

# 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.

# Special Meeting of Council MINUTES

3 June 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 a Special Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 3 June 2019 at 5.30pm.

## **AUDIO RECORDING**

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

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

## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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The Welcome to Country was presented by Ms Sarah Wilcox.

## **ATTENDEES**

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### **Councillors:**

Mayor Councillor D Winter	✓
Deputy Mayor Councillor J Westwood	✓
Councillor S Bastone	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor A Midgley	✓
Councillor C Street	✓
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 Information Services	Mr Fred Moulton
Executive Manager Engineering Services	Mr David Reeve
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Finance	Mr Tim Jones
Manager Environmental Services	Mr Jon Doole
Manager Development Services	Ms Tasha Tyler-Moore
Senior Finance Officer	Ms Laura Eaton
Communications & Engagement Advisor	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton

C385/11-19

**APOLOGIES**

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Cr Richard Atkinson  
Cr Steve Wass

**DECLARATIONS OF INTEREST**

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There were no declarations of interest.

**OFFICERS REPORTS TO COUNCIL**

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**OPERATIONAL BUDGET AND CAPITAL WORKS PROGRAM 2019/20**

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C386/11-19

**1 ANNUAL ESTIMATES (OPERATING BUDGET)**

MOVED            Cr Westwood  
SECONDED       Cr Fox

That:

- a) in accordance with Section 82 of the *Local Government Act 1993* (as amended) the Council adopts by absolute majority the estimates of revenue and expenditure (excluding estimated capital works) for the 2019/20 financial year as detailed in the Annual Plan;
- b) in accordance with section 82(6) of the Act the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$50,000 to any individual estimate item as he deems necessary during the 2019/20 financial year provided that the total of the Estimates remains unaltered.

FOR

Cr Fox	Cr Midgley	Cr Street	Cr Westwood
Cr Winter	Cr Wriedt		

AGAINST

Cr Bastone	Cr Grace		
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Carried Unanimously and by Absolute Majority

**C387/11-19**

**2 RATES RESOLUTION – PART 1(A)**

MOVED            Cr Street  
SECONDED       Cr Westwood

That in accordance with Section 90 of the *Local Government Act 1993* (as amended) Council makes a General Rate component for land within the municipal area for the period 1 July 2019 to 30 June 2020 of 0.237758 cents in the dollar of capital value, in respect of all rateable land within the municipal area.

FOR

Cr Fox	Cr Midgley	Cr Street	Cr Westwood
Cr Winter	Cr Wriedt		

AGAINST

Cr Bastone	Cr Grace		
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Carried Unanimously

**C388/11-19**

**3 RATES RESOLUTION – PART 1 (B)**

MOVED            Cr Wriedt  
SECONDED       Cr Westwood

Pursuant to Section 107 of the *Local Government Act 1993* (as amended) the Council, by absolute majority, hereby varies the General Rate component (as previously made) for land within the municipal area which is used or predominantly used for industrial purposes to 0.552986 cents in the dollar of capital value of such rateable land.

FOR

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

AGAINST

Cr Grace			
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Carried Unanimously and by Absolute Majority

**C389/11-19**

**4 RATES RESOLUTION - PART 1 (C)**

MOVED            Cr Wriedt  
SECONDED      Cr Fox

Pursuant to Section 107 of the *Local Government Act 1993* (as amended) the Council, by absolute majority, hereby varies the General Rate component (as previously made) for land within the municipal area which is used or predominantly used for commercial purposes to 0.486600 cents in the dollar of capital value of such rateable land.

FOR

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

AGAINST

Cr Grace			
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Carried Unanimously and by Absolute Majority

**C390/11-19**

**5 RATES RESOLUTION – PART 2**

MOVED            Cr Grace  
SECONDED      Cr Street

Pursuant to Section 90(4) of the *Local Government Act 1993* (as amended), in making a General Rate the Council sets a minimum amount of \$362, in respect of all rateable land within the municipal area for the period 1 July 2019 to 30 June 2020.

FOR

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

Carried Unanimously

**C391/11-19**

**6 RATES RESOLUTION – PART 3**

MOVED Cr Wriedt  
SECONDED Cr Grace

Pursuant to Section 94(1) of the *Local Government Act 1993* (as amended), the Council, by absolute majority, makes the following charges for land within the municipal area for the period 1 July 2019 to 30 June 2020:

- a) a Garbage Collection Charge of \$148 for each residential or commercial unit that is provided with a Council garbage collection service utilising a 80-litre mobile garbage bin, whether that service is used or not.
- b) pursuant to Section 94(3A) of the Act the Council, by absolute majority determines to vary the Garbage Collection Charge as follows:
  - i) for each residential or commercial unit that is provided with a Council garbage collection service utilising a 120-litre or 140-litre mobile garbage bin the service charge is varied to \$206.
  - ii) for each residential or commercial unit that is provided with a Council garbage collection service utilising a 240-litre mobile garbage bin the service charge is varied to \$314.

FOR

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

Carried Unanimously and by Absolute Majority

**C392/11-19**

**7 RATES RESOLUTION – PART 4**

MOVED Cr Fox  
SECONDED Cr Westwood

Pursuant to Section 94(1) of the *Local Government Act 1993* (as amended), the Council makes the following charges for land within the municipal area for the period 1 July 2019 to 30 June 2020:

- a) a Recycling Collection Charge of \$58 for each residential or commercial unit that is provided with a Council recycling collection service utilising a 140-litre mobile recycling bin, whether that service is used or not.
- b) pursuant to Section 94(3A) of the Act the Council, by absolute majority determines to vary the Recycling Collection Charge as follows:

- i) for each residential or commercial unit that is provided with a Council recycling collection service utilising a 240-litre mobile recycling bin the charge is varied to \$96.

