

Kingborough

PUBLIC MINUTES

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of the public.

MINUTES

11 September 2017



Back (L – R): Cr Paul Chatterton, Cr Mike Percey, 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

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ORDER OF BUSINESS

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MINUTES of an Ordinary Meeting of Council held at the Kingborough Civic Centre, Kingston on Monday, 11 September 2017 at 5.30pm.

	From	To	Time Occupied
Open Council	5.30pm	5.38pm	8 minutes
Planning Authority	5.38pm	6.07pm	29 minutes
Open Council	6.07pm	6.59pm	52 minutes
Closed Council	6.59pm	7.16pm	17 minutes
Open Council	7.16pm	7.17pm	1 minute
TOTAL TIME OCCUPIED			1 hour, 47 minutes

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

ATTENDEES

Councillors:

Mayor Councillor S Wass	✓
Deputy Mayor Councillor P Wriedt	✓
Councillor R Atkinson	✓
Councillor S Bastone	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor D Winter	✓

Staff:

TITLE	NAME
General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Executive Manager Information Services	Mr Fred Moulton
Manager Finance	Mr Tim Jones
Manager Environmental Services	Mr Jon Doole
Manager Governance & Property Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Senior Planning Officer	Mrs Melissa Stevenson
Executive Assistant	Mrs Amanda Morton

C447/20-17

APOLOGIES

Cr Dr Graham Bury
 Cr Mike Percey
 Cr Paul Chatterton

C448/20-17

CONFIRMATION OF MINUTES OF COUNCIL MEETING NO. 18 HELD ON 28 AUGUST 2017

MOVED Cr Fox
SECONDED Cr Bastone

That the Minutes of Council Meeting No. 18 held on 28 August 2017 be confirmed.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

C449/20-17

CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING NO. 19 HELD ON 4 SEPTEMBER 2017

MOVED Cr Fox
SECONDED Cr Wriedt

That the Minutes of Special Council Meeting No. 19 held on 4 September 2017 be confirmed.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

WORKSHOPS HELD SINCE COUNCIL MEETING ON 4 SEPTEMBER 2017

No workshops have been held since the last Council meeting.

C450/20-17

DECLARATIONS OF INTEREST

Cr's Atkinson, Bastone, Fox, Grace, Wass, Winter and Wriedt declared telephone and e-mail contact by the proponent regarding the report DA2017-99 in this agenda.

TRANSFER OF AGENDA ITEMS

No agenda items were transferred.

QUESTIONS ON NOTICE FROM THE PUBLIC

There were no questions on notice from the public.

QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

There were no questions without notice from the public.

QUESTIONS ON NOTICE FROM COUNCILLORS

C451/20-17

(Commences at 4 minutes of audio recording)

Decisions Under Delegation

At the Council meeting on 14 August 2017, **Cr Bury** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

Council would be aware that the time limit was extended and passed onto the GM during the week. My question is, how many times have the DA's been dealt with in this way, I appreciate that permission wasn't given to extend the time but how many since we went to fortnightly Council meetings which would be about three years ago, but I recall being advised that it was unlikely to happen once we did so.

Officer's Response:

Since we commenced fortnightly meetings in January 2016 the total number of decisions made under delegation for 2016 was 10 and in 2017 to date the number is 6.

Tasha Tyler-Moore - Manager Development Services

C452/20-17

(Commences at 4 minutes of audio recording)

Designated smoking areas

Cr Bury has submitted the following question on notice :

Would the General Manager please confirm that Local Government has the power through Section 67B (c) of the Public health Act 1997, to designate smoke free areas such as; around schools, bus shelters, streets and public places. Provided that Council is the 'occupier' (or Owner) of the area concerned?

Has any consideration yet been given to designating public areas in Kingston Park, smoke free?

Officer's Response:

In accordance with Section 67B(c) of the *Public Health Act 1997* (the Act), Council can declare any outdoor public area where Council is the occupier of that area, as a smoke free area. The area may be declared as a smoke free area by the installation of signage approved by the Director of Public Health. Any area designated by Council as a smoke free area would be required to be enforced by Council. However Council's Environmental Health Officers are not currently delegated to enforce Section 67 of the Act.

Jon Doole - Manager Environmental Services

Kingborough Council Kerbside Recycling

Cr Bury has submitted the following question on notice :

Can staff please detail the journey of plastic material placed in the Kingborough recycling bins, through to their ultimate recycling destination?

