

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.

MINUTES

25 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
Monday, 25 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 Chairperson advised all persons in attendance that it is Council policy to record the closed session of Council Meetings. In accordance with Council Policy, the Chairperson asked staff to confirm that the audio recording had commenced.

ATTENDEES

Councillors:

Mayor Cr D Winter	✓
Deputy Mayor Cr J Westwood	✓
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
Chief Financial Officer	Mr John Breen
Executive Manager Organisational Development	Ms Pene Hughes
Executive Manager Engineering Services	Mr David Reeve
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Finance	Mr Tim Jones
Manager Development Services	Ms Tasha Tyler-Moore
Media & Communications Officer	Ms Sarah Wilcox
Acting Executive Assistant	Ms Kelly Nichols

APOLOGIES

There were no apologies

C136/4-19

(Commences at ± 2 minutes of audio recording)

CONFIRMATION OF MINUTES OF 29 JANUARY 2019 AND 12 FEBRUARY 2019

MOVED Cr Fox
SECONDED Cr Midgley

That the Minutes of the open session of Council Meeting No 2 held on 29 January 2019 and Council Meeting No. 3 held on 12 February 2019 be confirmed as a true record.

FOR

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

Carried Unanimously

WORKSHOPS HELD SINCE LAST COUNCIL MEETING

18 February 2019 - Bushfire Strategy & Climate Change Plan

C137/4-19

(Commences at ± 3 minutes of audio recording)

DECLARATIONS OF INTEREST

The General Manager declared an interest in the item headed "General Manager's Scheduled Performance Management Review".

C138/4-19

(Commences at ± 3 minutes of audio recording)

TRANSFER OF AGENDA ITEMS

MOVED Cr Wass
SECONDED Cr Grace

That the agenda item headed "Request for Rate Remission" be transferred from Closed Session to Open Session.

FOR

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

Carried Unanimously

QUESTIONS ON NOTICE FROM THE PUBLIC

C139/4-19

(Commences at ± 5 minutes of audio recording)

1. **Blackmans Bay Sewage Treatment Plant**

At the Council meeting on 12 February 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:

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?

Officer's Response:

Effluent discharge from the Blackmans Bay Sewerage Treatment Plant (STP) is regulated by the Tasmanian Environment Protection Authority (the EPA). Effluent samples are taken weekly and tested by Taswater at their laboratory at Selfs Point, New Town. Results are reported directly to the EPA to ensure that they are within limits stipulated by the EPA. E. coli, enterococci, nitrogen and phosphorous levels are all tested weekly.

Clarence City Council has approved the development of a pipeline across the Derwent estuary, as has Kingborough council. The proposal is by a private entity. Effluent is proposed to flow to Algona Street, South Arm under gravity without pumping from Blackmans Bay. The effluent to be supplied is expected to be Class B recycled water as defined in the Environmental Guidelines for the Use of Recycled water in Tasmania (DPIPWE 2002). These guidelines have a limit for BOD, pH and Thermotolerant coliforms. There are also requirements to control nutrient and salinity loading to soils from irrigation.

Once upgraded, the Blackmans Bay STP is expected to produce much lower concentrations of ammonia and total nitrogen, however the total phosphorus load is expected to increase. The required discharge limits for the current and upgraded Blackmans Bay STP are set out on the Environment Protection Notice (EPN) for the STP – this can be viewed online via LISTMap.

The cost to Council for the Birdlife Tasmanian report was \$2200.

John Devries - Acting Senior Environmental Health Officer

C140/4-19

(Commences at ± 5 minutes of audio recording)

2. **Future Budget Development**

At the Council meeting on 12 February 2019, **Mr John McDonald** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

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?

Officer's Response:

Council is scheduled to workshop the budget in March 2019. Assuming a draft budget has been finalised by mid- April this would allow public consultation for a 3-4 week period.

Council will hold a special Council meeting in June 2019 to determine the budget.

John Breen - Chief Financial Officer

C141/4-19

(Commences at ± 5 minutes of audio recording)

3. Stormwater Levy

At the Council meeting on 12 February 2019, **Mr John McDonald** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

The Ratepayers Association passed a motion at its meeting last week and the motion is as follows "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?

Officer's Response:

Council continues to make repairs to affected infrastructure, undertake further analysis on possible improvements to existing infrastructure and work closely with affected property owners associated with the recent flood events in the Kingborough municipality. Council officers are in the process of developing a Stormwater Strategy and there will be opportunities for community comment as this progresses.

