

# Kingborough

## **PUBLIC MINUTES**

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

# MINUTES

**10 September 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**

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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**

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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**

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### **Councillors:**

Mayor Cr S Wass	✓
Deputy Mayor Cr P Wriedt	✓
Councillor R Atkinson	✓
Councillor S Bastone	✓
Councillor P Chatterton	✓
Councillor F Fox	✓
Councillor M Percy	✓
Councillor D Winter	✓ (joined the meeting at 5.33pm)

### **Staff:**

Acting General Manager	Mr Tony Ferrier
Executive Manager Governance & Community Services	Mr Daniel Smee
Executive Manager Organisational Development	Ms Pene Hughes
Manager Finance	Mr Tim Jones
Manager Environmental Services	Mr Jon Doole
Manager Development Services	Ms Tasha Tyler-Moore
Compliance Co-Ordinator	Mr Scott Basham
Media & Communications Officer	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton

**C577/20-18**

*(Commences at ± 2 minutes of audio recording)*

## **APOLOGIES**

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Cr Dr Bury  
Cr D Grace

**CONFIRMATION OF MINUTES OF 27 AUGUST 2018**

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MOVED           Cr Fox  
 SECONDED      Cr Wriedt

That the Minutes of Council Meeting No. 19 (open session) held on 27 August 2018 be confirmed as a true record.

FOR

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

Carried Unanimously

**WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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29 August       -     TasWater  
 3 September   -     Kingston Park

**DECLARATIONS OF INTEREST**

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There were no declarations of interest.

**TRANSFER OF AGENDA ITEMS**

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MOVED           Cr Winter  
 SECONDED      Cr Wriedt

That the report 'Climate Change Innovation Hub' in closed session be moved to open session.

FOR

Cr Chatterton	Cr Wass	Cr Winter	Cr Wriedt
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AGAINST

Cr Atkinson	Cr Bastone	Cr Fox	Cr Percey
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Lost

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

There were no questions on notice from the public.

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

**C580/20-18**

*(Commences at ± 15 minutes of audio recording)*

**Mr Mervin Reed** asked the following questions without notice:

**1 Budget Deficit**

Can you advise the ratepayers why the budget deficit is \$1,332,424? Why you have spent cash from the reserves once again?

In responding to our question please take note of the following facts;

1. You told us that the long term financial plan was on track 2 years ago and it appears now that this is not the case. How can it be on track with an operating loss of over \$1.3m?

What do you now propose to advise the ratepayers was the real reason for such a disastrous budget result, in the same year of huge increase in rates at 4 times CPI.

**Manager Finance responds:**

I will take your question on notice.

**C581/20-18**

*(Commences at ± 17 minutes of audio recording)*

**Mr Ray Westwood** asked the following question without notice:

**2 Kingston Park**

- 1 Would Council provide a consolidated report on the actual outlay on the Kingston Park Project in each financial year of the plan's existence showing all expenditures, grants, and borrowings to date?
- 2 Would Council advise the expected timing and recovery of Council's expenditure on the Kingston Park Project financed to date and in the future by the ratepayers?

**Acting General Manager responds:**

Some of those answers are already included in the quarterly implementation reports which are on Council's website and have been for two years, but I will take the question on notice and provide a more detailed response.

**Mr John McDonald** asked the following questions without notice:

**3 Legal Expenses**

Please advise, for the 2017/8 financial year:

- (a) Total expenditure on external legal services;
- (b) Of that sum, the amount paid relating to compliance issues.

Please advise, for the 2018/9 financial year:

- (c) Total budgeted expenditure for external legal services;
- (d) Total amount budgeted for external legal services by type of service to be provided (eg contracts, planning advice and appeals, other civil litigation, compliance work).

**Acting General Manager responds:**

We will take that on notice.

**4 Electoral Signs**

If there is a limitation on the number of electoral signs that can be displayed on a residential premises, could that be indicated as to where that restriction is actually to be found?

**Acting General Manager responds:**

The General Manager has previously investigated that and notified the Councillors of the reasons, but I don't have that to hand. In the absence of that information I will take your question on notice.

**Ms Kate Lucas** asked the following questions without notice:

**5 Dru Point**

What is planned in the middle of the dog park, Dru Point, now that the sewerage works have been demolished?

**Acting General Manager responds:**

My understanding is that a significant part of the treatment plant will be retained by TasWater for emergency purposes. Other than that, I know that there has been some other plans on what it could be used for.

## **Executive Manager Governance & Community Services:**

TasWater proposes to decommission roughly three quarters of the ponds that are there. That will obviously provide some opportunities for redevelopment of that land, but exactly what is planned for will need to be determined by Council going forward.

