, paths and paving (indicating materials and surface finish);
  - (f) proposed maintenance program; and
  - (g) the relationship of the plantings to the proposed height of the buildings.
4. Landscaping must be provided prior to the occupation of the dwellings and maintained at all times to the satisfaction of the Council's Manager – Development Services.
  5. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
  6. Removal of the nine (9) eucalypts on the site for the purpose of the development is approved as per the submitted arboricultural assessment (Tree inclined, 4 April 2017).

Trees T1, T2, T3, T5, and T7 as identified in this assessment are classified as trees of high conservation value under the Scheme. Trees T1 and T7 are classified as having 'very high' conservation value, and Trees T2, T3 and T5 are classified as having 'high' conservation value under Council's Biodiversity Offset Policy.

To offset the loss of these trees, a payment of \$500 per tree for T1 and T7 and \$350 per tree for T2, T3 and T5, totally \$2050 must be paid into Council's Environmental Fund to be used to manage and conserve hollow-bearing habitat and forty-spotted pardalote habitat in the vicinity of Kingston.

These trees must not be removed prior to the issue of a Building Permit and payment of the offset.

7. A drainage design plan in accordance with the Director of Building Control Specified List, Schedule 2, at a scale of 1:200, designed by a qualified hydraulic designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
8. No works are to commence on site, or within a Council roadway, without a 'Start of Works notice' being lodged with, and accepted by the Executive Manager - Engineering Services.
9. The design and civil construction works must be carried out generally in accordance with the submitted application proposal plans "P2" to the satisfaction and approval of the Executive Manager - Engineering Services and comply with the following:
  - Austroads Standards
  - Building Code of Australia (BCA)
  - Council's Tasmanian Standard Drawings
  - AS2890.1: 2004 (Off Street Car Parking)

The engineering plans must include, but not be limited to the following:

- Adequately detailed road accesses, internal kerbed concrete vehicular and pedestrian access and manoeuvring areas, unit and visitor delineated and signed carparking spaces, retaining walls, piped stormwater drainage services including grated bio filter pits, piped connection to Council's reticulated stormwater system and construction site soil and water management;
- The development must incorporate suitably sized kerbside collection concrete pads to accommodate a total of 8 rubbish/recycle bins on the service road and at bin storage areas for each unit;
- On-site stormwater detention and stormwater treatment systems must be designed and installed to service the development. Supporting documentation and associated hydraulic calculations and details of how the on-site stormwater treatment devices are to be serviced to maintain effectiveness must be submitted with the engineering plans;
- Design details of any structure or fill material placed over Council's drainage easements must be provided to ensure protection to and maintenance of Council's stormwater pipeline infrastructure;
- Parking and vehicular circulation access ways must be provided with bollard lighting.

The engineering plan approval will be valid for a maximum period of two years from the date of Council endorsement.

The engineering plans and specifications must be prepared and certified by an accredited professional Civil Engineer approved by the Executive Manager - Engineering Services.

The engineer must supervise the civil works construction and upon completion provide certification that the works have been undertaken generally in accordance with the approved engineering plans.

Approval of the plans and specifications is required prior to the acceptance of the required development start of works notification.

An application for a permit to construct within Council's road and stormwater drainage easement must be lodged with Council and the permit issued prior to acceptance of the required development start of works notice.

10. Retaining walls constructed within drainage easements over a stormwater main must be designed to be easily deconstructed to allow access to service pipes and must be no greater than 1m in height.
11. New urban vehicular accesses must be constructed in standard grey concrete with a broomed non-slip finish from the kerb crossing layback to the lot boundary in accordance with Tasmanian Standard Drawings TSD-R09 AND TSD-R14 Type KC vehicular crossing.
12. All roads and footpaths adjoining the construction site must be kept clear of construction materials and debris during the construction period.

Any mud tracked onto the roadway or footpath during construction must be properly cleaned off by the end of the working day. Failure to do so may result in Council's Works Department undertaking the clean up works, with all costs, plus overheads being invoiced directly to the applicant.

13. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

#### **ADVICE**

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. This Permit does not constitute plumbing approval. The developer should obtain a Plumbing Permit for the development prior to commencing construction.
- C. Any proposal to the stage the development is subject to the separate approval of Council.
- D. The Developer should not allocate any property address numbers for the proposed units.

New property addresses have been allocated as follows:

<b>Unit No.</b>	<b>Allocated Property Address</b>
1	3/51 Hutchins Street, Kingston
2	2/51 Hutchins Street, Kingston
3	1/51 Hutchins Street, Kingston
4	49 Hutchins Street, Kingston

These numbers must then be referenced on design and As-Constructed drawings as well as any Strata Plans lodged for sealing.

FOR

Cr Atkinson	Cr Bury	Cr Chatterton	Cr Fox	Cr Grace
Cr Percey	Cr Wass	Cr Winter		

AGAINST

Cr Bastone				
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Carried



### Submission to Planning Authority Notice

Council Planning Permit No.	DA2017-160	Council notice date	24/04/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/00563-KIN	Date of response	13/06/2017
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243
<b>Response issued to</b>			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
<b>Development details</b>			
Address	49-51 HUTCHINS ST, KINGSTON	Property ID (PID)	7541272
Description of development	Demolition of existing dwelling & construct multiple dwellings x4		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Smeekes Drafting Pty Ltd	49HS Sheets 000B	2	08/06/2017
JSA Consulting Engineers	17E02-13 Sheets C03, C04, C06, C19 & C20	A	06/06/2017
<b>Conditions</b>			
<b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
1. A suitably sized water supply with metered connections / sewerage system and connections to each dwelling unit must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.			
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.			
3. Prior to commencing construction / use of the development, a boundary backflow prevention device and water meter must be installed, to the satisfaction of TasWater.			
<b>56W CONSENT</b>			
4. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.			
The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also			

include a cross sectional view through the footings which clearly shows;

- a. Existing pipe depth and proposed finished surface levels over the pipe relating to unit 2 inclusive of the waste bin area and private open space & unit 3 inclusive of the retaining wall separating units 3 & 4;
- b. The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- c. A note on the plan indicating how the pipe location and depth were ascertained.