FOR

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

Carried Unanimously

**C393/11-19**

**8 RATES RESOLUTION – PART 5(A)**

MOVED Cr Wriedt  
 SECONDED Cr Westwood

Pursuant to Section 93 of the *Local Government Act 1993* (as amended), the Council makes the following charges for land within the municipal area for the period 1 July 2019 to 30 June 2020:

- a) a Stormwater Removal Rate of 0.007627 cents in the dollar of capital value of such rateable land within the municipal area.

FOR

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

AGAINST

Cr Grace			
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Carried Unanimously



**C394/11-19**

**9 RATES RESOLUTION – PART 5(B)**

MOVED            Cr Fox  
SECONDED       Cr Street

Pursuant to Section 93(3) of the *Local Government Act 1993* (as amended), the Council in making a Stormwater Removal Rate sets a minimum amount of \$71, in respect of all rateable land within the municipal area for the period 1 July 2019 to 30 June 2020.

FOR

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

AGAINST

Cr Grace			
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Carried Unanimously

**C395/11-19**

**10 RATES RESOLUTION – PART 5(C)**

MOVED            Cr Fox  
SECONDED       Cr Grace

Pursuant to Section 129(4) of the *Local Government Act 1993* (as amended) the Council, by absolute majority, determines that for a member of the class of ratepayers whose liability to pay the Stormwater Removal Rate assessed in accordance with the resolution Part 5(A) (previously made) arises for more than one property in the municipal area a remission of the Stormwater Removal Rate shall automatically be granted for such of that members' properties which:-

- a) only have erected upon them a boat shed, jetty, ramp or similar structure for access to littoral or riparian waters; or
- b) do not have the qualities of a minimum lot, as defined by the *Local Government (Building and Miscellaneous Provisions) Act 1993* (except where such land could be adhered to other lands in the same ownership so as to comprise a block which has the qualities of a minimum lot); and
- c) the above remission may be withdrawn where the rates have not been paid in full by the due date.

FOR

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

Carried Unanimously and by Absolute Majority

**C396/11-19**

**11 RATES RESOLUTION – PART 6**

MOVED            Cr Fox  
SECONDED       Cr Westwood

Pursuant to Section 93A of the *Local Government Act 1993* (as amended) and the provisions of the *Fire Service Act 1979* (as amended), the Council makes the following rates for land within the municipal area for the period 1 July 2019 to 30 June 2020:

- a) a Permanent Brigade District Fire Rate of 0.044441 cents in the dollar of capital value, subject to a minimum amount of \$41 in respect of all rateable land within the Permanent Brigade Rating District.
- b) a Volunteer Brigade District Fire Rate of 0.014906 cents in the dollar of capital value, subject to a minimum amount of \$41 in respect of all rateable land within Volunteer Brigade Rating District.
- c) a General Land Fire Rate of 0.012704 cents in the dollar of capital value, subject to a minimum amount of \$41 in respect of all rateable land within the municipal area, which is not within the Permanent Brigade Rating District, or the Volunteer Brigade Rating District.

FOR

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

Carried Unanimously

**C397/11-19**

**12 RATES RESOLUTION – PART 7**

MOVED            Cr Westwood  
SECONDED       Cr Street

**Payment of Rates and Charges**

Pursuant to Section 124 of the *Local Government Act 1993* (as amended) the rates for 2019/20 shall be payable in four instalments, the dates by which the rates are due to be paid are:

First Instalment        15 August 2019  
Second Instalment      31 October 2019  
Third Instalment        31 January 2020  
Fourth Instalment       30 April 2020

**Penalties and Interest**

Pursuant to Section 128 of the *Local Government Act 1993* (as amended) where an amount of rates remains unpaid for one month after the due date, a penalty of 5% of the

unpaid amount, together with interest on the unpaid amount at a rate of 8.10% per annum calculated monthly in arrears, shall be applied.

### Supplementary Rates

- (a) Pursuant with Sections 89A, 92 and 109N of the *Local Government Act 1993* (as amended) if a supplementary valuation is made of any land prior to 30 June 2019, the General Manager may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and
- (b) If a rates notice is issued by the General Manager under sub-clause (a), the amount shown as payable on that notice is due to be paid within 30 days of the date on which that notice is issued.

FOR

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

Carried Unanimously

## C398/11-19

### 13 CAPITAL WORKS PROGRAM

MOVED            Cr Westwood  
SECONDED       Cr Fox

That Council:

- a. Pursuant to Section 82 of the *Local Government Act 1993* (as amended) the Council, by absolute majority, adopts the Capital Works Program for the 2019/20 financial year as detailed in the Annual Estimates, with amendment that:
  - (i) Middleton Hall-Septic system allocation is moved to 2019-20 financial year
  - (ii) Belhaven Avenue design allocation is moved to 2020-21 financial year
- b. Notes the draft Capital Works programs proposed for financial years 2020/21, 2021/22, 2022/23 and 2023/24 as detailed in the Annual Plan which remain subject to change depending on other priorities being identified and financial resources which may be available at the time.
- c. In accordance with Section 82(6) of the Act the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$100,000 to any individual estimate item as he deems necessary during the 2019/20 financial year provided that the total of the Estimates remains unaltered.

FOR

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

Carried Unanimously and by Absolute Majority

**REVIEW OF THE LONG TERM FINANCIAL PLAN**

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MOVED            Cr Wriedt  
SECONDED       Cr Westwood

That Council defer adoption of an updated Long Term Financial Plan until it receives clarification that the State Government will amend the *Local Government Act 1993*, which inadvertently exempts retirement villages run by not-for-profit bodies from paying rates.

FOR

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

Carried Unanimously

**CLOSURE**

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There being no further business, the Chairperson declared the meeting closed at 6.34pm.

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(Confirmed)

.....  
(Date)