

Kingborough

PUBLIC MINUTES

These Minutes are provided for the assistance and information of members of the public, and are a draft until confirmed as a true record at the next Ordinary Meeting of Council.

COUNCIL MINUTES

12 February 2019



Cr Richard Atkinson, Cr Amanda Midgley, Cr Paula Wriedt, Deputy Mayor Jo Westwood, Mayor Dean Winter, Cr David Grace, Cr Flora Fox, Cr Sue Bastone, Cr Christian Street
Absent: Cr Steve Wass

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MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Tuesday, 12 February 2019 at 5.30pm.

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 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 Cr D Winter	✓
Deputy Mayor Cr J Westwood	✓ (joined at 5.38pm)
Councillor R Atkinson	✓
Councillor S Bastone	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor A Midgley	✓
Councillor C Street	✓
Councillor S Wass	✓
Councillor P Wriedt	✓

Staff:

General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Finance	Mr Tim Jones
Manager Development Services	Ms Tasha Tyler-Moore
Manager Sports Precinct	Mr Scott Wade
Acting Executive Assistant	Ms Kelly Nichols

APOLOGIES

There were no apologies

CONFIRMATION OF MINUTES OF 29 JANUARY 2019

Confirmation of the Minutes was deferred to the next meeting.

WORKSHOPS HELD SINCE LAST COUNCIL MEETING

16 January	-	Bruny Island Advisory Committee
21 January	-	Planning Scheme and Marynoll subdivision
24 January	-	Kingston Park Playground
4 February	-	Local Government Association Tasmania

C97/3-19

(Commences at ± 3 minutes of audio recording)

DECLARATIONS OF INTEREST

Cr Street declared an interest in the report headed "Feasibility Assessment for a New Multi-use Sportsground with a Turf Wicket".

TRANSFER OF AGENDA ITEMS

No Agenda items were transferred.

QUESTIONS ON NOTICE FROM THE PUBLIC

C98/3-19

(Commences at ± 6 minutes of audio recording)

1 Attribution of Questions at Council Meetings

At the Council meeting on 29 January 2019, **Mr Mervin Reed** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Does the General Manager recognise in the last few months Council's policy regarding attribution of both questions on and without notice has been waived on three occasions. Twice with questions on noticed for reasons of confidentiality and once regarding a question without notice where the person did not provide her address citing privacy concerns. In fairness to all the others who stand accountable here in front of you for their questions by providing names and addresses, will the council here to its own policy in the future? And to clarify the situation publically, will you print the Council's policy regarding attribution of questions in the next Agenda and the next quarterly Chronicle update?

Officer's Response:

The attribution of questions on notice and without notice is not a requirement of S31 of the Local Government (Meeting Procedures) Regulations 2015 or Council's Guidelines for Public Question Time, which is published in every Council meeting agenda.

During public question time in a Council meeting the Mayor asks members of the public wishing to ask a question without notice to provide attribution as a courtesy to those present.

Gary Arnold - General Manager

C99/3-19

(Commences at ± 6 minutes of audio recording)

2 Water Quality, Blackmans Bay

At the Council meeting on 29 January 2019, Ms Rosalie Maynard asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Has Council done any simple correlation between the bacteria levels, the tidal influences, is it high tide coming, going when you take samples, wind, that sort of thing. Because it's a big bay, dispersion and dilution and all that happened but we know there's a whole heap of muck going in particularly in that area of the bay.

Officer's Response:

The joint investigation between Council and Taswater consists of samples taken on a Tuesday and Thursday morning. Samples are collected at roughly the same time of day each time. This means that the sampling program has captured a range of different weather patterns and environmental conditions. As part of the sampling program, sampling officers have been recording weather and environmental observations for each sample. The data is being collected with the intention that weather/environmental patterns will be correlated against bacteria levels in order to assist with locating potential sources of faecal contamination in the bay. We have reached a point now where we have enough data to start making some of these comparisons with a reasonable amount of statistical certainty. Council and Taswater will be reviewing the data shortly to determine if there are any correlations between bacteria levels and weather/environmental conditions and if these can be used to help track sources of contamination. The following observations have been recorded for each sample from the commencement of the program:

