

Kingborough

PUBLIC AGENDA

This Agenda is provided for the
assistance and information of members
of the public.

AGENDA

ANNUAL GENERAL MEETING

NOTICE is hereby given that an Ordinary meeting of the
Kingborough Council will be held in the Civic Centre, Kingston on
Saturday, 7 December 2019 at 11am



Kingborough Councillors 2018 - 2022



Mayor
Councillor Dean Winter



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass



Councillor Paula Wriedt

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MEETING PROCEDURES

- 1 The Annual General Meeting is in essence a Council Meeting and normal Council procedures for the conduct of meetings will apply. The Mayor will Chair the meeting.
- 2 At the conclusion of the presentations and discussion on submissions to the 2018/2019 Annual Report, members of the public may move motions.
- 3 A member of the public may only speak once and for no longer than five minutes.
- 4 Questions and comments should be concise to allow as many people as possible to have their input.
- 5 No one is to be interrupted whilst they are speaking.
- 6 You are asked, as a matter of courtesy and for the Minutes, to identify yourself before speaking.
- 7 All discussion will be addressed through the Chair.
- 8 No person may:
 - Make any personal reflection on any Councillor, Council employee or member of the public;
 - Disrupt the meeting; or
 - In the opinion of the Chairman, use any offensive expression.
- 9 If you intend to move a motion, the following procedures apply:
 - Please stand and identify yourself.
 - The motion must be moved and seconded before debate is permitted.
 - Only one motion may be before the Chair at a time.
 - Voting is by show of hands. Only electors in the Kingborough Council Municipal Area are entitled to vote.
 - A resolution is passed by half plus one of the electors present voting in favour of it.
 - In speaking to a motion, you may speak only once and for no longer than five minutes.
 - The mover of the motion has a final right of reply.
- 10 A motion passed at the Annual General Meeting will be considered at the next available meeting of Council.

AGENDA of the Annual General Meeting of the Kingborough Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Saturday, 7 December 2019 at 11am.

AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publically available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

ATTENDEES

Councillors:

Mayor Councillor D Winter
Deputy Mayor Councillor J Westwood
Councillor G Cordover
Councillor F Fox
Councillor D Grace
Councillor A Midgley
Councillor C Street
Councillor S Wass
Councillor P Wriedt

APOLOGIES

Cr Sue Bastone

CONFIRMATION OF MINUTES

MOVED
SECONDED

That the Minutes of the Annual General Meeting held on 8 December 2018 and marked as Attachment A to this Agenda, be confirmed as a true record.

	For	Against		For	Against
Cr Cordover			Cr Wass		
Cr Fox			Cr Westwood		
Cr Grace			Cr Winter		
Cr Midgley			Cr Wriedt		
Cr Street					

WELCOME BY THE CHAIRPERSON

The Mayor, Cr Dean Winter, will provide an introduction and summary of the year in review.

PRESENTATIONS

- 1 Recreational Water Quality for Kingborough
- 2 Draft Play Space and Playground Strategy

2018/2019 ANNUAL REPORT

Submissions were invited from the public and closed on 1 December 2019. A table of the submissions is marked Attachment B to this Agenda.

MOTIONS FROM THE FLOOR

The Mayor will invite Motions and Questions from the floor.

CLOSURE

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

.....
(Confirmed)

.....
(Date)

Kingborough

MINUTES ANNUAL GENERAL MEETING

8 December 2018



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 the Annual General Meeting of the Kingborough Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Saturday, 8 December 2018 at 11am.

AUDIO RECORDING

The Chairperson declared the meeting open at 11.00am, 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. The meeting was also live streamed to Facebook. In accordance with Council Policy, I now ask staff to confirm that the audio recording has commenced."

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Welcome to Country was provided by Sarah Wilcox.