David Reeve - Executive Manager Engineering Services

The following question on notice was received from **Mr Matt Brown**:

C142/4-19

(Commences at ± 5 minutes of audio recording)

4. Summerleas Road and Kingston View Drive traffic congestion

It was pleasing to see the Huon Highway and Summerleas Road intersection upgraded however there is now another dangerous area being the intersection of Summerleas Road and Kingston View Drive and the first section of Kingston View Drive up to the sports centre. This section of road is particularly busy during school times and it's only a matter of time before there is an accident or loss of life due to all traffic being

concentrated through this intersection. I understand there are plans to connect up the other end of Kingston View Drive through the Spring Farm subdivision and given the rapid development of this development is it possible to bring forward these plans and have that section of road built as soon as possible to alleviate some of the traffic from Summerleas Road as it could potentially halve the amount of traffic onto Summerleas Road?

Officer's response:

In reference to this question the following is relevant:

- (1) The area identified has been previously reviewed and it operates very similarly to other roads/intersections in school zones, i.e a very short peak of traffic with high volume/low speed within a 15 minute peak at the start and end of school periods.
- (2) The Summerleas/Kingston View Drive intersection has a good safety record with only one reported crash in the last 5 years at 11.30am in the day so outside the peak period.
- (3) Notwithstanding the above, Council is currently investigating a link between Spring Farm Road and Kingston View Drive. However, this will be an expensive linkage to construct and as such the timing will be heavily dependent on available funding.

David Reeve – Executive Manager Engineering Services

Mr and Mrs Oellermann submitted the following question on notice:

C143/4-19

(Commences at ± 6 minutes of audio recording)

5. Baynton Street Speed Limit

As a young family living at Baynton Street, we have seen an increase in irresponsible driving and people going over speed limits. The length and width of Baynton Street attracts people to neglect traffic regulations during day and night in a residential area with a strict 50 Km/hr zone. Many young families live at and around Baynton Street and is frequently used by young children. This is why there are also various safe crossing signs for school children and Kingborough Links walkways to allow safe access to children to school & playgrounds and walkways for pedestrians such as the elderly. As long as various drivers do not respect the traffic rules, crossing and walking on Baynton Street is not safe for our neighbourhood. That is why, we believe, that traffic rules need to be reinforced such as by installing traffic calming measures and more frequent speed controls. Are there any plans for traffic calming solutions for Baynton Street and neighbouring areas in the near future?

Officer's Response:

Council has received very few complaints regarding irresponsible driving and speeding on Baynton Street and there have been no reported speed related crashes. As such Council has no current plans to implement traffic calming measures on Baynton Street and neighbouring areas.

However Council can install traffic counters to assess travel speeds to determine if mitigation measures may be necessary.

Renai Clark - Roads & Stormwater Engineer

Ms Lynette Cengia has submitted the following question on notice:

C144/4-19

(Commences at ± 6 minutes of audio recording)

6. Subdivision at Dennes Point, Bruny Island

My question is related to the Planning Permit Ref. DAS 2015-32 for our current subdivision at Dennes Pt (CT153766/1), and in particular the Nebraska Beach foreshore owned by my family (in the Estate of the late Mrs JM Barrow) and both the boat ramp and boatshed situated on the foreshore.

It should also be noted that the Final plans for this subdivision are ready to be lodged with Council. However, we have concerns that, if we were to submit these plans and transfer the foreshore to Council prior to a satisfactory resolution on the boat ramp and boatshed, Council would then own the foreshore and further negotiations could come to an end.

Therefore, my family is now seeking compensation from Council for the 25+ years that Council and the community have had the use of our land to access the boat ramp and the foreshore. Please note we have also been paying rates to KC for the other boatsheds along the foreshore, although we have never claimed ownership of these and receive no payment for them from their owners.

My questions are:

- 1. What does Council consider to be a reasonable amount for compensation, as we consider an amount of \$12,500- \$20,000 (ie. \$500-\$800 p.a.) is not unreasonable, given the time frame involved.*
- 2. Is Council prepared to negotiate with us on compensation, in return for an acceptable outcome around the retention of our boatshed, with Council incurring costs.*

Officer's Response:

Negotiations in regard to private property matters such as this are not normally conducted in an open public forum. However it is acknowledged that the foreshore land in question has been used by the general public for many years and there will be public interest in the outcome of this matter. The subdivision application, as lodged and approved by Council, does propose that this foreshore strip of land be transferred into public ownership. This includes the access to the existing public boat ramp at Dennes Point. It is now up to the landowner to either complete the process, to submit an alternative subdivision proposal or to simply retain the status quo.