- Sample site
- Sample time
- E. coli
- Enterococci
- Rainfall in previous 24hrs
- Tide (High, low, mid)
- Tide movement (incoming, outgoing)
- Ambient temperature
- General weather (overcast, clear, hot, cool, cloudy)
- Wave direction
- Wind direction
- Wind speed
- Stormwater flow rate
- Stormwater colour

- Stormwater solids
- Stormwater opacity
- Stormwater film
- Stormwater odour
- Number of seagulls

John Devries – Senior Environmental Health Officer

C100/3-19

(Commences at ± 6 minutes of audio recording)

3 Bike Tracks, Spring Farm

At the Council meeting on 29 January 2019, **Mr John Maynard** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

There doesn't seem to be any bike paths or tracks in this subdivision for kids or for people to ride to work. I'm just wondering whether putting bike tracks in a brand new subdivision such as this is something that Council should consider or has it been an oversight after the development?

Officer's Response:

The Public Open Space areas of the Spring Farm Development are to be developed in the future with recreation facilities. It is anticipated that this will include a dual purpose path along the creek reserve.

The Developer has contributed some funding that that is to be used for this purpose as well as other facilities.

Tasha Tyler-Moore - Manager Development Services

QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr John McDonald asked the following questions without notice:

C1012/3-19

(Commences at ± 7 minutes of audio recording)

1 Future Budget Development

Given community consultation associated with last year's budget was severely limited, will Council ensure the proposed budget documentation for 2019/20 will be available for public consultation for an adequate period? Last year, during the budget development process, the Launceston Council provided its ratepayers with a 3 week period of public consultation. So the question ultimately is in future years will Council commit to providing a minimum of three to four weeks to ensure adequate time for ratepayers to scrutinise the documentation and make informed submissions?

Mayor responds:

We will take that question on notice.

2 Stormwater Levy

Give Council has charged stormwater levies for years without apparently there being a policy in place, the Ratepayers Association passed a motion at its meeting last week and the motion is as follow "That Council use its new Community Engagement Framework to consult with ratepayers who suffered stormwater damage in May 2018 about input to the development of a Storm Water Strategy. Additionally, Council should promote public consultation about this issue in the forthcoming quarterly Kingborough Chronicle announcements as well as seeking input via a survey form included in the next quarterly rates notices." The question is, will Council ensure the terms of this motion are action?

Mayor responds:

We will take your question on notice.

Cr Westwood entered the meeting at 5:38pm

Mr Richard Clarke asked the following questions without notice:

3 BIAC

How does Council intend to recognise the hundreds of hours of service that some BIAC members have given for the community? Do you believe that the way that members were notified about the dissolution of BIAC was sufficient?

Mayor responds:

I have spoken to most members of BIAC since the decision and before the decision. I also know that, I'm not sure if the letters have been received, but a letter has certainly been drafted and would be on the way if it hasn't been received already. So those are two of the actions. We have had conversations and also written correspondence with members of BIAC in that regard.

Mr Clarke:

And that is sufficient for the hundreds of hours of service, you believe?

Mayor responds:

I am open to any suggestions about how the members of BIAC would like to be recognised. I think during the debate two weeks ago it was well and truly well-argued by Cr Grace that the work of BIAC had been historically extremely beneficial and I think my recollection of the letter that I have signed was that it did thank people very much for their contribution.

C104/3-19

(Commences at ± 11 minutes of audio recording)

4 Bruny Island Engagement

Seeing that you have now closed the main conduit, how do you propose, as Mayor, to consult with the 98% of islanders that do not support the new arrangement?

Mayor responds:

I do not accept the premise of your question being that 98 % of people don't support the new arrangement. The way the Council resolution directed Council to engage with the Bruny Island community is primarily through the Bruny Island Community Association however I can advise that already the Bruny Island Network that I know has recently been established has been in contact with me and I have asked for some feedback and that organisation has provided some feedback. Already in relation to the substantive issues on Bruny Island, and my view is that that is predominately about services, roads the really critical issues to Bruny Islanders, we have had some feedback already from the Bruny Island Network and also from the Bruny Island Community Association so that has been really pleasing so far.