**C585/20-18**

*(Commences at ± 23 minutes of audio recording)*

### **6 Animal Welfare Issues**

Given the number of candidates in the forthcoming local government elections that will be standing in Kingborough on platforms associated with animal welfare would this Council please defer any decisions related to animal welfare issues until after the newly elected Council convenes later this year?

#### **Acting General Manager responds:**

Council's involvement in relation to animals is very much dictated by the legislative provisions so I'm not clear as to how Council can have much discretion in terms of animal welfare. Certainly Council's interest is for the best interests of all animals but I would suggest that whatever our involvement in this area is very much controlled by the existing legislation.

**C586/20-18**

*(Commences at ± 24 minutes of audio recording)*

### **7 Court Case**

Does Council understand that the recent Court case against Ben Arthur and his dog Molly was a waste of ratepayers funds? As the General Manager authorised the case to proceed, would he please refund out of his own salary all legal and associated fees incurred with this Court case?

#### **Acting General Manager responds:**

That is something that I can't answer. It is a matter that Council dealt with in the best interests of public safety and decisions were made in regard to the dog based on the experience and knowledge of the officers involved. The actual decision of the Court does not necessarily negate the fact that Council is doing the best job possible in the interests of public safety.

**C587/20-18**

*(Commences at ± 25 minutes of audio recording)*

**Ms Tricia Ramsay** asked the following questions without notice:

### **8 Compliance**

Does the Council understand that considerable ratepayer funds wasted on the recent unsuccessful court case about 'Molly' the dog has reinforced serious concerns within the Municipality about the heavy handed reputation of Kingborough Compliance Officers? Can the Deputy General Manager please provide the following details:



- a) the number of court cases this Council has authorised in the last 4 years regarding dog compliance issues
- b) the total cost to ratepayers of those court cases including compliance/administrative and legal costs
- c) the number of these cases that have been unsuccessful from the Council's perspective and the total costs incurred by those specific cases?

**Deputy General Manager responds:**

I would just like to refute in the strongest terms possible that there was any bullying or anything like that involved in this matter. I would like to defer to Mr Smeed to comment on the matter, but just to make the point that once the dog had been declared dangerous, Council is left with no other option than to follow legislative procedures. That can hardly be referred to as bullying.

**Executive Manager Governance & Community Services:**

I believe in accordance with the *Meeting Procedures* this question is inappropriate in relation to the inferences to staff.

**Ms Ramsay:**

It seems very relevant as far as the public are concerned.

**Mayor:**

That question will be taken on notice and there will be a response.

**Ms Ramsay:**

Could you please ensure that the question as asked in full will appear in the Minutes of the next meeting.

**Mayor:**

The question will be printed.

**C588/20-18**

*(Commences at ± 28 minutes of audio recording)*

**9 North Roslyn Avenue**

Does the Council realise that a Question on Notice supplied to you on 9/7/18 and incorporated into the Agenda of 23 July was not printed in full as required by the Local Government Act. Would you please ensure that this occurs?

**Mayor responds:**

I understand that under the Local Government Act that the question only is what needs to go into the print.

**Ms Ramsay:**

You do understand that the context is very concerning to residents who have had a petition before you for the last 15 months and Council hasn't seen to do anything tangible from that, but, unusually, I am going to provide that question on notice again

and I want you to understand that the answers to that question, especially section (a) is not relevant. So I've attached the officer's email that we have actually addressed in this question that states clearly that Council issued a service request to the Works Department to clear vegetation encroaching on the footpath in Roslyn Avenue to maximise the available width. Ten months later it is yet to be done. Do you really think this is a reasonable time frame for ratepayers to wait for a service request to be fulfilled? It was your service request after all.

**C589/20-18**

*(Commences at ± 30 minutes of audio recording)*

**Ms Sam Schaap** asked the following question without notice:

**10 Molly**

Does the Council intend to review their compliance policies, procedures and administration in light of the outcome of this case and, in particular, with regard to the way in which they consult with effective members of the public on compliance matters given that Mr Arthur was told in no uncertain terms by Council officers that the only way he was going to get further information about the incident, which he still didn't have a full understanding of, was to apply for them through the Court?

**Acting General Manager responds:**

As I said before, Council is obliged to follow the legislative process and that is how this matter was dealt with. It was dealt with strictly in accordance with the legislation. It gives very little discretion, if any, in relation to how Council deals with such matters and that's the way it was processed.

**Ms Schaap:**

It's called the Acts Interpretation Act.

**C590/20-18**

*(Commences at ± 31 minutes of audio recording)*

**Mr Mervin Reed** asked the following question without notice:

**11 Kingston Park Financial Update**

Can you advise the ratepayers why there has been no financial reports as to the progress of the Kingston Park Project?

In responding to this question please note the following issues:

1. Notwithstanding a part of this project is the sale of land for further residential construction, where is the public advertising for this proposed land sale?
2. Have you current future value calculations for the project completed now that you have committed some \$13m of expenditure on roads and services and the construction of a civic centre? If so please publish this as well on the web site so that the ratepayers can be informed.
3. Do you have any further consulting reports as to the viability of the overall project that can be reported to the ratepayers prior to the election?