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 S Wass

✓
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Staff:

General Manager
Executive Manager Organisational Development
Executive Manager Governance & Community Services
Media & Communications Officer
Executive Assistant

Mr Gary Arnold
Ms Pene Hughes
Mr Daniel Smee
Ms Sarah Wilcox
Mrs Amanda Morton

APOLOGIES

Cr Christian Street
Cr Paula Wriedt

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES OF 2 DECEMBER 2017

MOVED Cr Fox
SECONDED Cr Atkinson

That the Minutes of the Annual General Meeting held on 2 December 2017 (copy attached) be confirmed as a true record.

FOR

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

Carried Unanimously

WELCOME BY THE CHAIRPERSON

The Mayor, Cr Dean Winter, will provide an introduction and summary of the year in review.

2017/2018 ANNUAL REPORT *(previously circulated under separate cover)*

MOVED Cr Bastone
SECONDED Cr Fox

That the Annual Report of the Kingborough Council for the year ended 30 June 2018 be received.

FOR

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

Carried Unanimously

PUBLIC QUESTIONS ON NOTICE AND SUBMISSIONS

Questions on notice and submissions were invited from the public and closed on 28 November 2018. At the time the agenda was compiled, no public questions on notice or submissions had been received.

PUBLIC QUESTIONS WITHOUT NOTICE, SUBMISSIONS AND MOTIONS FROM THE FLOOR

Ms Rosemary Sanford, Bruny Island

1 Bruny Island Emergency Management Plan on Website

Will Council commit to putting the Bruny Island Emergency Management Plan on the Kingborough Council website as the official location of the Bruny Island Emergency Management Plan?

2 Infrastructure Funds for Bruny Island

The Tasmanian Government has committed \$8 million over 4 years, later changed to 5 years, for road infrastructure, public toilets, waste management services and other related infrastructure to assist in addressing tourism impacts on Bruny Island. Has Council received these funds yet? If so, when might Bruny expect to seek expenditure of these funds given we are now entering the 2018/2019 peak tourism period? If Council has not received these funds from State Government yet, can you please advise?

Executive Manager Governance & Community Services responds to question no. 1:

The Bruny Island Emergency Management Plan is still in draft format and where it ends up being hosted, bearing in mind that it has been developed as an online plan, but I would expect that it will exist in some form on Council's formal website.

General Manager responds to question no. 2:

During the recent Local Government election campaign, the then Mayor, Cr Wass and I met with the Deputy Premier, Minister Rockliff, to seek an update on the \$8 million dollars which is the subject to the question. The short answer is we have not received any of the funding. They took our interest on board and gave an undertaking to get back to us this year with some indication as to when we would see the commencement of that funding stream actually occurring. We await that information.

Mr Mervin Reed, Blackmans Bay

1 Financial Accounts

It is noted that in accordance with Note 3 to the Annual Accounts, there was an increase of 5.7% in the overall General Rate, Stormwater Rate and Garbage Charge. These increases occurred in a year where adjustment factors were provided by the Valuer-General and rating increases were obtained as usual from new buildings and subdivisional development. Does Council admit that its rating increase policy in the Long Term Financial Plan stated at 4% per annum is misleading and should be adjusted downwards to account for the above reoccurring unbudgeted rates increases?

General Manager responds:

In asking the question you actually gave part of the answer. The 4% that you refer to in the Long Term Financial Plan is the 4% on the general rate. Note 3 in the Financial Statements refers to the fact that over and above the 4% of the general rate, there was in fact the garbage charge, a stormwater charge and most importantly, a charge imposed by the State Government, the fire services levy. And that would probably give the 5.7% that you refer to.

2 Kingston Park

As income and expenditure on the Kingston Park Project are included in the Consolidated Statement of Cash Flows, should there be a separate note to the accounts isolating the Kingston Park income and expenditure and project cash flow?

General Manager responds:

I think you make a good point. It is certainly one that I will take up with the Chief Financial Officer and I will ask him to prepare a report to the Audit Panel prior to taking it to the Council to see whether that is something that we can accommodate under the Accounting Regulations.