C105/3-19

(Commences at ± 12 minutes of audio recording)

Ms Rosalie Maynard asked the following questions without notice:

5 Stormwater testing

The Council and TasWater plus the Derwent Estuary Program's sampling programs have now got a summers worth of results of data including weather, tide, wave observations referred to by Mr Devries. From a scientific point of view, it would constitute a small sample from which to draw conclusive correlations but it's a start. It would seem reasonable to assume some short and longer term solutions to this persistent water quality problem will flow from their comparisons and become high priorities. My question is, has specific extra funding been allocated in the coming budget for anticipated or planned works to infrastructure, for any consultants fees, should additional expertise be needed, or other possible costs needed to fully address and fix the water quality problems?

Mayor responds:

Thanks for your question. Council hasn't set its budget for next financial year for any matter for its operational or infrastructure budget however I can assure you that particularly as part of its infrastructure budget plans that the Blackmans Bay Stormwater issues will be a key consideration and a real priority for Council as part of those deliberations. The process works initially through a workshop but also in a public meeting at special meeting of Council where the public are able to see the infrastructure budget that Council is considering on the night.

C106/3-19

(Commences at ± 14 minutes of audio recording)

6 Birdlife Tasmania Report

My other questions relate to a report that Council commissioned from Birdlife Tasmania which was presented in October 2017 about water quality and the potential involvement of Silver Gulls at Blackmans Bay Beach. The report made a number of recommendations for Council to consider including sealing the open stormwater runoff and extending the drain to below low water to reduce the potential of the runoff to Silver Gulls who use the French water from the Illawarra Road outfall for drinking, bathing preening etc and that if they persisted further investigation should be made of the types

of diseases they may be carrying. Their report states that “some aspect of Blackmans Bay is attracting Silver Gulls where previously the attraction was absent.” I can just show you photos taken today that they are still there in large quantities. At the same time Enterococci counts, particularly at Blackmans Bay south it increased markedly from good to poor. They suggested further sampling was needed to establish if there was any causative link but they did point out that water birds have been implicated in the contamination of water supplies. My questions are how much did the report cost and having paid for a consultant’s report, why has Council apparently disregarded their advice on the key recommendations?

General Manager responds:

Thank you for the question. The only part of the question I think I can’t answer tonight is the cost because I can’t recall the cost to be perfectly honest but I suspect it was minimal knowing Eric. The Council Officer working group, as late as this afternoon, were meeting with counterparts at TasWater, at the laboratory. You might recall that recently one of the very high abnormal readings was not only retested but also DNA testing was undertaken and part of the reason the DNA testing was undertaken was because of Eric Woehlers report. Council officers and TasWater continue to use that background report with the current sampling regime to investigate all potential sources and we continue to do that because it’s a work in progress quite frankly but I will get the cost for you for the report and make sure it is on the public record.

Ms Maynard:

The report also commented that the amount of Enterococcus in Silver Gulls faeces, and in the human sewage being discharged from the nearby treatment plant could not be compared as there was no data available at that point. My questions are what data is collected from the effluent from the Blackmans Bay Sewage Treatment Plant and how often? Does it include testing for Enterococci and E.Coli in particular? Does it also include testing for nitrogen and phosphate levels (which can encourage algal growth and potentially bacterial growth? And as well the Clarence Council has an interest in building a pipeline under the river to take Class B recycled water from the treatment plant to a proposed golf course at Opossum Bay. What are the bacterial other parameters of this grade of water, will Class B recycled water be otherwise normally pumped in to the river and if so what are the implications of this standard of effluent affecting the amenity of the nearby swimming beaches from a) a bacterial and indirectly through nutritional enhancement of the water?

Mayor responds:

We will take those questions on notice.