**Acting General Manager responds:**

The answer to those questions, as I said before, is included in the Kingston Park Implementation Reports which have been on the Council website and they are produced quarterly for the last 18 months to two years. So that information has been provided to the public.

## **QUESTIONS ON NOTICE FROM COUNCILLORS**

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**C591/20-18**

*(Commences at ± 34 minutes of audio recording)*

**1 Stormwater Problems, Redwood Village**

At the Council meeting on 27 August 2018, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

What is being done to rectify the stormwater problems at the rear of Redwood Village, which are flooding continually and, in addition to that, is the dam at the rear of the Redwood Village which was destroyed during the flooding in June going to be repaired?

**Officer's Response:**

There was some work undertaken on Redwood village dam this year, that was subsequently destroyed in the May storm event. The intention is to replace with a different system, involving low flows to go through dam and high flow to be diverted around dam. The rear of Redwood Village is private land and is subject to inundation in large events. It is expected that if this land is developed further then provision would need to be made to manage stormwater on this site.

*David Reeve - Executive Manager Engineering Services*

**C592/20-18**

*(Commences at ± 34 minutes of audio recording)*

**2 Disposal of Grader**

At the Council meeting on 27 August 2018, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Will this Council consider advertising the grader, as there is a great demand for graders in Tasmania, it may be appropriate and my question is to advertise?

**Officer's Response:**

The process that is taken when replacing plant is to include the option of either trading the existing plant within the changeover or to sell the item of plant separately by auction. The first option is used if it is estimated that the trade price will exceed the auction price or otherwise provide a greater benefit for Council, if not the equipment is offered to an auction house for sale. Using an auction house provides the best outcome for Council, in particularly reducing Council's exposure to risk and achieving access to a wide range of potential buyers. Notwithstanding this, any private buyer can

purchase direct from the auction house and obtain any relevant guarantees that they may be willing to give them.

*David Reeve – Executive Manager Engineering Services*

### **C593/20-18**

*(Commences at ± 34 minutes of audio recording)*

#### **3 Torpy Avenue**

At the Council meeting on 27 August 2018, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

This road cost \$15,000 and we are back within a year or so digging it up again.

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

In the 15-16 financial year, works were programmed to do some major repairs on Torpy Avenue in Snug to address some major pavement repairs. The works were carried out at a cost of \$14,296.79 and addressed the issues identified at that date. In the last few weeks some other failures have been identified on Torpy Avenue which subsequently required some further works; these have now been carried out. These are new repairs done on different failures.

There is an expectation that roads will continue to have failures appearing in various areas as they age and an allocation is available from the annual operational budget for these type of repairs to be carried out in various areas as they develop.

*David Reeve - Executive Manager Engineering Services*

### **C594/20-18**

*(Commences at ± 34 minutes of audio recording)*

#### **4 Tagging**

**Cr Bastone** submitted the following question on notice:

Does the Council have a strategy to clean up the tagging from the Kingston By-pass, Maranoa Road bus stop, the area near McDonalds and the former video shop and other places in Kingston?

What is the average time between reporting of tagging and clean up?

Have any individuals been apprehended and charged in relation to tagging?

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

Council officers primarily concentrate on managing graffiti on Council infrastructure, although action may be taken on removing offensive graffiti located on others infrastructure or private property if it is deemed to be in a high profile area requiring immediate action. Council Officers have also worked with community groups to address hotspot areas with programs such as painting of murals on installations such as service turrets, walls and bus shelters.

Any report or visual observations of graffiti on Council infrastructure are addressed as quickly as possible, with photographic evidence of any instance submitted to Police. The Police advise that they do not keep detailed records of graffiti offences but they are aware of a couple of charges been levied against individuals in the past. The areas mentioned above will be further investigated.

*David Reeve - Executive Manager Engineering Services*

## **C595/20-18**

*(Commences at ± 34 minutes of audio recording)*

### **5 Flooding**

**Cr Bury** submitted the following question on notice:

This question concerns the severe flooding, of Channel Court in particular, following the severe rain event of May 11th this year. Businesses nearly 4 months later have still not reopened.

1. Have investigations been conducted in to the causes of the flooding in Channel Court?
2. Have the investigations indicated what additional storm water infrastructure requirements are necessary to avoid a recurrence of flooding under similar circumstances?

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

The flood event experienced in May 2018 was estimated to be between 1 in 50 year and 1 in 100 year storm event. Very few piped stormwater lines are able to cope with an event of this severity and the overflow inevitably follows the overland flow paths. For Channel Court there is a low point that is directly under the complex and it is an area that will always be affected in large storm events. Unfortunately, there is no simple solution to this issue that can be solved through additional stormwater infrastructure. Nevertheless, some further follow up investigation is planned for this area in the future.

