

Kingborough

PUBLIC MINUTES

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of the public.

MINUTES

9 July 2018



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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AUDIO RECORDING

The Chairperson declared the meeting open at 5.30pm, welcomed all in attendance and read:

“All persons in attendance are advised that it is Council policy to record Council Meetings. The audio recording of this meeting will be made available to the public on Council’s website. In accordance with Council Policy, I now ask staff to confirm that the audio recording has commenced.”

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor paid respect to the traditional and original owners of this land the muwinina people, paid respect to those that have passed before us and acknowledged today’s Tasmanian Aboriginal community who are the custodians of this land.

ATTENDEES

Councillors:

Mayor Cr S Wass	✓
Deputy Mayor Cr P Wriedt	✓
Councillor R Atkinson	✓
Councillor Dr G Bury	✓
Councillor P Chatterton	✓
Councillor F Fox	✓
Councillor M Percey	✓
Councillor D Winter	✓

Staff:

General Manager	Mr Gary Arnold
Manager Governance & Property Services	Mr Daniel Smee
Manager Community Services	Ms Angela Jenni
Media and Communications Officer	Ms Sarah Wilcox

C439/16-18

(Commences at ± 2 minute of audio recording)

APOLOGIES

Cr Sue Bastone
Cr David Grace

CONFIRMATION OF MINUTES OF 25 JUNE 2018

MOVED Cr Atkinson
 SECONDED Cr Fox

That the Minutes of Council Meeting No. 15 (open session) held on 25 June 2018 be confirmed as a true record.

Amendment - Dog Management Policy – Cr Wass recorded as a negative vote

FOR

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

Carried Unanimously

WORKSHOPS HELD SINCE LAST COUNCIL MEETING

2 July 2018 - Risk Management

DECLARATIONS OF INTEREST

There were no declarations of interest.

TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

QUESTIONS ON NOTICE FROM THE PUBLIC

1 Consultation Processes

At the Council meeting on 25 June 2018, **Ms Tricia Ramsay** submitted the following question without notice to the General Manager, with a response that the question would be taken on notice.

“Will Council develop, as a matter of urgency, a policy for its various consultative processes that is based on best practice principles, natural justice and procedural fairness, for it is the only way that Council can demonstrate its respect for the people who dedicate their valuable time to contributing to better outcomes for this municipality?”

Officer's Response:

Council adopted the 2018 Corporate Communications Strategy at its meeting on 9 April 2018, where they committed to establishing and improving two-way communications with effective communication and engagement strategies. As part of the Strategy, a recommendation was approved to develop a Public Participation framework which includes a toolkit of engagement methods to assist with Council consultation projects in line with the International Association for Public Participation (IAP2) practices. The framework will be included within this Strategy for 2019. It will be called the Corporate Communications and Engagement Strategy, which will be guided by an updated Communications and Engagement Policy. The new Strategy is currently being developed and will be used in consultation with all Council departments, and within the available Council resources.

Council has also recently engaged and implemented a new online engagement tool, Our Say, which is providing effective and efficient engagement forums and reporting mechanisms. The tool enables community members to participate in consultations at all times of the day and allows for all submissions to be publicly available and transparent.

The Council report and strategy can be viewed on the 9 April 2018 meeting agenda at www.kingborough.tas.gov.au/council_meetings

Sarah Wilcox - Media & Communications Officer

C442/16-18

2 Kingston Park

At the Council meeting on 25 June 2018, **Ms Tricia Ramsay** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

"We require that you bring to the next council meeting a full accounting of the Kingston Park project, including a summary of the expressions of interest you have sought for the purchase of land within the development. This report should have new and updated future value forecasts based upon actual rather than estimated outcomes. In essence it should be a real report rather than one based on the fantasy land estimates of 3 years ago."

Officer's Response:

Financial reports for the Kingston Park project are provided to the project steering committee on a monthly basis and are incorporated within the publicly available Kingston Park Implementation Reports. The most recent Implementation Report is available on the Council website and the latest version (for the second quarter of 2018) will be released in July 2018. These Reports provide a financial summary of the project, together with future anticipated expenditure. They have been provided on the Council website since mid-2017.

It appears that the question is mainly seeking to obtain information on the expected revenue that the project may generate through the future sale of land. Council is currently mid-way through a process whereby expressions of interest have been sought from potential developers. This is a highly confidential process. The developers have all signed confidentiality agreements and Council must maintain their trust. This is also a highly competitive process whereby Council is endeavouring to obtain the best outcome – both financially and on the ground. It is the same as a tendering process where it is critical that confidentiality is maintained.

There is no more recent information in regard to earlier revenue expectations. This can, in any case, only be speculative as Council will not know what future purchasers will be prepared to pay for the land. The current expression of interest process will provide information on future income streams for this project. Council has recently requested detailed proposals from the shortlisted developers and they will include binding offers for the affected land. Council will then be in a position to consider the alternative proposals and determine both the appropriate private development within Kingston Park and the expected revenue.