Are staff able to confirm that plastic material placed in the Kingborough recycling bins, is in fact recycled?

Officer's Response:

The following occurs with plastic bottles collected through the kerbside recycling service.

The comingle recycling is collected by the kerbside collection trucks and transported to the SKM Materials Recovery Facility (MRF) at Lutana.

The comingle recycling is sorted into its different types of recycling (Paper, Cardboard, Steel Cans, Glass, Aluminium Cans etc.) through an automated sorting process.

The plastics are then sent through another automated optic sorting process to separate the plastics in to their different types of plastic grades such as PET, White HDPE, and Coloured HDPE/PP.

The sorted plastics are then baled and transported to the mainland for sale to local and overseas manufacturers for processing into raw materials that are added to new plastic products.

David Reeve - Executive Manager Engineering Services

Go Dogs Graffiti

Cr Winter has submitted the following question on notice :

'GO DOGS' was spray painted on a prominent fence at the Roslyn Avenue/Algona Road roundabout in September 2016

Presumably, the phrase was a prophetic ode to the impending Western Bulldogs 2016 AFL Premiership Victory. This was likely the work of someone who appreciated both the long Bulldogs Premiership drought being broken and the inspiring, free-flowing attacking style the young upstart bulldogs were playing.

That being said, with the demise of the Dogs' 2017 Premiership hopes last month, is Council able to facilitate the graffiti's removal from this busy Blackmans Bay roundabout?

Officer's Response:

The matter has been attended to.

Daniel Smee - Manager Governance and Property Services

QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C455/20-17

(Commences at 4 minutes of audio recording)

Cost to Install Seat in Beach Road, Snug

Cr Grace asked the following question without notice:

Could the General Manager please provide us with a costing to install the new seat outside 9 Beach Road, Snug.

General Manager responds:

We will take that question on notice and provide a written response with quotation.

C456/20-17

(Commences at 7 minutes of audio recording)

Planning Department

Cr Bastone asked the following questions on notice:

1. *How many qualified planning officers do we have in our planning department?*
2. *How many qualified staff have left the planning department in the last 24 months?*
3. *In the last 24 months, how many qualified planners have we employed?*
4. *How many managers of Development Services have we had in the last 24 months?*

General Manager responds:

I'm happy to take that question on notice and respond.

C457/20-17

(Commences at 7 minutes of audio recording)

Smoke Free Areas and Recycling of Plastics

Cr Atkinson asked the following questions on notice:

I had a follow up question to Cr Bury's question on notice about the smoke free areas. The end of his question was "has any consideration yet been given to designating public areas in Kingston Park smoke free" and unless I missed it I couldn't see that in the response.

General Manager responds:

Unless my colleague, Jon Doole, wishes to add to this, my understanding is that no consideration has been given.

Cr Atkinson:

Thank you. My second question on Cr Bury's other question about the recycling of plastics, once again he says "Are staff able to confirm that plastic materials placed in Kingborough recycling bins is in fact recycled?". I appreciate that Mr Reeve has documented where the

plastic goes and ends with the plastic going to the mainland for sale to local or overseas manufacturers. I just hope that he can specifically confirm that we know that it gets recycled.

General Manager responds:

I actually discussed this question and response with David and it is my understanding that it does in fact get recycled on the mainland, particularly in the Melbourne area and remade into products that include seating in public open spaces, some stormwater drainage the equivalent of PVC piping etc. But he may be able to provide more specifics than I can.

Cr Atkinson:

So you might provide specifics on notice? Thank you.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

There were no Notices of Motion received.

PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled, no petitions had been received.

OPEN SESSION OF COUNCIL ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 5.38pm

OFFICERS REPORTS TO PLANNING AUTHORITY

C458/20-17

(Commences at 9 minutes of audio recording)

DELEGATED AUTHORITY FOR THE PERIOD 16 AUGUST 2017 TO 29 AUGUST 2017

MOVED Cr Fox
SECONDED Cr Bastone

That the report be noted.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

C459/20-17

(Commences at 10 minutes of audio recording)

DA-2017-299 - DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM RESTAURANT/BAR TO TWO APARTMENTS AND ASSOCIATED CARPORTS AT 'TAROONA HOTEL', 178 CHANNEL HIGHWAY, TAROONA FOR JSA CONSULTING ENGINEERS

MOVED Cr Winter
SECONDED Cr Grace

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for change of use from restaurant/bar to two apartments and associated carports at 'Taroona Hotel', 178 Channel Highway, Taroona for JSA Consulting Engineers 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-2017-299 and Council Plan Reference No. P2 submitted on 13 July 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. 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.
3. 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. An application for an amendment to the Strata Plan should be made upon completion of the development to alter the unit entitlements and common property for the Strata Plan. The consent of all strata lot owners, including the Body Corporate for the Common Property will be required.