*David Reeve - Executive Manager Engineering Services*

## **C596/20-18**

*(Commences at ± 34 minutes of audio recording)*

### **6 Howden Road / Channel Highway Intersection**

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

Does Council have any information about what, if any, work the Department of State Growth is doing to investigate options to upgrade the Howden Road and Channel Highway intersection?

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

Council have been pursuing an intersection upgrade for many years. A representative from the Department of State Growth (DSG) has advised that they will be shortly employing a traffic consultant to further evaluate this intersection as part of funding allowed for from a State election commitment.

*David Reeve - Executive Manager Engineering Services*

**C597/20-18**

*(Commences at ± 34 minutes of audio recording)*

**7 Managing Cats on Bruny Island**

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

Can Council be provided with an update report on the Bruny Island Cat Management project, including its performance against the requirements of its funding deed and any other KPIs that were set at the commencement of the project?

**Officer's Response:**

The Project Officer is currently in the process of compiling a project status report and information on this will be provided to the council meeting to be held on 24 September.

*Jon Doole - Manager Environmental Services*

**C598/20-18**

*(Commences at ± 34 minutes of audio recording)*

**8 Rubbish Collection**

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

What were the causes of kerbside rubbish collections being missed in Tarooma on 30 August?

**Officer's Response:**

According to Aussie Waste Management one of the vehicles had mechanical problems which resulted in parts of Tarooma not being collected, the missed collections were addressed on 31 August 2018.

*David Reeve - Executive Manager Engineering Services*

**C599/20-18**

*(Commences at ± 34 minutes of audio recording)*

**9 Snug Oval Play Space**

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

What is the estimated commencement and completion date for stage one of the Snug Oval Play Space?

**Officer's Response:**

The design is currently being finalised and final external approvals will be sought following this, prior to tendering of the works. At this stage we are anticipating a November 2018 construction start and completion in January 2019.

*David Reeve - Executive Manager Engineering Services*

## **PERSONAL EXPLANATION**

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Cr Winter made a personal explanation in regard to recent media statements.

## **QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**C600/20-18**

*(Commences at ± 36 minutes of audio recording)*

Cr Percey asked the following questions on notice:

**1 Public Open Space Policy**

When is the Public Open Space policy going to be presented to Council? As we know, contributions from developers go towards the public open space reserve. At the moment, Kingborough is in need of new capital expenditure and this reserve could be used for that so I think it's necessary that we have a policy up to date before us so that we can make a few decisions on spending some of that \$1,2 million that's in the reserve.

**Manager Development Services responds:**

The policy is actually Policy 5.9 which is currently under review. It is being done in conjunction with the review for the strategy which I think Cr Percey may be more interested in. They do go hand in hand but as far as the policy goes we are reviewing that, including benchmarking with other Councils, reviewing legislation and a recent Supreme Court decision.

**Executive Manager Governance & Community Services:**

The draft strategy has been completed and it will be brought to a Councillor workshop at the next available opportunity.

**C601/20-18**

*(Commences at ± 38 minutes of audio recording)*

**2 Illegal Signs on Bruny Island**

Where is Council at as far as the removal of many illegal signs on Bruny Island? Part of the Destination Action Plan for Bruny Island was to ensure that the illegal signs were removed off Council properties and also government properties.

**Acting General Manager responds:**

As Cr Percey knows, I have been lobbying for this for a number of years and it has been largely an issue of coming up with a co-ordinated strategy with the Department of State Growth because most of the signs are actually within the road reserve, managed by the State Government. My understanding is that some progress is being made within the department and they are reviewing the letters and some of the information which would need to go out to the owners of all the signs. It has been a slow process but we are getting a little bit closer and we need to make sure that there is a co-ordinated arrangement between the department and the Council. It looks like the department is very close to agreeing to this.

Cr Fox asked the following question without notice:

### **3 Heritage Listing of Significant Kingborough Heritage Properties**

Some years ago Council staff undertook a project of identifying properties which had the potential to be listed as Heritage buildings or sites. I understand one of Council's Planning Officers, due to her skills and interest in Heritage buildings, was employed to also list Heritage sites as part of her role on Council. Unfortunately, this officer is no longer a Council employee. I understand there are many identified and nominated Heritage properties which need to be officially listed, and this process is quite onerous and time consuming. However, until this work is completed, there is no official protection for Kingborough's Heritage sites or buildings. Does Council intend to employ someone to carry out this function?

#### **Acting General Manager responds:**

Within the existing planning scheme there is a reasonably extensive list of properties/places and local precincts that are listed within the Historic Heritage Code. This same list (with some improved property descriptions) is to be transferred across to the new planning scheme as part of the Local Provisions Schedule that Council must prepare. These properties/places and precincts will be afforded the same or similar level of heritage protection that has always occurred.