Tony Ferrier - Deputy General Manager

C443/16-18

3 Kerb and Guttering Program

Mr Mervin Reed submitted the following question on notice:

I refer you to the capital works program for the Council for the 2018-19 year, where we can find no reference to Kerb and Guttering works for those streets that have no kerbs and gutters yet pay a drainage rate.

When will these Kerbs and Gutters be installed in Burwood Drive so that the amenity of the ratepayers may be improved.

Officer's Response:

Kerb and channel is predominantly used in high density residential areas to allow for the most efficient collection and dispersal of stormwater. However, it is not unusual to have pockets of high to medium density residential areas that are drained in an alternate fashion, generally by table drain. In the case of Burwood Drive, the majority of the abutting land use is zoned as low density residential with larger blocks that would not have automatically driven the need for kerb and channel or footpaths. Although there are no immediate plans to install kerb and channel and/or footpaths in Burwood Drive this option will continue to be considered against other competing priorities.

David Reeve - Executive Manager Engineering Services

QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

C444/16-18

(Commences at ± 5 minute of audio recording)

1. Alum Cliffs Mt Bike proposal.

Mr Raymond Westwood asked the following questions without notice.

- (a) *Was additional funding obtained by Council for the Alum Cliffs Mountain Bike project from the Greater Hobart Mountain Bike Masterplan 2011 or any other Government, Local Government or Council authority?*
- (b) *What was the total sum paid to Echelon Australia for the Alum Cliffs Mountain Bike Project, including all funding sources from inception of the project?*

General Manager responds:

I will take the question on notice and provide a written response.

C445/16-18

2. Consultation processes and Dog Management Policy.

Ms Tricia Ramsay asked the following questions without notice.

(a) Consultation processes

Since adoption of the Corporate Communications Strategy on 9th April 2018, Council has – as acknowledged in tonight’s Agenda – been developing a public participation framework which includes methodology to inform consultation projects in line with the International Association for Public Participation (IAP2) practices. Why then, has Council consistently not conformed to a number of ‘Code of Ethics’ or ‘Core Values’ principles of the IAP2 Charter with respect to recent consultation processes on Rates, the Draft Dog Management Policy, and the leasing of Hinsby and Taroon Beach? The IAP2 Charter prohibits quoting from its ‘Code of Ethics’ or ‘Core Values’ statements without authorisation. What is the purpose of using the IAP2 framework if Council does not adhere to it and Ratepayers cannot quote from it? As a matter of urgency, Ratepayers need Council to adopt, and adhere to, a public consultation framework that confirms to best practice, natural justice and transparency.

(b) Dog Management Policy

This afternoon, written submissions to the DDMP were uploaded to Council’s webpage. It is noted that the various group submissions are misrepresented by Council as having the same significance as a submission from an individual. Why did Council not attribute the number of people represented by the various group submissions where that information has been provided? Do you understand that by not doing so you compromise the integrity of your process?

General Manager responds:

I will take the questions on notice and provide a written response.

QUESTIONS ON NOTICE FROM COUNCILLORS

C446/16-18

(Commences at ± 9 minute of audio recording)

1 Staff Resources - Dog Compliance Issues

At the Council meeting on 12 June 2018, **Cr Bury** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

“Could the General Manager give us some idea as to how much staff time is spent, roughly, in dealing with dog compliance problems within the municipality and how many officers are involved?”

Officer’s Response:

Council has two field-based Compliance Officers who work on a full time basis and spend approximately 70% of their time dealing with dog related activities. One officer is always rostered on for after-hours call-outs, which are almost always to do with dog issues.

Daniel Smee - Manager Governance & Property Services

C447/16-18

2 Grader on Bruny Island

At the Council meeting on 25 June 2018, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

“Could the General Manager please provide the amount of hours that the road grader has clicked up, the one that is going to be replaced? Can we be advised what hours that machine has done?”

Officer’s Response:

The Mitsubishi Grader that is due to be replaced in the 2018/19 financial year has 6,126 hours on the machine hour’s clock.

Peter Caccioppola – Manager Works

C448/16-18

3 Delegations to the Deputy Mayor

At the Council meeting on 25 June 2018, **Cr Winter** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

“Given Section 27 (2) (a) of the Local Government Act requires the Deputy Mayor to Act as Mayor during periods the Mayor is out of the State, does this mean that Council has been in breach of the Local Government Act many times?”

Officer’s Response:

It is necessary to take into account the full provisions of Section 27(2) of the Local Government Act 1993 in order to provide an answer to this question. Section 27 (2) of the Local Government Act states that “The deputy mayor is to act in the position of mayor and exercise the powers and perform the functions of mayor if-

- (a) the mayor is absent from duty as Mayor or from the State, otherwise unavailable for duty as mayor or unable to perform the functions of mayor; and
- (b) the mayor or the council, by notice in writing, appoints the deputy mayor to act in the position.”