QUESTIONS ON NOTICE FROM COUNCILLORS

C107/3-19

(Commences at ± 19 minutes of audio recording)

1 Treatment Plant, Blackmans Bay

At the Council meeting on 29 January 2019, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

As the treatment plant was well over loaded before TasWater commenced, obviously the sewerage from Margate and Dru Point has now been pumped somewhere because they've demolished the ponds at Dru Point and I believe they've demolished the ponds at Electrona. They've put three times the capacity over to the Blackmans Bay plant with not been completed. Again, are we getting tests from the outfall?

Officer's Response:

Wastewater discharges from the Electrona, Blackmans Bay and Margate Sewerage Treatment Plants (STPs) is regulated by the Tasmanian Environment Protection Authority (the EPA). Taswater are required to regularly monitor and report discharges from these plants to ensure that discharges comply with limits set by the EPA. Council has not been notified of any breaches of discharge limits from these plants since commencement of the Kingborough Sewerage Upgrade Project. TasWater have advised that the Blackmans Bay STP upgrades are still being commissioned and wastewater from the Electrona and Margate STPs is not yet being pumped to Blackmans Bay.

John Devries – Senior Environmental Health Officer

Cr Westwood submitted the following question on notice:

C108/3-19

(Commences at ± 19 minutes of audio recording)

2 Dru Point Masterplan

Can Council please provide an update on the Dru Point masterplan?

Officer's Response:

A capital works bid has been prepared for the 2019/20 budget to commence the implementation of the Masterplan. This bid will focus on the upgrade of the playground as being the highest priority identified by the community in the consultation process.

Daniel Smee – Executive Manager, Governance & Community Services

Cr Bastone submitted the following questions on notice:

C109/3-19

(Commences at ± 19 minutes of audio recording)

3 Vegetation Removal for Bushfire Risk

- a) *With the worsening fire danger within our municipality what can residents do in regard to having trees removed from their own property and from neighbouring properties if they believe they constitute a fire hazard?*
- b) *Is the course of action different if the trees are native?*
- c) *Does an offset need to be paid?*
- d) *What is the Councils liability if an application is made, and after refusal there is a resulting fire which damages property?*

Officer's Response:

- a) Residents of Kingborough living in bushfire prone areas are encouraged to create a defensible space around their houses for the purpose of bushfire protection in

line with recommendations by the Tasmania Fire Service. A defensible space is an area around a house where vegetation has been modified and most flammable material (fine fuels) have been reduced in order to limit a fire's radiant heat intensity and remove materials which ignite most easily in a bushfire. Smaller sized natural fuels (such as grass, leaf litter, bark, sticks and bark chips) are generally of greater concern than larger fuels (such as trees and shrubs) which take longer to ignite.

The Tasmania Fire Service emphasises that it is not necessary to remove all vegetation from around the house to provide protection from fire and that individual trees rarely cause houses to burn in bushfires.

Residents who are concerned that a tree or trees on their own property constitute a fire hazard may apply to Council for a permit to remove the tree/s. Council has a factsheet on the website to provide guidance on when Council approval is required to remove vegetation.

https://www.kingborough.tas.gov.au/wp-content/uploads/2017/06/When-do-you-need-Council-approval-to-remove-vegetation_FINAL.pdf

Applications to remove trees are assessed by Council's Natural Resource Management staff together with Planning Section staff where appropriate (ie if large numbers of trees trigger the need for a development application under the Planning Scheme). Council has endorsed an assessment procedure and decision matrix, which is used by staff to assess applications to remove trees on private property under the By-law.

If the concern relates to trees on a neighbouring property residents can make a request (to the Compliance section of Council) for an abatement notice to be served. Compliance officers will then conduct an inspection of the property that is the subject of the complaint to determine whether in fact the neighbouring vegetation constitutes a fire hazard. The assessment of bushfire risk is made in the context of the overall amount and condition of all the vegetation and includes grasses, shrubs, bark and mature trees at a specific location. It is not and cannot be done via an assessment of the trees alone.

Fire hazard management works undertaken in accordance with an abatement notice issued by Council under the Local Government Act 1993 are exempt from the requirement for a permit under the Kingborough Interim Planning Scheme.