However the new Local Historic Heritage Code provides an opportunity for Council to include additional properties/places that have, what would be determined to be, local heritage significance. A great deal of preparatory work has been done in this regard but this has been stalled because of the loss of some experienced planning staff. There is insufficient time to now include this new quite extensive list within the Local Provisions Schedule and it is planned to do this afterwards and as a separate planning scheme amendment. This will also enable a more targeted community consultation effort in regard to the benefits of heritage protection within Kingborough.

Staff resources within the Planning Department are always stretched because of the day-to-day statutory workload. Nevertheless a new strategic planning officer is to commence duties this week and he will be responsible for finalising the Local Provisions Schedule and to subsequently oversee the compilation of a new list of properties / places of local heritage significance. It is likely that this new heritage list will require the input from either an additional staff member with the necessary expertise or the advice of a specialist consultant. Having in-house heritage expertise will benefit Council as that person can also be used to assist in the assessment of individual development applications that may have an impact on heritage.

In summary, there is currently no loss of heritage protection for existing listed properties, places and precincts. The future task is one of identifying additional properties, places and precincts that are deemed to be locally significant and which should be afforded the additional protection within the planning scheme. Additional staffing or consultant advice will be necessary to finalise this task.



## C603/20-18

*(Commences at ± 42 minutes of audio recording)*

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

### 4 **Trees on Channel Highway**

I've been approached by some ratepayers in regards to Council letters that were sent to them in regard to cleanup of trees and blackberries on the Channel Highway. The residents are in agreement with this and are eagerly looking forward to it happening, but the letters were sent in May and there has been no follow up whatsoever despite them ringing the Council to see when it would happen. Could we find out when it will actually take place?

#### **Acting General Manager responds:**

I will take that question on notice.

## C604/20-18

*(Commences at ± 43 minutes of audio recording)*

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

### 5 **Molly the Dog**

Is it correct that at a hearing in July 2017, Magistrate Cooper suggested that the 'Molly the dog' matter be resolved by mediation rather than proceed in Court? Is it also correct that Mr Arthur reiterated that he had attempted to do this on a number of times and that he was still keen to proceed in this way?

#### **Executive Manager Governance & Community Services:**

It's certainly correct that Mr Arthur sought to resolve the matter by mediation but under the *Dog Control Act* there is no provision for the General Manager to revoke the declaration that he made, so any attempt to resolve by mediation was not available.

## C605/20-18

*(Commences at ± 44 minutes of audio recording)*

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

### 6 **Bruny Island Ferry**

What involvement does Council have in the Bruny Island Ferry Reference Group and does Council know of any dissatisfaction from Bruny Island residents with the composition or functioning of the group?

#### **Acting General Manager responds:**

In terms of representation on the group, Cr Percey attended the first meeting and I've attended subsequent meetings. It has been broadcast fairly widely that there is some dissatisfaction in relation to the membership of the group but the group has been functioning well. It's a good forum for obtaining information and providing advice to Sea Link on the Bruny Island residents views in relation to the introduction of the new ferry service. The complaints about the membership are largely local politics. It's of little consequent to the actual functioning of that group.

**7 Hobart City Deal**

There have been several reports in the media regarding the Hobart City Deal, for example, the Mercury last week reported on a meeting of the Greater Hobart Mayors urging the State and Federal Government to sign to the City Deal. What involvement does Council have in the City Deal negotiations and is there any intention for Council to contribute to the formulation of details of the deal and when will Council be informed on progress on the deal negotiations?

**Mayor responds:**

The four General Managers are meeting monthly. The Mayors met last week, which was reported on and information then went out to all Councillors as a result of that. Other than that, I'm sorry, I don't know any more and Mr Ferrier will need to take it on notice.

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

**8 Dog Control Act**

I understand that the response that Mr Smee has given in relation to the Dog Control Act given that it is State Government Legislation and that we have to act in accordance with that. Given what has just occurred with Molly the dog and the case, I'm just wondering whether the Council has plans to lobby the State Government to change the provisions of the Act to allow a case where there can be mediation take place that would overturn a dangerous dog declaration. It seems ridiculous to be in such a ritigious society that once you've started down that path that if one party is willing to sit down and mediate and try to come to a resolution that that can't be allowed under the Act. So given that it isn't, my question is, will we now lobby the State Government and hopefully other Councils will support us in that to make changes to the Dog Control Act to that effect.

**Executive Manager Governance & Community Services:**

The decision, of course, is one for Council but my officer recommendation would be that we wouldn't be lobbying for that. The Act makes it quite clear that once the General Manager has made the declaration, the course of action to follow is that an appeal is made to the Magistrate and the Magistrate is the appropriate authority to make a determination. I'm not sure that the General Manager would actually want the ability to undo a declaration that he has made based on the evidence provided to him or her, so my answer to the question would be that the current processes in place are not deficient and wouldn't be something that we would seek lobbying the State Government on.