3 Request for Information on Sale of Land

In the Consolidated Statement of Cash Flows there is recorded an item "Proceeds of sale of property, infrastructure, plant and equipment". In Note 11 it is stated that an amount of \$755,000 has been obtained from the sale of land. Could information be given on the land transaction details and the associated reasons?

General Manager responds:

Note 11 actually refers to the purchase by TasWater of a parcel of land containing a dwelling that adjoins the Blackmans Bay treatment plant. You would be aware that TasWater are currently doing a \$45 million plus upgrade to the sewer line from Margate through Electrona to the Blackmans Bay plant and at the start of that construction they determined that it would be in their best interests and indeed the Council's, if they were to purchase that land. Council agreed and the \$755,000 referred to in Note 11 reflects the sale to TasWater.

4 Interim Planning Scheme

I noticed that the process of the Interim Planning Scheme requires that there be consultation with residents and stakeholders in relation to the Local Area Plans. When will this be advertised for each of the Local Area Plans and will we get a chance to make a contribution to where the Local Area Plans should be?

General Manager responds:

I will take your question on notice and provide a written response and ensure that that written response is not only provided to you but also published on Council's website so that the community, particularly the members that have taken the time to come to the AGM, are aware of the response.

1 Kingston Park Retention of Land

In response to the General Manager's comment to the forum a little earlier suggesting that at the Kingston Park development there will be a retention of something of the order of 40% to 50% of that parcel of land within the public ownership. What is the Council's policy and strategy to consolidate and retain its physical infrastructure, real estate and human assets and to add value of those assets to the public balance sheet, as benefits to the community and future generations?

General Manager responds:

Council, by legislation, is required to have a Strategic Plan in place. It is also required to have a Long Term Financial Plan, a Long Term Asset Management Plan. The Local Government election recently occurring has provided a golden opportunity at the commencement of a four year term of this Council to review its Strategic Plan. Informally, we have already commenced those discussions and that would provide this Council the opportunity to review that plan and take that out to the community for feedback and that will be occurring early in the New Year.

Mr Crosthwaite:

What will the Council's approach to this new Strategic Plan be with the consideration of short term outcomes with respect to the longer term outcomes?

Mayor:

I'm happy to take that on notice but I will also alert you that in the presentation number 2 'Priorities in Kingborough' we will be speaking a lot about the Strategic Plan and our consultation process.

There were no Notices of Motion moved.

PRESENTATIONS

- 1 Kingston Park – public open space and playground design from Playstreet.
- 2 Priorities in Kingborough – consultation across Kingborough from the Mayor.

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 11.40

.....
(Confirmed)

.....
(Date)