In regard to Question (1), Council is unlikely to pay compensation for the past use of the private land by the public to access the boat ramp and foreshore. The owner of the land has been well aware of this use for many years and by all accounts has agreed to it as there have been no previous objections.

In regard to Question (2), Council has already offered the land owner in writing a licence over the boatshed (with minimum rental). This would be similar to the many other licences for boatsheds and would provide for an adequate security of tenure. Council has already made a commitment to ensure that the boatshed will be retained. If the land surrounding the boatshed is proposed to be retained in private ownership, then this is a different subdivision application to the one that has been previously approved by Council. A new application would need to be lodged.

Tony Ferrier – Deputy General Manager

Ms Julie Taylor submitted the following question on notice:

C145/4-19

(Commences at ± 6 minutes of audio recording)

7. Kingston Pool

In the Mayor's Communications, Council Meeting Agenda for the 29th January 2019, it states the Mayor '...met with Mr Stuart Talbot to discuss Kingston Pool renovations, and potential expansion of private aquatic facilities in Kingborough.

Question: Could the Mayor expand on the outcome of those discussions and what benefits it could bring to the whole community?

Council discussed at its Council Meeting the 25th October 2010 a Petition for a Multi Purpose Pool with Temperature Variance, (a shared hydrotherapy pool), FILE REF: 12.21, 22.186.

Kingborough Sport and Recreation Facilities Strategy 2013 includes mention of an Aquatic Centre for the Kingborough Sports Centre Master Plan, item 8.7.4 in that document, and plans displayed at the Civic Centre around the same time clearly including space for a possible future Aquatic Centre.

Question. *Is space for the possible future Aquatic Centre at the Sports Precinct still available?*

Officer's Response:

The Mayor met with the Mr Talbot primarily to discuss business conditions for private aquatic facilities in Kingborough. Mr Talbot successfully operates the Kingston Pool, a privately owned public swimming pool on the Channel Highway.

Kingborough Council has no current plans to develop its own public aquatic facilities and has noted the financial impacts on other Councils from owning and operating public swimming pools. However, Council would support and encourage any private business looking to improve aquatic facilities within the Kingborough municipality.

Council will undertake a review and update of the Kingborough Sports Precinct Masterplan over the next few months and the question of a potential location for an aquatic facility will be given further consideration as part of this process.

Scott Wade– Sports Precinct Manager

Mr and Mrs Oellermann submitted the following question on notice:

C146/4-19

(Commences at ± 6 minutes of audio recording)

8. Maranoa Road and Redwood Road Pedestrian Crossing

Does the council have any plans for a pedestrian crossing at Maranoa/Redwood Road bus stop?

School buses pick up and drop school children at this bus stop and there is no safe way for the children to cross the street. Here traffic is very heavy during school pick up/drop hours, which makes crossing a dangerous challenge for children and pedestrians. They only have an option to walk to the traffic circuit or make a dangerous choice of crossing the street at their own discretion. We request the council to respond to any plans to have a safe crossing for school children.

Officer's Response:

The outbound bus stop located on the eastern side of Maranoa Road, and nearest to Redwood Road, is located only 30 metres to the pedestrian refuge which is accommodated in the splitter island approaching the roundabout.

The inbound bus stop located on the western side of Maranoa Road, opposite Baynton Street, is 70 metres walking distance to the pedestrian refuge. At this distance it is appreciated that pedestrians may not choose to walk to the refuge at the roundabout to cross Maranoa Road. Unfortunately the width of Maranoa Road is insufficient to accommodate a pedestrian refuge. Kerb blisters have been installed at the bus stops near Kingston Town Shopping Centre and Calvin Christian School however they cannot be accommodated at this bus stop due to its location being opposite the Baynton Street junction.

It may be feasible to construct kerb blisters a little further to the north however a full assessment would be needed to compare usage and demand against other competing priorities for consideration of inclusion in the 5-year Capital Works Program.

Renai Clark - Roads & Stormwater Engineer

QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Ms Ros Pyrke asked the following question without notice:

C147/4-19

(Commences at ± 7 minutes of audio recording)

1 Maryknoll

I attended a community meeting last Thursday in regards to the development proposal for Maryknoll. I'd like to note there was a survey conducted in February 2017 of the local district to determine what the nature and vision would be for that Blackmans Bay Bluff area. That Specific Area Plan was to be prepared for that area. I would like to ask when that plan is to be released.

Manager Development Services Responds:

The Blackmans Bay Bluff survey that was conducted will form part of the new SAP that will apply to Blackmans Bay and will still be taken on board in consideration for forming that Specific Area Plan. We are still working on the planning scheme as it involves working on the whole planning scheme as well as the SAPS, we are hoping to bring it to Council in April. Once it comes to Council for review it will then go to the Commission who will put it on public notice.