FOR

Cr Grace	Cr Winter	Cr Wriedt	
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AGAINST

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wass
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Lost

MOVED Cr Atkinson
SECONDED Cr Fox

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for a change of use from restaurant/bar to two apartments and associated carports at 'Taroona Hotel', 178 Channel Highway, Taroona for JSA Consulting Engineers be refused for the following reasons:

1. The proposed change of use from commercial (restaurant/bar) to residential (apartments) is not consistent with Zone Purpose Statement 20.1.1.1 of the Local Business zone as by removing the existing commercial use on the site, the proposal does not facilitate the provision of business, professional and retail services which meet the convenience needs of the local area on the site.

2. The proposed change of use from commercial (restaurant/bar) to residential (apartments) is not consistent with Zone Purpose Statement 20.1.1.4 of the Local Business zone as the proposed residential use does not support the viability of the Taroona commercial activity centre and an active street frontage is not maintained.
3. The proposed change of use from commercial (restaurant/bar) to residential (apartments) is not consistent with the Local Area Objective for Taroona contained within Clause 20.1.2 as by removing the existing commercial use on the site, the proposal does not facilitate improved local retail and convenience shopping services.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wass
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AGAINST

Cr Grace	Cr Winter	Cr Wriedt	
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Carried

Cr Grace left the meeting at 6.06pm

OPEN SESSION OF COUNCIL RESUMES

Open session of Council resumed at 6.07pm

OFFICERS REPORTS TO COUNCIL

C460/20-17

(Commences at 37 minutes of audio recording)

TASSAL COMMUNITY ADVISORY GROUPS

MOVED Cr Atkinson
SECONDED Cr Fox

That Council:

1. defer any decision about participation in the Tassal Community Advisory Group until further information is provided on the purpose and makeup of the group;
2. request a report from staff on the ways that Council could coordinate direct dialogue between Tassal and community members who have concerns about the company's operations in Kingborough through community forums or similar.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wriedt
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AGAINST

Cr Wass	Cr Winter		
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Carried

CLIMATE CHANGE INNOVATION LAB TASMANIA

MOVED Cr Fox
 SECONDED Cr Atkinson

That Council agrees to sign a Memorandum of Understanding with the Climate Change Innovation Lab Ltd as presented in Annexure 2 of this report.

FOR

Cr Atkinson	Cr Fox	Cr Wass	Cr Wriedt
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AGAINST

Cr Bastone	Cr Winter		
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Carried

CUSTOMER SERVICE CHARTER

MOVED Cr Fox
 SECONDED Cr Atkinson

That Council:

- (a) adopts the attached Customer Service Charter policy with immediate effect; and
- (b) determines that no charge will apply for the provision of a copy of the Customer Service Charter.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

INFORMATION REPORTS

MOVED Cr Bastone
 SECONDED Cr Wriedt

That the following information reports be noted:

1. General Manager's Diary for the period 7 August to 4 September 2017
2. Current and Previous Minute Resolutions

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

MOVED Cr Atkinson
 SECONDED Cr Bastone

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.

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> Reference
Applications for Leave of Absence	15(2)(h)
Land Use Planning and Approvals Act Delegation	15(2)(i)
Request for Rate Remission	15(2)(g)
Current and Previous Minute Resolutions	15(2)(c)

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

CLOSED SESSION

MOVED Cr Atkinson
SECONDED Cr Fox

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 Fox	Cr Wass
Cr Winter	Cr Wriedt		

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 6.59pm

OPEN SESSION OF COUNCIL ADJOURNS

OPEN SESSION OF COUNCIL RESUMES

C473/20-17

Open Session of Council resumed at 7.16pm

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	Nil
Land Use Planning and Approvals Act Delegation	Approved
Request for Rate Remission	Declined
Current and Previous Minute Resolutions	Noted

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.17pm

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 (Confirmed)

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 (Date)