In relation to the above, the key question is one of whether the Mayor is “absent from duty”. Advice received from the Local Government Division indicates that if the Mayor is out of the state and is able to continue to perform the functions of mayor (for example, attending the recent ALGA Conference in the capacity as Mayor), there is no need for the Deputy Mayor to act in the role. Indeed the Deputy Mayor would not be able to do so unless there was written authority from the Mayor or Council as per 2b.

For Council to be in breach of the Act whilst the Mayor was out of the State, it would need to be ascertained that the Mayor was unable to perform the functions of the role and there was no appointment in writing for the Deputy Mayor to act in the role.

Gary Arnold - General Manager

C449/16-18

4 Tarooma and Hinsby Beaches Land Tenure

Cr Winter submitted the following question on notice:

What is the status of Council's decision on 22 January 2018 to pursue tenure over Tarooma and Hinsby beaches?

Officer's Response:

Advice has been received from Crown Land Services indicating that Council's application for tenure over these two beaches has received ministerial approval and a licence will formally be issued by mid-July 2018.

Daniel Smee - Manager Governance and Property Services

QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C450/16-18

(Commences at ± 9 minute of audio recording)

Cr Winter – Joint Standing Committee recommendations.

Is Council aware that the Joint Standing Committee on national capital and external territories enquiry into the Australia's Antarctic territory last month recommended in its report to the Australian Federal Parliament that the Australian Government examine options for co-location of relevant institutions in the proposed Macquarie Point Antarctic Precinct including the relocation of the CSIRO, CCAMLR, Tasmanian Polar Network, part of the Australian Bureau of Meteorology and components of the Australian Antarctic Division, and if so what is Council doing to preserve the Australian Antarctic Division presence in Kingborough?

General Manager responds:

Cr Winter thank you for the question. Fortuitously for Council the Mayor and myself were both in Canberra at the time that announcement was made, in fact we met the very next morning, first with Julie Collins our local Federal Member who was accompanied by Carol Brown and Catryna Bylik they raised that issue, we assured them that we would continue to advocate on Councils behalf for a continued presence of the AAD in its existing format in Kingston Later that morning we also met with the Liberal Senators, Senator Abetz, Senator Duniam, Senator Colbeck and Senator Bushby, and the Mayor put the question to the four Liberal Senators and we received a verbal assurance that the AAD would not be relocated from Kingston. The Mayor and I have both previously commented in the Chamber that we have both received continuing verbal assurances from the conservative side of Parliament that that is the case.

Cr Winter – asked a supplementary question

It's pleasing to hear that you've got verbal assurances but presumably the Government will be responding to the recommendations of the Committee shortly, is Council looking to secure a written reassurance from the Government that it won't be looking to relocate the Australian Antarctic Division before that response is handed down?

General Manager responds:

There has been no formal decision of Council as such that I can recall but on Councils behalf I will certainly be corresponding along those lines prior to the response from the Australian Government that you have mentioned.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

There were no Notices of Motion.

PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

PETITIONS RECEIVED IN THE LAST PERIOD

C451/16-18

(Commences at ± 13 minute of audio recording)

1 Bruny Island Airstrip

MOVED Cr Fox
SECONDED Cr Atkinson

That the petition be received.

FOR

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

Carried Unanimously

C452/16-18

2 Draft Dog Management Policy

MOVED Cr Chatterton
SECONDED Cr Atkinson

That the petition be received and referred to the appropriate Department for a report to Council.

FOR

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

Carried Unanimously

OPEN SESSION OF COUNCIL ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 5:44pm

OFFICERS REPORTS TO PLANNING AUTHORITY

C453/16-18

(Commences at ± 15 minute of audio recording)

DELEGATED AUTHORITY FOR THE PERIOD 13 JUNE 2018 TO 26 JUNE 2018

MOVED Cr Fox
SECONDED Cr Chatterton

That the report be noted.

FOR

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

Carried Unanimously

PLANNING AUTHORITY ADJOURNS

OPEN SESSION OF COUNCIL RESUMES

Open session of Council resumed at 5:45pm

OFFICERS REPORTS TO COUNCIL

C454/16-18

(Commences at ± 16 minute of audio recording)

BRUNY ISLAND ADVISORY COMMITTEE

MOVED Cr Percey
SECONDED Cr Bury

That Council notes the Minutes of the meeting of Bruny Island Advisory Committee held on 14 June 2018 and responds to the specific recommendations contained therein as follows:

- a) Notes the support of the Committee for the BrunyLife Study;
- b) Considers the recommendation of the Committee in relation to the Bruny Airstrip as part of a separate report on the matter;
- c) Notes the recommendation of the Committee in relation to the Lunawanna Hall public toilets and agrees to continue the consultation process associated with the design of the new facility and pursue available funding opportunities; and
- d) Advises the State Government of the Committee's concerns in relation to the proposal for a booking system as part of the new ferry contract.