Mr John Maynard asked the following questions without notice:

C148/4-19

(Commences at ± 8 minutes of audio recording)

2 Southern Cross Care Rate Relief

The Mercury, on the 12 November last year, reported that Southern Cross Care had won a legal case in the Supreme Court against four Councils including Kingborough, where the Court determined that the Southern Cross Care, being a charitable organisation running aged care homes was entitled to rate relief. The same article

reported the General Manager, Mr Arnold, had advised that this would cost Kingborough Council about \$21,000 in rate refunds. On page 43 of the Agenda for tonight's meeting, in a section examining budget sensitivities, it stated that Council is currently a party to legal action in the High Court in relation to rate revenue from charitable institutions. If Council loses this action, the possibility is that up to \$4.6 million in rate revenue could be lost each year. Could the General Manager please summarise the current status of any legal case that Council may be involved in and the potential implications for Council revenue.

General Manager responds:

Thank you for the question. The Council are currently seeking leave to the High Court to have the decision that was overturned in the Supreme Court, following a Magistrate Court hearing that went in favour of the Council, be heard. Should that leave be approved, the High Court will hear the matter probably later this calendar year. The quantum of the impact for this Council is in the vicinity of \$400,000 plus per annum. It is difficult to give an exact amount because it will be dependent on the outcome of the High Court hearing.

John Maynard:

Could the General Manager explain the apparent inconsistency in the numbers quoted between the two documents?

General Manager responds:

The initial reference you gave to the article in the Mercury some 12 months ago, the figure quoted was not correct.

C149/4-19

(Commences at ± 11 minutes of audio recording)

3 Maryknoll

If Council loses the High Court action, what is the likely loss of revenue from the proposed Maryknoll development if the DA's are upheld in the Tasmania Planning Commission?

General Manager responds:

I am not able to predict or put a figure on that at this stage. The Maryknoll application relates to a rezoning and a subdivision application and Council has not, at this stage, gotten a handle on the likely number of houses that may, should that rezoning and subdivision go through, eventuate whether that be between 50 or 70 and not all of that housing component would be subject to the High Court action. I don't know that exact percentage so I can't answer your question tonight I am sorry.

Ms Rosalie Maynard asked the following questions without notice:

C150/4-19

(Commences at ± 12 minutes of audio recording)

4 Flowerpot Crescent Boat Shed Stormwater Outfall

I am asking some further questions about the sewerage and the Flowerpot boat shed stormwater outfall. Could the Mayor please provide an update as to whether the works have been completed on the known faulty sewerage connections in the Flowerpot Crescent area to prevent sewerage continuing to flow directly onto the rocks and into the sea via the stormwater outfall near the boat shed?

Mayor responds:

Thanks for your question. The answer is yes, the two private connections that were incorrectly putting sewerage directly into the stormwater system have both been resolved by the private property owners very quickly and we are very pleased about that.

Ms Maynard:

Is subsequent bacterial testing showing compliance for the number of Enterococci from this stormwater outfall because it wasn't as of 19 February?

General Manager responds:

I was looking at the results from the sampling taken Thursday of last week which showed significant improvement but still marginally over the trigger point but substantial improvement.

C151/4-19

(Commences at ± 13 minutes of audio recording)

5 Flowerpot Crescent Sewerage Pipe

There is another large green algal bloom in an adjacent area about 10 – 15 meters closer to the beach, further to the west, that is very very noticeable. It is indicative of an additional source of pollution. It is believed a main sewerage pipe at the lower end of that Flowerpot Crescent collection area runs along a walking track in this area which was very badly eroded in the storms of May this year. Has CCTV investigation been done along this section of the sewer pipe to check for possible cracking and leakage due to damage of the pipe following the bad erosion of the bank and from soil movement in that heavy clayed soil?

Mayor responds:

The person who conducted the investigation is not here with us so we will take that on notice and come back to you with a written response.

C152/4-19

(Commences at ± 14 minutes of audio recording)

6 Links on Website to Water Quality Forum and Councils Beach Water Bacterial Monitoring Results

Given the high level of community interest, could Council staff please be asked to make information about the water quality forum, which is only a week away, as well as Council's Beach Watch bacterial monitoring results prominent front page links on Councils website? At the moment both are very hard to find, not just by me but by many others.

Mayor responds:

We will take that as advice and if we need to we will make sure it is more prominent.