- b) The course of action for removing native trees is different to that for removing non-native trees.

Council's Health and Environmental Services By-law 3 of 2011 places restrictions on tree removal on private land.

A permit is required before lopping or removing any native tree that:

- Has a trunk circumference of greater than 80cm at 1.5, or more above ground level,
- Is listed on a register of significant trees,
- Is protected under an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 or covenant on the title.

Approval from Council is not required for removal of non-native/ exotic species not listed on a register of significant trees or species which are environmental or declared weeds.

To clear large numbers or a large area of trees usually requires a Forest Practices Plan under the Forest Practices Act 1985 which is administered by an organisation outside Council.

- c) Whilst no application fee is payable for a permit to remove trees, an offset does need to be made for the removal of individual trees of species or size deemed to be of high conservation value (as defined in Council's Biodiversity Offset Policy).

The offset may consist of the following options:

- Replacement trees planted at a suitable alternative location;
- Restoration on site, or
- A monetary offset may be provided to Council, which will be directed to the Environmental Trust and used for a suitable offset under the direction of that program.

- d) Liability

Council's liability (should a refusal for an application to remove trees be made and a fire later impacts on a property) is not clearly defined but is likely reduced through the practice of following an endorsed assessment procedure and decision criteria when processing requests to remove trees on private land, together with relying on the advice of experts where warranted.

All applications are assessed on the basis of merit and in the case of requests for tree removal due to bushfire risk reference is made to Tasmania Fire Service recommendations for property protection and/or an endorsed Bushfire Management Plan. Where any doubt or dispute over a decision to allow tree removal exists, applicants are asked by Council to provide additional information from bushfire experts to support their application. This may take the form of a Bushfire Hazard Management Plan from a Tasmania Fire Service accredited bushfire assessor. Where trees are identified in a Bushfire Hazard Management Plan for a property as contributing to bushfire risk, Council approval is always given for the trees identified in the plan to be removed.

Meg Lorang – Bushfire Management Officer

QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Bastone asked the following questions without notice:

C110/3-19

(Commences at ± 20 minutes of audio recording)

1 Bushfire and Water Supply

In the light of the recent bushfires and the bushfires at Groombridges apple shed, could the Council investigate the possibility of TasWater being approached to continue the waterline to Kettering or Woodbridge, it present it terminates at Electrona and the added distance to obtain water and fill fire trucks could mean the difference in saving properties and lives. The fire Groombridges saw the fire trucks were forced to fill up with saltwater out of Trial Bay.

General Manager responds:

Cr Bastone, we are happy to follow up that question and see what TasWater's response is.

C111/3-19

(Commences at ± 20 minutes of audio recording)

2 Adventure Bay Playground

Two pieces of outside exercise equipment were removed by Council almost two years ago for repairs. Subsequent to enquiries to the Council, promises were made that equipment would be returned shortly. Do we have a date yet.

Mayor responds:

We will take that on notice.

C112/3-19

(Commences at ± 21 minutes of audio recording)

3 Bruny Island Water Supply

With the shortage on water on Bruny and the aquifer running dry at Adventure Bay, will the Council consider stipulating the size of water tanks on new buildings being used as visitor accommodation where there are often many bathrooms and spas unlike the traditional shacks?

Manager Development Services responds:

There is an upcoming with TasWater regarding the water supply on Bruny Island. I am don't know the details of that but it does follow a meeting that we had about 12 months ago to do with potable water.

Cr Bastone:

Thank you so you will put a report into Council after the meeting?

Manager Development Services responds:

Yes we can put a report up provided it is appropriate for TasWater that they are happy for us to release that to the general public.

C113/3-19

(Commences at ± 22 minutes of audio recording)

4 Carparking requirements

When new businesses apply for a building permit that requires a minimum number of carparks as part of that permit, can they then lease those car spaces to other non-related businesses?