**DEVELOPMENT ASSESSMENT FEES**

5. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:

- a. \$335.18 for development assessment.

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

**Advice**

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

**Declaration**

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

**Authorised by**



**Jason Taylor**  
Development Assessment Manager

**TasWater Contact Details**

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



## OPEN SESSION OF COUNCIL RESUMES

Open session of Council resumed at 6.05pm

### OFFICERS REPORTS TO COUNCIL

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C368/16-17

*(Commences at 34 minutes of audio recording)*

### **25A OSBORNE ESPLANADE, KINGSTON BEACH AND KINGSTON BEACH SURF LIFE SAVING CLUB**

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MOVED            Cr Chatterton  
SECONDED       Cr Fox

That Council:

- (a) agree to grant permission for the Kingston Beach Surf Life Saving Club to submit a development application for its additional storage and other ancillary facilities (such as a first aid and patrol/radio room) at 25A Osborne Esplanade, that are required to meet the reasonable needs of the Club;
- (b) agree to grant permission for the Kingston Beach Surf Life Saving Club to submit a development application for its proposed clubhouse and additional storage within the Kingston Beach Oval property;
- (c) agree to replace or refurbish the existing public toilets and changeroom building so that high quality public amenities are provided and to design and cost these proposed improvements on 25A Osborne Esplanade; and
- (d) require a further report be provided for Council's consideration in regard to the sources of funding for the replacement or refurbishment of the existing public toilets and changeroom building in order that construction can occur as soon as practical.

**Amendment:**

MOVED            Cr Bastone  
SECONDED       Cr Winter

That (c) be amended by deleting the words “or refurbish” and (d) be amended by deleting the words “or refurbishment”.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

**The amended motion was then put:**

That Council:

- (a) agree to grant permission for the Kingston Beach Surf Life Saving Club to submit a development application for its additional storage and other ancillary facilities (such as a first aid and patrol/radio room) at 25A Osborne Esplanade, that are required to meet the reasonable needs of the Club;
- (b) agree to grant permission for the Kingston Beach Surf Life Saving Club to submit a development application for its proposed clubhouse and additional storage within the Kingston Beach Oval property;
- (c) agree to replace the existing public toilets and changeroom building so that high quality public amenities are provided and to design and cost the proposed improvements on 25A Osborne Esplanade; and
- (d) require a further report be provided for Council's consideration in regard to the source of funding for the replacement of the existing public toilets and changeroom building in order that construction can occur as soon as practical.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

**POLICY 3.14 - RATES AND CHARGES POLICY**

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MOVED           Cr Percey  
 SECONDED      Cr Atkinson

That the updated Rates and Charges Policy be approved and implemented.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

**POLICY 3.3 – DISASTER RELIEF DONATIONS POLICY**

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MOVED           Cr Percey  
 SECONDED      Cr Grace

That Council approves the policy 3.3 Disaster Relief Donations Policy, as attached to this report.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

**INFORMATION REPORTS**

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MOVED           Cr Percey  
 SECONDED      Cr Chatterton

That the following information reports be noted:

1. Mayor's Communications.
2. Financial Report for the period 1 July 2016 to 30 June 2017.

3. Kingborough Waste Services Bi-Monthly Report.
4. Governance and Property Services Quarterly Report for the period April to June 2017.
5. Planning Enforcement.
6. Councillor Attendance at Meetings.
7. Councillor Allowances and Expenses Table for the period 1 July 2016 to 30 June 2017.
8. Bruny Island Ferry Tickets to Councillors for the period 1 July 2016 to 30 June 2017.
9. Donations.

**Cr Atkinson** left the meeting at 7.26pm  
**Cr Atkinson** returned at 7.28pm

**Cr Percey** left the meeting at 7.29pm  
**Cr Percey** returned at 7.31pm

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

C372/16-17

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

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MOVED            Cr Grace  
 SECONDED      Cr Bury

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* the following items are to be dealt with in Closed Session.

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015 Reference</i></b>
Applications for Leave of Absence	15(2)(h)
Information Report – Delegated Authority	15(2)(c)

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

**CLOSED SESSION**

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MOVED            Cr Fox  
SECONDED       Cr Chatterton

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* that Council move into Closed Session.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

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

Open Session of Council adjourned at 7.40pm

<p style="text-align: center;"><b>OPEN SESSION OF COUNCIL ADJOURNS</b></p>
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## OPEN SESSION OF COUNCIL RESUMES

Open Session of Council resumed at 7.43pm

C378/16-17

MOVED            Cr Winter  
SECONDED       Cr Atkinson

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

Subject	Decisions/Documents
Applications for Leave of Absence	Approved
Information Report – Delegated Authority	Noted

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Grace	Cr Percey	Cr Wass	Cr Winter	

Carried Unanimously

### **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 7.44pm

.....  
(Confirmed)

.....  
(Date)