7 Code of Conduct

The proposed updated Code of Conduct for Councillors provides for 8 standards of conduct including on page 65, number three, Use of Office. It says "A councillor uses his or her office solely to represent and serve the community conducting himself or herself in a way that maintains the communities trust in the Councillor and the Council as a whole. With this in mind and with the high level of community concern opposing the proposed Maryknoll development, do the Mayor and other Councillors who voted against their own planning staff's recommendations in relation to this, consider they have the Blackmans Bay communities trust in their actions and in the Council as a whole?"

Mayor responds:

Thanks for your question. All Councillors are elected to represent almost 40 thousand people and that is who we represent on every issue that comes to the Council. The Code of Conduct that you are referencing hasn't been put in place but I am confident in myself and all colleagues no matter how they vote on any issue, always do so in the best interests of the entire community.

Ms Leigh Linerman asked the following questions without notice:

8 Maryknoll

As a follow up to the previous question and you claiming that you are representing the community, I'd like to ask why the Council passed both the rezoning and the DA against, what I have gleaned to be, the advice of your own expert advisers, the land use people, the coastal act and your own Strategic Plan for the future of Blackmans Bay. I would like a clear explanation of why you made the decision as a group, I understand there were three who voted against, and to correct the record because as of last Thursdays meeting, you Dean, said that it was unanimous, the DA approval, and I believe that Flora Fox voted against.

Mayor responds:

You are quite right, I am not aware that I made that mistake but if I did, you are quite right it was 8-1.

Leigh Lineman:

I would like a clear explanation for your justification for going against the advice of your own expert advisors.

Mayor responds:

In the preamble of your question, you said that Council approved the rezoning. Council didn't approve the rezoning. Council has initiated the process that goes from here. Councils don't get to change the planning scheme, the Tasmanian Planning Commission does. What Council did at the meeting on the 29 January was decide whether it was worth initiating the planning amendment or not. Myself and other Councillors felt that on balance it was worth initiating the process and going to public consultation and having the Tasmanian Planning Commission look at the issue. We haven't approved. The reasons why I voted the way that I did were outlined in my contribution on the 29 January which is publicly on the audio and available for anyone

to hear. As I said, on balance, my view was that I felt that the right thing to do was to advertise and initiate the process, other Councillors would have to answer it for themselves.

Leigh Lineman:

I can't accept, given the advice that came from your experts, the initiation. It is turned down for all kinds of other developments, why would specifically chose to initiate this process when it is such a huge development in a tiny, traffic, all of that, it just doesn't make sense

Mayor responds:

The reasons that I voted to initiate were because I felt, on balance, that the proposed changes were worth being considered by the Tasmanian Planning Commission. The pretext of your question is that professional planners don't believe that this is a good proposal and our planners are professional planners. The Tasmanian Planning Commission is an organisation that is solely about planning. They have their own professional planners who will be reviewing the application and the submissions from the public. I have faith that they will make the right decision in terms of what good planning practice is.

QUESTIONS ON NOTICE FROM COUNCILLORS

C155/4-19

(Commences at ± 21 minutes of audio recording)

1 Adventure Bay Playground

At the Council meeting on 12 February 2019, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

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?

Officer's Response:

The original exercise equipment was purchased by the community via a grant, however, the equipment has not proved to be durable and Council have been gradually replacing and/or refurbishing items. A replacement item for one piece of equipment is currently on order, however this item has to be shipped from overseas and is still approximately 6 months away.

David Reeve - Executive Manager Engineering Services

C156/4-19

(Commences at ± 21 minutes of audio recording)

2 Bushfires and Water Supply

At the Council meeting on 12 February 2019, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

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.

Officer's Response:

Council Officers will contact TasWater to determine their short to medium term plans for extending the water service to Kettering and beyond.

Gary Arnold- General Manager

C157/4-19

(Commences at ± 21 minutes of audio recording)

3 Seagulls on Blackmans Bay Beach

At the Council meeting on 12 February 2019, **Cr Westwood** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

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

Officer's Response:

Unusually high numbers of Silver Gulls were observed at Blackmans Bay Beach during 2017 resulting in Council commissioning a report from Dr Eric Woehler, BirdLife Tasmania. The report cost Council \$2200. The report had three main recommendations, summarised as follows:

1. Investigate ways to reduce or eliminate the continuous flow of stormwater onto Blackmans Bay Beach, as freshwater is likely to attract seagulls to the area (seagull faeces may be directly impacting water quality); and
2. Consider conducting further sampling to try to determine if there is any relationship between increased seagull numbers and declining water quality; and
3. Do not try to discourage or disperse seagulls by deliberate human disturbance.