Manager Development Services responds:

I believe the reference is to a planning permit which is the one that stipulates requirements about car parking requirements associated with use. No the carparking spaces are required to be used for that purpose as per the requirements of the planning permit which requires compliance with the plans so no they can't lease it to other parties. Perhaps if they had excess numbers that is a possibility but they can't go below their minimum requirements.

Cr Grace asked the following questions without notice:

C114/3-19

(Commences at ± 23 minutes of audio recording)

5 Recycled Water

I raised through this Council when we were looking at the update of our sewerage system, well before your time, some of the Councillors here today still remember when I raised issues about why we weren't using the recycled water from our plants and I did suggest a few options at the time. I am absolutely dumbfounded when I found out, and I think it was through a question raised by one of the members of the public, that Clarence are looking at taking our recycled water when we should be looking, as a responsible Council, we should be looking at whether we should be providing this water for instance Bruny Island or down the lower channel for irrigation purposes and it is something Council should do rather than, although I suppose it is too late because we don't own the system anymore but I'd like to know as you, as the rep on TasWater could start thinking about our municipality on that issue please. The question is can we ask TasWater why we can't use the water within our municipality.

Mayor responds:

Thanks Cr Grace, I think in your question you have summed up the situation in that TasWater has, as far as I am aware, only had one proposal for the recycled water and that was from a proponent at South Arm so TasWater has responded to that proposal. I am not aware that Council has ever put a proposal in.

C115/3-19

(Commences at ± 25 minutes of audio recording)

6 Sealing gravel roads

As again we are coming into the budget session and again I was on Bruny Island on the weekend. Our roads are in pretty good condition I must say but the corrugation is absolutely unbelievable. We are spending thousands of dollars grading these gravel roads up and I believe it is time this Council started looking back at sealing more of these rural gravel roads. Can we get a workshop, or whatever we need, to ask staff to seriously at looking at sealing rather than gravel or resheeting it to be put on tonight or today and washed off tonight.

Mayor responds:

I think we will be able to cover this question within our budget workshop process. If you are unsatisfied with that, we can provide you with some more information.

C116/3-19

(Commences at ± 26 minutes of audio recording)

7 Margate sewerage

Thanks to the response about the sewerage, it says Electrona and Margate is not yet being pumped to Blackmans Bay. My question is what are they doing with the Margate sewerage? The ponds are dug up so are they discharging raw sewerage into North West Bay because there are no ponds there to treat it, they are gone.

Mayor responds:

It is a question for TasWater. Just for the public record, I am sure that TasWater isn't pumping the raw waste water into North West Bay but Council is happy to provide you with as much as information as they can.

8 Bruny Island Signage

I read today, thanks to Mr Ferrier who was up early this morning, the report regarding signage at Bruny Island. Just wondering for the interest of the public, would he just like to give us an update on that?

Deputy General Manager responds:

The email I sent to the Councillors this morning was just to explain that we will be initiating a process to address the unauthorised or obsolete road signage on Bruny Island. Up until this point in time, we have been trying to do that in conjunction or partnership with Department of State Growth, it being mainly being on their land but they would prefer that Council go it alone and deal with it as a Compliance issue and arrange for the signage to be removed under our existing regulatory controls. We have done a couple of audits of all the illegal signage on the island. Because it hasn't been done recently we will have to update those. We will make sure we have everyone's address and the business that are affected and then in accordance with the act, we will correspond with all those businesses and request them to remove their signs. I would imagine that many if not most would be removed in that process. Those that are not then removed, Council does have the legal powers to go onto the land and remove those signs and will do that. We can also recover costs from businesses if necessary.

Cr Grace:

As I understand as chair of the BIAC committee, we weren't authorised to remove those signs Mr Ferrier. Now are we, as a Council, authorised to be able to remove them?

Deputy General Manager responds:

The legislation was only changed relatively recently which gave us those powers. We have held off on doing it simply because we felt that it was a good way of doing it with the Department of State Growth rather than on our own. It is on their land and as the land owner they should be managing their own land. It was meant to be something we liked to do with the Government in conjunction with the Council however they would prefer that we would just do it ourselves so that is the way we will do it.