**Cr Bastone:**

Can the Acting General Manager tell us in the last four years, how many dogs in the Kingborough area have been declared dangerous dogs under the Act?

**Acting General Manager responds:**

I certainly don't have that information to hand. I will defer to Mr Smee.

**Executive Manager Governance & Community Services:**

We have a total of 6 dogs that have been declared dangerous.

**Cr Wriedt:**

I'm interested in whether someone can explain what traits a dog has to demonstrate to be declared a dangerous dog under the Act?

**Compliance Co-Ordinator:**

Section 29 says that "a General Manager by notice served on the owner may declare that a dog to be a dangerous dog if the dog has caused serious injury to a person or another animal or there is a reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal."

**Cr Wriedt:**

How can you believe that there may be cause that they may do it? It seems very hypothetical. Perhaps it would be helpful if we could have some sort of explanation. I think the frustrating thing is that we've got a story in the media that gives us some information, we've got other information as Councillors from the dog's owner. I still don't understand what circumstances have led to the dog being declared as dangerous.

**Compliance Co-Ordinator:**

The determination on your specific question of likelihood is for the General Manager to make.

**Cr Wriedt:**

That was the general part of my question but I am specifically asking about the case that we are all very well aware of now with Molly the dog and what I don't understand from everything that I'm aware of as a Councillor, what has led to Molly being declared a dangerous dog?

**Compliance Co-Ordinator:**

I think staff are finding that question difficult to answer because you are asking a question which relates to the specific incident and a full description as to what actually happened on that particular day and really that was something, I dare say brought out in the Court case. I'm not sure that this is the right forum to go into all the details of what actually happened on that particular day. Clearly the officer on the site felt that the dog was dangerous and provided that advice to the General Manager.

**Cr Atkinson:**

As has been mentioned, in the Dog Control Act 29(1)(b) talks about the General Manager is to give reasons for the declaration in the notice. How specific are those reasons and were they provided in this case with Molly?

**Compliance Co-Ordinator:**

Concerning the matter itself, the information provided under 29(1)(b) was provided in a statement of reasons on request which outlined the requirements or the reasons for that declaration.

**Cr Wriedt:**

I'm even more confused now. I don't understand that this is not the right forum to ask that question. We have a public court case that has followed a series of events, as far as I'm aware, my fellow Councillors are not aware of what occurred, I haven't read the Court transcripts, so I don't understand, where else would I be asking this question? I'm asking it here because, as a Councillor, I don't feel that I have been provided with enough information, indeed any information, about this case which has been in the media which members of the public are asking about which, quite frankly, on the face of it, reads really badly for the Kingborough Council. And as a Kingborough Councillor, I would like information about the case. If I don't ask it here, where do I ask it, because each of us, I'm sure, will be approached about this at some stage if we haven't already.

**Acting General Manager:**

I can't answer that question because I wasn't there on the day. I will pass it on to Mr Smee but at the time, officers with experience in working in this area and who have dealt with dogs as part of their job felt that that dog was dangerous and made that judgement call.

**Cr Wriedt:**

That part I understand but I would have thought that somebody tonight could give us an explanation as to what occurred at that time to lead to that declaration.

**Compliance Co-Ordinator:**

It's definitely relevant to say that it obviously has been through a hearing and there has been a determination made by a Magistrate in the Administration Appeals hearing, and all parties involved, not just Council officers but also the applicants in the matter, have provided evidence in chief under oath to that Magistrate and that Magistrate has made a determination which we have publically said that obviously we will respect the outcome of that application. I'm more than happy to provide the officer's review from myself, I don't think it is appropriate that I speak on behalf of anyone else, but for the information on the 24<sup>th</sup> May 2017, Council received a request being that there was a dog at large in the vicinity of Illawarra Primary School. An officer from Kingborough Council did attend. On attendance, from the proof that has been provided in Court, that officer was, to use a term under the Act, attacked, by that dog. In turn that officer didn't feel confident to try and apprehend the animal in question. She then called back to Council asking for assistance. At that time I was the only officer available so I attended the area and over a period of approximately 2 to 5 minutes was also engaged by this dog and, in my opinion, extremely lucky that I wasn't seriously injured. It's difficult, considering myself and the other officer were the only persons there and it's very upsetting that our integrity would be brought into question in these matters considering that we have provided this information under oath. I find that extremely disrespectful. In the manner that the animal was acting at this time, we made a decision that we needed to get the children from Illawarra Primary School inside their classrooms so a phone call was made to the school and we are very thankful and grateful that the principal and administrators of that school brought the children inside. Tasmania Police were also called to try and mitigate foot traffic in the area. During a period of approximately 20 to 30 minutes, Molly ran around the vicinity of that area. One man did attend in that vehicle to assist us but on viewing the manner in which Molly was