Since the report was commissioned, Council's Environmental Services department have carried out further sampling at Blackmans Bay Beach to determine potential sources of contamination. Whilst water quality results do appear to roughly correlate with seagull numbers (or presence/absence of seagulls), there is not yet any categorical or statistically significant evidence to verify that seagulls are the primary cause of water quality decline. Other land-based sources of contamination (for example, sewerage leaking into the stormwater system) have not yet been ruled out as contributing factors. Council's intensive sampling program has been extended in order to further characterise potential sources of contamination.

Some preliminary DNA tests were also conducted in January in an attempt to establish a direct connection between seagulls and faecal contamination at Blackmans Bay Beach. Unfortunately DNA test results were not conclusive, but rather indicated that there were multiple potential sources of faecal contamination in the water, including from humans, birds, fish, cows and other mammals.

The continuous flow of stormwater onto the beach (even during periods of dry weather) has a potential two-fold impact. Firstly the stormwater may be contributing contaminants directly to the recreational water, and secondly, it may be attracting seagulls to the beach. Eliminating stormwater flows to recreational water could be useful to determine if stormwater and seagulls are impacting on recreational water quality. Council's Engineering Services department are investigating the feasibility of low-flow diversion of stormwater. Council has also enquired with Taswater about the feasibility of diverting low stormwater flows to sewer. These measures will be considered further as part of the current joint Kingborough Council and Taswater investigation.

John Devries - Acting Senior Environmental Health Officer

C158/4-19

(Commences at ± 21 minutes of audio recording)

4 Australian Early Development Census

Cr Midgley submitted the following question on notice:

Does Council utilise the Australian Early Development Census (AEDC) data to plan for the Playground Strategy development, Open Space Strategy and also planning for what Community Service activities are organised in Kingborough?

Please see AEDC information here: <https://www.aedc.gov.au/data>. This data is free to access and provides knowledge on where children in the early years are tracking across 5 domains which include: physical, social, emotion, language and communication.

Officer's Response:

Council staff have referenced the data as part of the development of community activities and have used it in the preparation of the Kingborough Youth Strategy and Playground Strategy.

Daniel Smee – Executive Manager, Governance & Community Services

C159/4-19

(Commences at ± 21 minutes of audio recording)

5 B4 Tasmania Early Years Coalition

Cr Midgley submitted the following question on notice:

Is Kingborough Council a member of the B4 Tasmania Early Years Coalition? There is no cost to join, only to undertake to do a Member Action Plan and outline goals that Council will achieve for children in the Early Years.

If Council is not a member, could we please consider joining?

Officer's Response:

Council is not currently a member of the Coalition and would need to consider the implications of membership before joining.

Daniel Smee – Executive Manager, Governance & Community Services

6 Bureau of Meteorology

At the Council meeting on 8 October 2018 Cr Wass asked the following question without notice:

With the possible changes that may be introduced by the Bureau of Meteorology, do staff consider the changes may have significant financial and safety implications for Kingborough?

The General Manager responded in part concluding that the question would be taken on notice.

Officer's response:

Council's Emergency Management Officer is one of many officers that rely on advice provided by the Bureau, particularly in relation to severe weather alerts. It is also used extensively by emergency services in their prediction and modelling work for emergency events which is then passed onto to Councils.

From a Council perspective there is limited direct interaction with Bureau staff at an incident management level, Emergency Management Committees and Southern Regional Emergency Management Committees.

Recent information from the Bureau has indicated that it is not anticipated that any Tasmanian jobs will be cut ahead of a restructure. If any changes are proposed Council would wish to be reassured that access to information and modelling would not be detrimentally affected.

Belinda Loxley – Property & Emergency Management Coordinator

7 Green Waste Bins

Cr Westwood submitted the following question on notice:

Can Council please provide a summary of the results of the survey conducted in late 2018 regarding green waste bins? Can a cost comparison please be provided showing the cost of providing residents with a green waste bin, residents disposing of green waste at the tip themselves and residents using a private business to collect their green waste, such as Kingborough Bins?

Officer's Response:

The results from the survey have not been fully collated yet but will come back to Council shortly with some indicative costings associated with providing a green waste service. The actual cost of providing a green waste service will be dependent on a number of factors but in particular will be reliant on the cost to provide a suitable disposal point for green waste, the tendered price for a contractor to undertake the collection service, and the tendered/quoted price for an independent contractor to mulch and remove the green waste from site.