Heading	Submitted By	Submission	Officer's Response								
Kingston Park	Mr Ray Westwood	<p>The following question was put at the 2018 AGM of Council:</p> <p>"As income and expenditure on the Kingston Park Project are included in the Consolidated Statement of Cash Flows, should there be a separate note to the accounts isolating the Kingston Park income and expenditure and project cash flow?"</p> <p>Mayor responds:</p> <p>"I think you make a good point. It is certainly one that I will take up with the Chief Financial Officer and I will ask him to prepare a report to the Audit Panel prior to taking it to the Council to see whether that is something that we can accommodate under the Accounting Regulations"</p> <p>Question:</p> <p>I note that there is still no dedicated line item in the Statement of Financial Position referring to Kingston Park. It is therefore impossible for readers of the accounts to ascertain the current position. Was comment obtained from the Chief Financial Officer or the Audit Panel on this issue as promised?</p>	<p>Council adopts the model financial accounts as recommended by the Tasmanian Audit Office and closely follows their recommended reporting structure.</p> <p>The issue of disclosing separate Kingston Park information in the Financial Accounts was discussed by the Audit Panel and it was decided that it was not appropriate to do so.</p> <p>In order to provide appropriate reporting on Kingston Park, it was decided to include a report in the Capital Expenditure section of the Council Agenda that highlights the expenditure on a monthly basis. To complement this, a regular implementation report on Kingston Park is provided in the Council Agenda that reports on all income and expenditure from the commencement of the project.</p> <p><i>John Breen – Chief Financial Officer</i></p>								
Other Expenses and Levies to State Government	Mr Ray Westwood	<p>In Note 15 to the Annual Accounts (Other expenses and levies to State Government) p 163, there is an amount of \$993,000 shown as a line item without explanation. This matter has also been raised previously. It should be itemised in the accounts.</p> <p>Question:</p> <p>Could Council provide an explanation of the \$993,000 owed to the State Government?</p>	<p>Council adopts the model financial accounts as recommended by the Tasmanian Audit Office and closely follows their recommended reporting structure.</p> <p>Note 15 in the Annual Accounts relate to Other Expenses and Levies to State Government.</p> <p>The \$993,000 in Note 15 is for Other Expenses. This amount relates to some 68 activities that the Council undertakes which are generally of low value.</p> <p><i>John Breen - Chief Financial Officer</i></p>								
Briefs of Evidence	Mr John McDonald	<p>Page 16 of the Annual Report cites 6 briefs of evidence having been prepared. How many were settled by payment of a fine, how many went to trial, and of those how many were successfully prosecuted?</p>	<p>Settled by payment of fine 4</p> <p>Went to hearing (trial) 0</p> <p>Successfully prosecuted 6</p> <table><tr><th>Brief</th><th>Settled by payment of fine</th><th>Did the matter go to a hearing?</th><th>Successfully prosecuted</th></tr><tr><td>1</td><td>On guilty plea the defendant did receive a fine. The defendant was ordered to pay Council's agreed prosecution cost. The magistrate also made a relevant order.</td><td>The matter resolved by a plea of guilty at second appearance.</td><td>Yes.</td></tr></table>	Brief	Settled by payment of fine	Did the matter go to a hearing?	Successfully prosecuted	1	On guilty plea the defendant did receive a fine. The defendant was ordered to pay Council's agreed prosecution cost. The magistrate also made a relevant order.	The matter resolved by a plea of guilty at second appearance.	Yes.
Brief	Settled by payment of fine	Did the matter go to a hearing?	Successfully prosecuted								
1	On guilty plea the defendant did receive a fine. The defendant was ordered to pay Council's agreed prosecution cost. The magistrate also made a relevant order.	The matter resolved by a plea of guilty at second appearance.	Yes.								

Heading	Submitted By	Submission	Officer’s Response												
			2	On guilty plea the defendant did not receive a fine. The defendant was ordered to pay Council’s agreed prosecution cost. The magistrate also made a relevant order.	The matter resolved by a plea of guilty at first appearance.	Yes									
			3	On guilty plea the defendant did receive a fine. The defendant was ordered to pay Council’s cost assessed against 80% of the Supreme Court Scale as taxed or agreed.	The matter resolved by a plea of guilty at second appearance.	Yes									
			4	On guilty plea the defendant did not receive a fine. The defendant was ordered to pay Council’s agreed prosecution cost.	The matter resolved by a plea of guilty at second appearance.	Yes									
			5	Defendant failed to appear (fine already determined).	The matter resolved on first appearance by magistrate decision.	Yes									
			6	Resolved by consent memorandum (fine already determined). The applicant paid Councils agreed costs.	The matter resolved before first appearance (memorandum filed with court).	Yes									
			Scott Basham - Compliance Coordinator												
Representation at Planning Tribunals	Mr John McDonald	Page 21 of the Annual Report cites staff representing Council at various planning tribunals. At how many hearings of RMPAT were staff representing Council, how many involved representation by legal practitioners, how many involved external planning professionals engaged by Council? What was the cost of each of the latter two? Please provide the same information for TPC hearings.	Provided below are the RMPAT appeals, details of representation and costs for the period 1 July 2018 - 30 June 2019 (in line with the annual report). RMPAT appeals: <table><tr><th>Council Reference No.</th><th>Representation</th><th>Cost of appeals</th></tr><tr><td>DAS2015-16 1520 Channel Highway, Margate (appeal dismissed 30/7/2018)</td><td>Legal representation – Don Armstrong. Planning representation – Council staff.</td><td>\$2,860</td></tr><tr><td>DAS2017-31 1 Channel Hwy, Kingston (resolved by consent agreement 2 July 2018)</td><td>Council staff only.</td><td>-</td></tr></table>				Council Reference No.	Representation	Cost of appeals	DAS2015-16 1520 Channel Highway, Margate (appeal dismissed 30/7/2018)	Legal representation – Don Armstrong. Planning representation – Council staff.	\$2,860	DAS2017-31 1 Channel Hwy, Kingston (resolved by consent agreement 2 July 2018)	Council staff only.	-
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DAS2017-31 1 Channel Hwy, Kingston (resolved by consent agreement 2 July 2018)	Council staff only.	-													