behaving, did not wish to stay. We also had another female attend our position with a dog to, in her mind, to attempt to assist us in detaining Molly. We did ask her to leave the area because we were not aware of Molly's activities concerning other dogs and she complied with that. There was also another gentleman that approached our position and engaged Molly in a manner that was physical without actually kicking her or hitting her and thankfully we were able to get in touch with the owner who then in turn quite swiftly had a person who I believe was his father, attend, and his father detained that animal straight away which was excellent from the perspective of public safety. I acknowledge that the owners in the matter actually struggled to believe that the event occurred to some extent and that is based on the way that Molly behaved and the manner in which she behaved when Mr Arthur's father attended was that of a normal dog, it wasn't of a dog that acts in an aggressive manner. So that's the physical element that occurred which was provided in Court and those proofs have been submitted. The matter is still before the Magistrate so I don't know the appropriateness to continue to discuss it in an open session to not, in turn, influence any outcome of that matter.

### **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.

<p><b>OPEN SESSION OF COUNCIL ADJOURNS</b></p>
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## PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 6.31pm

### OFFICERS REPORTS TO PLANNING AUTHORITY

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**C608/20-18**

*(Commences at ± 1 hour, 1 minute of audio recording)*

### DELEGATED AUTHORITY FOR THE PERIOD 15 AUGUST 2018 TO 28 AUGUST 2018

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MOVED            Cr Chatterton  
SECONDED       Cr Fox

That the report be noted.

FOR

Cr Atkinson	Cr Bastone	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 6.32pm

### OFFICERS REPORTS TO COUNCIL

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**C609/20-18**

*(Commences at ± 1 hour, 2 minutes of audio recording)*

### DOG MANAGEMENT POLICY REVIEW

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MOVED            Cr Percey  
SECONDED       Cr Fox

That:

- a) Council endorse the Dog Management Policy dated September 2018 as attached to this report;
- b) Implementation of the policy be supported by the development of a Dog Management Handbook, prepared in consultation with the Kingborough Dog Walker's Association; and
- c) Further investigation be undertaken into the suitability of the following locations as potential off-lead dog exercise areas:
  - Sedgebrook Reserve;
  - Mirramar Park (lower section);
  - Leslie Vale Oval; and
  - Area behind Kettering Fire Station

#### Amendments:

MOVED            Cr Winter  
SECONDED       Cr Wriedt

To amend the recommendation in (a) by adding:

"Taroona beach east of boat ramp only" to 6.3

FOR

Cr Atkinson	Cr Bastone	Cr Chatterton	Cr Percey
Cr Wass	Cr Winter	Cr Wriedt	

AGAINST

Cr Fox			
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Carried

“west of boat ramp only” after the words “Taroona Beach” in 6.6(a);

FOR

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

Carried Unanimously

“Alum Cliffs track” to exemptions in 6.6(e);

FOR

Cr Chatterton	Cr Wass	Cr Winter	Cr Wriedt
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AGAINST

Cr Atkinson	Cr Bastone	Cr Fox	Cr Percey
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Lost

The amended motion was then put.

That:

- a) Council endorse the Dog Management Policy dated September 2018 as attached to this report with amendments by adding:  
  
“Taroona beach east of boat ramp only” to 6.3;  
“west of boat ramp only” after the words “Taroona Beach” in 6.6(a)
- b) Implementation of the policy be supported by the development of a Dog Management Handbook, prepared in consultation with the Kingborough Dog Walker’s Association; and
- c) Further investigation be undertaken into the suitability of the following locations as potential off-lead dog exercise areas:
  - Sedgebrook Reserve;
  - Mirramar Park (lower section);
  - Leslie Vale Oval; and
  - Area behind Kettering Fire Station

FOR

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

Carried Unanimously



**C610/20-18***(Commences at ± 1 hour, 56 minutes of audio recording)***TASWATER**

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MOVED            Cr Fox  
 SECONDED      Cr Winter

That Council resolve to oppose the MOU and vote against the three resolutions being put to the Special General Meeting of TasWater to be held on 27 September 2018.

FOR

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

Carried Unanimously

**C611/20-18***(Commences at ± 2 hours, 16 minutes of audio recording)***RECYCLING DIFFICULT ITEMS TRIAL**

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MOVED            Cr Atkinson  
 SECONDED      Cr Wriedt

That Council approve the continuation of the Recycling Difficult Items project as part of the implementation of the Waste Management Strategy.