David Reeve – Executive Manager Engineering Services

8 Speed limit on Woodbridge Hill Road

Cr Westwood submitted the following question on notice:

Can Council please consider a reduction in the speed limit on Woodbridge Hill Road from the existing 90km per hour to 50km or 60km per hour?

This road is extremely difficult, if not impossible, to navigate at 90km per hour.

If Woodbridge Hill Road is not a council owned road, can council please raise this issue with the Department of State Growth on behalf of concerned residents?

Officer's Response:

The default speed limit on rural sealed roads in Tasmania is 100 km/h with the exception of Kingborough which has 90 km/h. Woodbridge Hill Road currently operates under the Kingborough default from Dennes Road through to the municipal boundary with Huon Valley where it changes to 100 km/h. 50 km/h is the default speed limit in Tasmania for urban/built-up areas, with 60 km/h commonly used on sub-arterial roads.

While the speed limit signs indicate the maximum speed there is no requirement to drive at that speed and motorists are expected to travel at a speed that they consider safe. Changing the speed limit to suit the road alignment is not an accepted method of managing speed. It can result in frequent chop/change and it is extremely difficult to provide a speed limit that is consistent and acceptable to all drivers. The section of Woodbridge Hill Road between Dennes Road and the municipal boundary is not conducive of a 50 km/h or 60 km/h speed limit and not consistent with similar roads throughout the state.

Woodbridge Hill Road is a winding rural road. Similar alignments are frequent in Tasmania due to the topography and altering speed limits would result in an explosion of speed limit signs, high levels of non-compliance and a very high level of complaints. To manage the winding alignment advisory signs are provided at appropriate locations to give motorists advance warning they are approaching a curve or series of curves. These signs are typically coupled with an advisory travel speed.

Given the above a reduced speed limit on Woodbridge Hill Road is not supported however Council officers will undertake an audit of the existing signage on Woodbridge Hill Road to determine if improved or additional warning signage is required.

Renai Clark - Roads & Stormwater Engineer

QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Bastone asked the following question without notice:

1 Subdivision at Dennes Point, Bruny Island

This is a question in regards to one of the questions that was put on notice by the public. I would like some clarification on part of it. This is regarding question 6, the subdivision at Dennes Point Bruny Island. In regards to question 1, it was stated the

Council is unlikely to pay compensation. The owner of the land has been well aware of this use for many years and by all accounts has agreed to it as there have been no previous objections. When they did enquire as to the ownership of the boat ramp, they have a letter from the Council that informs that the boat ramp is owned by MAST and built on crown land. When they enquired to MAST regarding this boat ramp, they were informed that Council leased the land from the enquirer's family and there appears to be no lease and no lease ever paid. What I am asking is why would the Council say that the owner of the land has been well aware of its use and has agreed as there's been no previous objection when in fact they did not know that the Council was supposed to be leasing the land from them?

Tony Ferrier responds:

The statement was made in response to the question on the basis that there was an assumption made that they what land they actually owned. It was within previous titles so the assumption was that the owner of the land itself would have known that they owned that land on the other side of the road which was the foreshore. If that is not the case I think that Council would have found that slightly unusual but that was the assumption that was made. We assumed that they knew what land they actually owned.

Cr Bastone:

My query is that they have a letter from the Council saying quite clearly that it is owned by MAST and it is on a lease of crown land. This says there has been no previous objection. There were no objections before because Council informed them that it was not their land.

Tony Ferrier responds:

I think that was in relation to the boat ramp which was below high water mark which is on crown land. I think that was referring to that although I would have to go back and look at the original correspondence to check. The actual boat ramp itself was built below high water mark so that would be on crown land.

Cr Grace asked the following question without notice:

C164/4-19

(Commences at ± 25 minutes of audio recording)

2 Snug Playground Vandalism

I need to raise again, if I may, the Snug Playground. As you know, I sent you another photo on the weekend of more vandalism down there. It is unfortunately out of control at the moment. I met a lot of people at the Snug shop on Sunday, who are very concerned, raised issues about what Council propose to do with the playground and are very concerned in fact that the playground for the small children from 2, 3, 4, 5 is going to be in the midst of a playground for 13, 14 and 15 year olds and particularly with that flying fox etc. My question is also too that the Kingborough Ratepayers have received a letter from Kingborough staff saying that the Snug Parents and Friends wrote a letter to this Council saying that they did not want a skate park in Snug. I spoke to the president of the school council and he assured me that is not the case. My question is, through you Mayor, would the General Manager please go back and reassess the situation?

Mayor responds:

Sure, we can have a look at this and take it on notice.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

No Notices of Motion had been received.