FOR

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

Carried Unanimously

C455/16-18

(Commences at ± 20 minute of audio recording)

BRUNY ISLAND AIRSTRIP

MOVED Cr Bury
SECONDED Cr Fox

That Council:

- (a) confirms that it will, in principle, agree to leasing the Bruny Island Airstrip, provided that it is available for general community and business use and that there is no ongoing cost or legal liability to Council;

- (b) will continue to manage and maintain the Bruny Island Airstrip while investigations are carried out into such a proposed lease agreement with a local person, business or entity;
- (c) will conduct further discussions with the interested parties that might be directly impacted by a possible lease of the airstrip; and
- (d) will consider a further report on this matter within three months, once the investigations into both the potential lease agreement and the property boundaries have been completed.

FOR

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

Carried Unanimously

C456/16-18

(Commences at ± 38 minute of audio recording)

POSITIVE AGEING STRATEGY

MOVED Cr Fox
 SECONDED Cr Atkinson

That the Positive Ageing Strategy 2018, and Appendix of associated actions as attached to this report, are adopted.

FOR

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

Carried Unanimously

C457/16-18

(Commences at ± 43 minute of audio recording)

LOCAL GOVERNMENT ASSOCIATION TASMANIA GENERAL MEETING 25 JULY 2018

MOVED Cr Chatterton
 SECONDED Cr Atkinson

That the matter be discussed.

FOR

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

Carried Unanimously

MOVED Cr Atkinson
SECONDED Cr Winter

That Council advise the Mayor regarding voting at the upcoming LGAT General Meeting as follows:

Item 8.1:

“That Members agree to a feasibility study into the establishment of a state-wide Waste Management arrangement.”

Voting: **Yes** **No** **DD**

Item 8.2

“That the Meeting note the update on the Review of Councillor Allowances.

That the Meeting agree that LGAT pursue a review of the further areas identified.

That the Meeting agree that any such review should be completed in the next 12 months.”

Voting: **Yes** **No** **DD**

Item 8.3

“That Members determine that the feedback to the Director of Local Government on the sector wide recommendations arising from the Glenorchy City Council Board of Inquiry (below) is that they are not system issues and a legislative response is not endorsed.

- Provide the Mayor with the power to approve the agenda prior to its release by the General Meeting;
- Provide the Mayor with the power to approve the release of draft minutes to other councillors;
- Provide the power to the Mayor to approve the General Manager’s leave;
- Mandatory requirement for all council meetings to have audio recordings;
- The Minister may direct a council to terminate the employment of a General Manager; and
- The General Manager is to consult with the Mayor and councillors on senior executive appointments.”

Voting: **Yes** **No** **DD**

Item 8.4:

“That Members note the actions taken since the May General Meeting with respect to the sale of churches and cemeteries.

That Members note that LGAT will coordinate a response to any proposed changes to the Burial and Cremation Act 2002.

That Members agree that LGAT should provide appropriate support to Mayors of affected areas as requested.

That Members note the request from a member of the Uniting Church that Local Government explore taking over control of Tasmanian Cemeteries.

That Members agree that it is not the role of Local Government to take over cemeteries established by religious organisations.

That Members discuss and determine any further actions for LGAT.”

Voting: **Yes** **No** **DD**

FOR

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

Carried Unanimously

C458/16-18

(Commences at ± 1:04 minute of audio recording)

INFORMATION REPORTS

MOVED Cr Fox
SECONDED Cr Winter

That the following information reports be noted:

- 1 General Manager’s Diary for the period 4 June 2018 to 29 June 2018.
- 2 Current and Previous Minute Resolutions (open session).
- 3 Governance and Property Services quarterly report.

FOR

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

Carried Unanimously

CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

MOVED Cr Chatterton
SECONDED Cr Atkinson

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Item	Regulation
Confirmation of Minutes	34(6)
Applications for Leave of Absence	15(2)(h)
Court Matters April – June 2018	15(2)(i)
Question Without Notice – Bruny Plant	15(2)(b)

FOR

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

Carried Unanimously and by Absolute Majority

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 6.55pm

OPEN SESSION OF COUNCIL ADJOURNS

OPEN SESSION OF COUNCIL RESUMES

Open Session of Council resumed at 7:09pm

C465/16-18

MOVED Cr Fox
SECONDED Cr Atkinson

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

Item	Decision
Questions Without Notice – Bruny Plant	Answered
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil
Court Matters April – June 2018	Noted

FOR

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

Carried Unanimously

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7:10pm

.....
(Confirmed)

.....
(Date)