Heading	Submitted By	Submission	Officer's Response		
			DA2018-124 73 Channel Highway (resolved by consent agreement 25/7/2019)	Council staff only.	-
			DA2017-607 30 Cathedral Road, Margate (resolved by consent agreement 14/8/2019)	Council staff only.	-
			DA2017-458 11 Flowerpot Jetty Road, Flowerpot (resolved by consent agreement 12/10/2018)	Legal representation – Don Armstrong. Planning representation – Council staff.	\$1,848
			DAS2018-13 294 Tinderbox (resolved by consent agreement 16/10/2019)	Legal representation – Don Armstrong. Planning representation – Council staff.	Invoice not yet provided. -
			DA2017-466 77 Villa Howden, Howden (decision 6/11/2018)	Legal representation – Don Armstrong. Planning representative – Neil Sheppard.	\$28,600 \$11,923.61
			DA2017-601 30 Powell Road, Blackmans Bay (resolved by consent agreement 7 Nov 2018)	Council staff only.	-
			DA2018-73 6 Summerleas Road, Kingston (withdrawn just before hearing)	Legal representation – Don Armstrong. Consultant Engineer – GHD. Planning representation – Council staff.	\$8,470 \$5,258 -
			DA2018-654 33 Burwood Drive, Blackmans Bay (appeal withdrawn 22/3/2019)	Legal representation – Don Armstrong. Planning representation – Council staff.	\$1,375
			DA2018-406 118 Roslyn Avenue, Blackmans Bay (resolved by consent agreement 15/4/2019)	Council staff only.	-

Heading	Submitted By	Submission	Officer's Response		
			DA2019-51 1/48 Beach Road, Kingston Beach (appeal withdrawn 23/5/2019)	Council staff only.	-
Biodiversity Offset Program			<p>During the period of the Annual Report there were no hearings at the Planning Commission. Amendments occurred but all work was undertaken internally by Council's Strategic Planner and no matters proceeded to a hearing during that time.</p> <p><i>Tasha Tyler-Moore - Manager Development Services</i></p>		
			<p>Prior to the Kingborough Environmental Fund (KEF) Implementation Plan being endorsed in late 2018, there were two significant expenditure items out of the fund. In August 2012 Council commissioned the Chaostola Skipper in the Kingborough Municipality: extent of habitat, current status and strategic plan document to help ensure the maintenance of chaostola skipper populations throughout the Kingborough Municipality and provide management recommendations to Council. The production of this report by the Threatened Species Section of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) was valued at \$15,000. The second item was \$40,000 to contribute towards the production of the "Guidelines for the use of Biodiversity Offsets in the local planning approval process" in 2013 by the Southern Tasmanian Councils Authority.</p> <p>In 2018 financial offsets held in the fund had accumulated to a level that would help achieve a more significant and strategic conservation outcome. At this point Council employed a Project Officer to oversee the delivery of offsets from the KEF. To date \$66,631.55 has been spent on the salary. The Kingborough Environmental Fund Implementation Plan, which was endorsed by Council in January 2019, outlines how the KEF will likely be spent over the following 4-5 years. A steering committee of representatives experienced in the field of conservation was also established to help guide and advise on projects under the KEF.</p> <p>A major component of the implementation of the KEF was achieving new conservation reserves on private land through a partnership with the Tasmanian Land Conservancy (TLC). This partnership, which has recently passed the half-way mark, entails a 12 month contract to meet the KEF's specific private land conservation targets. Seven properties with corresponding biodiversity values to the KEF targets have now been selected to proceed to the landholder negotiation phase by TLC and the steering committee. Besides paying a potential DPIPWE covenant processing fee for these properties, the funds allocated towards private land conservation will largely go towards a stewardship program that will see the landholders provided with annual stewardship payments to help manage their newly covenanted land. Through the TLC partnership it is hoped that the KEF will see 690ha of targeted native bushland in Kingborough protected in perpetuity.</p> <p>A number of the financial offset contributions have been attached to consent conditions requiring the completion of specific projects. The completed projects include \$14,203 for the "Survey of Candlebark (Eucalyptus rubida) in the Kingborough Municipality", \$10,000 for the Swift Parrot Habitat Revegetation Project at Tramway Hill Reserve in Margate, \$3264 for funding research concerning the</p>		