PETITIONS STILL BEING ACTIONED

The petition headed “sealing Harvey Road and Ritchie Street, Alonnah” is being dealt with at page 56 of this Agenda

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 5:56pm

OFFICERS REPORTS TO PLANNING AUTHORITY

C165/4-19

(Commences at ± 28 minutes of audio recording)

DELEGATED AUTHORITY FOR THE PERIOD 30 JANUARY 2019 TO 12 FEBRUARY 2019

MOVED Cr Grace
SECONDED Cr Wass

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

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 5:57pm

OFFICERS REPORTS TO COUNCIL

C166/4-19

(Commences at ± 29 minutes of audio recording)

REVIEW OF THE LONG TERM FINANCIAL PLAN

MOVED Cr Westwood
SECONDED Cr Street

That Council adopt the Long Term Financial Plan.

FOR

Cr Winter	Cr Grace	Cr Street		
Cr Westwood	Cr Midgley	Cr Wriedt		

AGAINST:

Cr Bastone	Cr Wass	Cr Fox	Cr Atkinson	
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Carried

C167/4-19

(Commences at ± 1 hour 25 minutes of audio recording)

O'BRIENS ROAD MAINTENANCE

MOVED Cr Grace
SECONDED Cr Bastone

That Council rescind its decision of 27 April 2015 and agrees, in principle, to maintaining to a minimum standard, an unmaintained section of O'Briens Road from chainage 492 metres to chainage 1010 metres (as measured from Snug Falls Road) subject to affected residents contributing a one off total payment of \$5000.

Amendment:

MOVED Cr Wriedt
SECONDED Cr Fox

That Council rescind its decision of 27 April 2015 and agrees, in principle, to maintaining to a minimum standard, an unmaintained section of O'Briens Road from chainage 492 metres to chainage 1010 metres (as measured from Snug Falls Road) subject to affected residents

contributing a one off total payment of \$5000 and subject to Council's 2019-20 budget deliberations.

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				

Lost

The original 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

C168/4-19

(Commences at ± 1 hour 52 minutes of audio recording)

PETITION FOR SEALING HARVEY ROAD AND RITCHIE STREET, ALONNAH

MOVED Cr Wass
 SECONDED Cr Westwood

That:

- (a) Sealing of Harvey Road to a semi-urban standard be considered for funding in the 5-Year Capital Works Program;
- (b) Ritchie Street be fully assessed, including measurement of traffic volumes and speeds, to be compared against other unsealed roads being considered for future sealing to determine its priority; and
- (c) Council continue to negotiate in regard to the State Government's \$8 million Infrastructure Fund for Bruny Island advocating for the inclusion of the sealing of Harvey Road and Ritchie Street.

FOR

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

Carried Unanimously

C169/4-19

(Commences at ± 2 hours of audio recording)

CODE OF CONDUCT FOR COUNCILLORS

MOVED Cr Street
SECONDED Cr Westwood

That Council adopt the updated *Code of Conduct for Councillors*, as attached to this report.

FOR

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

Carried Unanimously

C170/4-19

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

INFORMATION REPORTS

MOVED Cr Atkinson
SECONDED Cr Wriedt

That the following information reports be noted:

- 1 Capital Expenditure Report
- 2 Summarised Financial Report 1 July 2018 – 31 January 2019
- 3 Councillor Attendance at Meetings

Cr Grace left the room at 7:45pm

FOR

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

Carried Unanimously

Cr Westwood left the room at 7:47pm

REQUEST FOR RATE REMISSION

MOVED Cr Wass
 SECONDED Cr Atkinson

That the application for a Rate Remission by the Woodbridge Community Association for 10 Potters Road, Woodbridge be approved for three years

Cr Grace returned to the room at 7:47pm
Cr Westwood returned to the room at 7:48pm

FOR

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

Carried Unanimously

CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

MOVED Cr Wriedt
 SECONDED Cr Street

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)
Brightwater Tender Acceptance	15(2)(d)
Lease of Bruny Island Airstrip	15(2)(f)
General Manager's Scheduled Performance Management Review	15(2)(a)

Cr Fox left the room at 7:49pm

FOR

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

Carried Unanimously

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

Open Session of Council adjourned at 7:50pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8:23pm

C180/4-19

MOVED Cr Atkinson
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	Confirmed
Applications for Leave of Absence	Nil
Brightwater Tender Acceptance	Tender awarded to Duggans Pty Ltd for \$567,748 excl GST
Lease of Bruny Island Airstrip	Authorised
General Manager's Scheduled Performance Management Review	Completed

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 8:25pm

.....
(Confirmed)

.....
(Date)