FOR

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

Carried Unanimously

**C612/20-18***(Commences at ± 2 hours, 22 minutes of audio recording)***POLICY 5.4 – STORMWATER DRAIN BLOCKAGE**

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MOVED            Cr Fox  
 SECONDED      Cr Bastone

That Council:

1. Withdraw the Stormwater House Connection Drain Blockage Policy- Policy 5.4; and
2. Adopt the *Stormwater Drain Blockage Policy* – Policy 5.4 as attached to this report.

**Cr Percey left the room at 7.55pm**

**Cr Percey returned at 7.57pm**

MOVED            Cr Atkinson  
SECONDED       Cr Fox

That the matter be deferred to the next Council meeting.

FOR

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

Carried Unanimously

## **POLICY 5.9 – SIGNIFICANT TREE REGISTER POLICY**

Report Withdrawn.

**C613/20-18**

*(Commences at ± 2 hours, 31 minutes of audio recording)*

### **BRUNY ISLAND ADVISORY COMMITTEE**

MOVED            Cr Percey  
SECONDED       Cr Fox

That:

- a) Council notes with concern the following resolution of the Bruny Island Advisory Committee:

*That in relation to the recommendations set out in the Final Report of the Bruny Island Liveability Study, the Bruny Island Advisory Committee resolves that:*

- *Subject to the sub-committee process set out in (3) below – and pursuant to Recommendations 1 and 6 of the Final Report - a Bruny Island Community Board ('the Board') be established, comprised of seven full members elected universally by the residents of Bruny Island (with non-resident landowners able to 'opt in' for voting); and two ex-officio members being a person nominated by Kingborough Council and a person nominated by the Secretary of the Department of Premier and Cabinet.*
- *Upon the establishment of the Board, the Bruny Island Advisory Committee should be abolished, and the Board would become (among other functions) an Advisory Committee to Council and State Government.*
- *The terms of reference, implementation schedule, election process, appointment of chairperson, operational budget and other matters pertaining to the operation of the Board will be developed by a subcommittee of BIAC. The sub-committee will engage with the broader Bruny Island community and local organisations in*

*the establishment of the Board and may co-opt any Bruny Island resident or landowner as a non-voting member of the sub-committee.*

- *Recommendations 2, 3, 4, 7, 8 and 11 as set out in the final report of the Bruny Island Liveability Study are endorsed and will be progressed by BIAC, including through partnerships with Kingborough Council, State Government, industry and community organisations.*
- *BIAC notes recommendations 5, 9 and 10, but does not intend to actively progress these recommendations.*
- *That the initial members of the sub-committee referred to in Clause 3 are: Bill Hughes, Jackie Marsh and Mathew Fagan.*

- b) An invitation be extended to the Minister for Infrastructure to attend a meeting of the Bruny Island Advisory Committee to discuss infrastructure related issues on Bruny Island.

FOR

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

Carried Unanimously

**Cr Winter** left the meeting at 8.20pm

*Meeting adjourned at 8.20pm*

*Meeting commenced at 8.28pm*

**C614/20-18**

*(Commences at ± 2 hours, 50 minutes of audio recording)*

## **INFORMATION REPORTS**

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MOVED            Cr Chatterton  
SECONDED       Cr Fox

That the following information reports be noted:

- 1    General Manager's Diary for the period 31 July 2018 to 31 August 2018.
- 2    Current and Previous Minute Resolutions.
- 3    Summary Action Report for the Quarter Ending 30 June 2018.
- 4    Minutes Access Advisory Committee Meeting dated 8 August 2018.

FOR

Cr Atkinson	Cr Bastone	Cr Chatterton	Cr Fox
Cr Percey	Cr Wass	Cr Wriedt	

Carried Unanimously

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

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MOVED           Cr Bastone  
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:

<b>Item</b>	<b>Regulation</b>
Confirmation of Minutes	34(6)
Applications for Leave of Absence	15(2)(h)
Climate Change Innovation Lab	15(2)(g)
Rate Rebate – Conservation Covenant	15(2)(c)
Current and Previous Minute Resolutions	15(2)(c)

FOR

Cr Atkinson	Cr Bastone	Cr Chatterton	Cr Fox
Cr Percey	Cr Wass	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 8.43pm

**OPEN SESSION OF COUNCIL ADJOURNS**

## OPEN SESSION OF COUNCIL RESUMES

Open Session of Council resumed at 9.00pm

### **C623/20-18**

MOVED            Cr Fox  
SECONDED      Cr Bastone

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

<b>Item</b>	<b>Decision</b>
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Approved
Climate Change Innovation Lab	Approved
Rate Rebate – Conservation Covenant	Approved
Current and Previous Minute Resolutions	Noted

FOR

Cr Atkinson	Cr Bastone	Cr Chatterton	Cr Fox
Cr Percey	Cr Wass	Cr Wriedt	

Carried Unanimously

### **CLOSURE**

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There being no further business, the Chairperson declared the meeting closed at 9.01pm

.....  
(Confirmed)

.....  
(Date)