Cr Westwood asked the following question without notice:

9 Seagulls on Blackmans Bay Beach

What action or investigation has Council undertaken to date and what future action does Council intend to take?

General Manager responds:

I think it is probably best I take that on notice because it is a follow up from an earlier question and that way I can get it on the public record and get it accurate for you.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

The following Notice of Motion was submitted by **Cr Midgley**:

C119/3-19

(Commences at ± 31 minutes of audio recording)

Graffiti and Tagging

MOVED Cr Midgley
SECONDED Cr Fox

That

- a) A report be provided to address the increasing amount of tagging / graffiti that is occurring across the Kingston, Kingston Beach, Blackmans Bay Areas; and
- b) The report provides information on the following:
 - Procedure for removal of tagging / graffiti as it arises on Council and Non-Council owned properties;
 - Consider the merit of a stakeholder approach with relevant public sector agencies including Metro, State Growth, TasNetworks and TasWater;
 - Consider initiatives to deter it from happening;
 - Research of best practice approaches from other local councils;
 - Budget consideration of an arts / graffiti program and availability of grants; and
 - Other budget considerations.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried Unanimously

PETITIONS STILL BEING ACTIONED

The petition headed "Sealing of Harvey Road and Ritchie Street, Alonnah" will be provided at a future Council meeting.

PETITIONS RECEIVED IN LAST PERIOD

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

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 6:13pm

OFFICERS REPORTS TO PLANNING AUTHORITY

C120/3-19

(Commences at ± 42 minutes of audio recording)

DELEGATED AUTHORITY FOR THE PERIOD 16 JANUARY 2019 TO 29 JANUARY 2019

MOVED Cr Wass
SECONDED Cr Street

That the report be noted.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried unanimously

C121/3-19

(Commences at ± 46 minutes of audio recording)

DA-2018-502 - DEVELOPMENT APPLICATION FOR OUTBUILDING (SHED) AT 6B WYBURTON PLACE, MARGATE FOR SJM PROPERTY DEVELOPMENTS PTY LTD

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 outbuilding (shed) be refused for the following reasons:

- 1 The proposal fails to comply with Clause 12.4.2 P4 of the Kingborough interim Planning Scheme 2015 in that the development has not been designed or located to avoid, minimise, mitigate or offset impacts on a tree of high conservation value.
- 2 The proposal fails to comply with Clause 12.4.3 P1 of the Kingborough Interim Planning Scheme 2015 in that the development will result in an unreasonable loss of natural and landscape values on the site.

MOVED Cr Fox
SECONDED Cr Atkinson

That the meeting adjourn for 10 minutes.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried unanimously

Meeting adjourned at 6:23pm

Meeting resumed at 6:35pm

The substantive motion was put:

FOR

Cr Atkinson	Cr Fox	Cr Midgley	Cr Wriedt	
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AGAINST

Cr Bastone	Cr Grace	Cr Street	Cr Wass	Cr Westwood
Cr Winter				

Motion Lost

Foreshadowed Motion:

MOVED Cr Street
SECONDED Cr Grace

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for an Outbuilding (shed) at 6B Wyburton Place, Margate 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-2018-502 and Council Plan Reference No. P2 submitted on 5 December 2018. 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. To offset the loss of 1 tree of high conservation value, comprising one Eucalyptus obliqua tree with a dbh >112cm, an offset of \$500 must be paid into Council's Environmental Fund, to be used to manage and conserve mature habitat and the habitat of the forty-spotted pardalote in the vicinity of Margate.

The tree must not be removed prior to the issue of a Building Permit and payment of the \$500 offset.

3. The stormwater runoff from all new impervious areas must be disposed of by gravity to Council's reticulated stormwater system to the satisfaction and approval of the Executive Manager – Engineering Services.

4. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager – Engineering Services.

ADVICE

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The Plumber is to provide the following documentation to Council after the plumbing work is completed:
- (a) A Plumbing Start of Works Notice;
 - (b) A Form 80;
 - (c) A Form 71B; and
 - (d) An 'As Constructed' drainage plan at a scale of 1:200 in accordance with the Director's Specified List Schedule 3.

FOR

Cr Bastone	Cr Grace	Cr Street	Cr Wass	Cr Westwood
Cr Winter				

AGAINST

Cr Atkinson	Cr Fox	Cr Midgley	Cr Wriedt	
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Carried

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7:17pm

Cr Street left the room at 7:17pm

OFFICERS REPORTS TO COUNCIL

C122/3-19

DEVELOPMENT OF A SECOND TURF WICKET IN KINGBOROUGH

MOVED Cr Atkinson
SECONDED Cr Wriedt

That Council notes the report prepared by Inspiring Place dated December 2018 for a new multi-use sportsground with a turf wicket, to be considered further as part of an assessment of the infrastructure development priorities within the Kingborough Sports Precinct.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Winter	Cr Wriedt	Cr Westwood		

AGAINST

Cr Wass				
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Carried

Cr Street returned to the room at 7:35pm

C123/3-19

PROPOSED NEW ROAD NAME

MOVED Cr Wass
SECONDED Cr Westwood

That the following road name be approved and submitted to the Nomenclature Board:

- The Mews.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried unanimously

REMISSION OF MINIMUM GENERAL RATE DIFFERENCE POLICY

MOVED Cr Grace
 SECONDED Cr Atkinson

That the updated Council Policy 3.1 Remission of Minimum General Rate Difference Policy, as attached to this report, be adopted for a further two years.

Amended Motion:

MOVED Cr Wass
 SECONDED Cr Bastone

That the updated Council Policy 3.1 Remission of Minimum General Rate Difference Policy, as attached to this report, be adopted for a further two years.

The above provision shall only apply if the rate payer, who is liable for the rates, is a Kingborough resident who is also liable for rates on other developed land in the Kingborough municipal area.

FOR

Cr Bastone	Cr Wass			
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AGAINST

Cr Atkinson	Cr Fox	Cr Grace	Cr Midgley	Cr Street
Cr Westwood	Cr Winter	Cr Wriedt		

Amendment Lost

The motion was then put.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried unanimously

C125/3-19

SUNDRY DEBT MANAGEMENT POLICY

MOVED Cr Wriedt
SECONDED Cr Westwood

That Council Policy 3.6 Sundry Debt Management Policy, as attached to this report, be adopted for a further two years.

Cr Grace left the room at 7:47pm

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Midgley	Cr Street
Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt	

Carried unanimously

C126/3-19

RATE REBATE FOR CONSERVATION COVENANT POLICY

MOVED Cr Wriedt
SECONDED Cr Street

That Council Policy 3.1 Rate Rebate for Conservation Covenant Policy, as attached to this report, be adopted for a further two years.

Cr Grace returned to the room at 7:49pm

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried unanimously

C127/3-19

INFORMATION REPORTS

MOVED Cr Wriedt
SECONDED Cr Westwood

That the following information reports be noted:

- 1 General Manager’s Diary for the period 2 January 2019 to 1 February 2019.
- 2 Current and Previous Minute Resolutions.

- 3 Councillors Attendance at Meetings.
- 4 Councillors Allowances and Expenses.
- 5 Donations Table.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt

Carried unanimously

C128/3-19

CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

MOVED Cr Atkinson
 SECONDED Cr Fox

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)
DA2018-73, 6 Summerleas Road	15(4)
Current and Previous Minute Resolutions	15(2)(c)

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Grace	Cr Midgley
Cr Street	Cr Wass	Cr Westwood	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 8:15pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8:44pm

C135/3-19

MOVED Cr Wriedt
SECONDED Cr Bastone

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

Item	Decision
Confirmation of Minutes	Deferred
Applications for Leave of Absence	Approved
DA2018-73, 6 Summerleas Road	Determined
Current and Previous Minute Resolutions	Noted

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Midgley	Cr Street
Cr Wass	Cr Westwood	Cr Winter	Cr Wriedt	

Carried Unanimously

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8:45pm

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(Confirmed)

.....
(Date)