Heading	Submitted By	Submission	Officer's Response
			<p>genetics of forty-spotted pardalotes on Bruny Island and “mainland” Kingborough, and \$198 for signage at The Neck on Bruny Island to deter tourists from leaving designated pathways and impacting seabird burrows.</p> <p>Other specific projects that are expected to be completed this financial year include \$118 for the Juncus amabilis Revegetation Project, \$1061 for the Wootton Drive Weed Control Project, \$3060 for the Boddys Creek Revegetation Project, \$3264 for the Whitewater Creek Revegetation Project, \$3264 for the Denison Street Reserve Weed Control Project, and \$20,158 for the North West Bay Seagrass Project.</p> <p>By the end of this financial year it is likely that \$289,874.60 would have been spent out of the KEF.</p> <p><i>Nicholas Alexander – Natural Resource Management Project Officer</i></p>
RTI Requests	Mr John McDonald	Page 30 of the Annual Report, Information Management states council “responded to various Right to Information and information requests”. How many RTI requests were received, how many were answered within 20 working days?	<p>Council received 10 RTI requests of which 6 were answered within 20 working days:</p> <ul style="list-style-type: none"> • 5 RTI requests were assessed and the information provided in full. • 2 RTI requests were assessed and the information provided in part. • 1 RTI request was processed where information sought was not in Council’s possession. • 1 RTI request where it was found that the information had been previously supplied through another means and was not resupplied. • 1 RTI request was reviewed internally and overturned in part. <p>In addition, 1 RTI request was processed as an active disclosure and not assessed under the Act – fee refund.</p> <p><i>Fred Moulton - Executive Manager Information Services</i></p>
Code of Conduct Matters	Mr John McDonald	Page 32 of the Annual Report notes statutory requirements. Were there any Code of Conduct matters during 2018-19 involving councillors, and if so, what were the outcomes?	<p>Two complaints each were made against the Mayor and Deputy Mayor. Council received a report at its meeting held on 13 May 2019 that “advice has been received from the Local Government Code of Conduct Panel that the Panel has made its determinations in relation to complaints made against Mayor Winter and Deputy Mayor Westwood. In summary the Panel has dismissed all complaints”.</p> <p>Unfortunately due to an administrative error the 4 complaints were not stated in Council’s 2018/19 Annual Report. No expense was incurred in the 2018/19 financial year relating to this matter as the invoice was not received until 5 July 2019. The error has been reported to the Director Local Government Division and the Director of Public Health.</p> <p><i>Gary Arnold – General Manager</i></p>
Legal Fees	Mr John McDonald	Page 62 note 15 of the Annual Report to the accounts cites some \$271,000 as having been paid to the State government in legal fees. For what purposes were these fees incurred? How much did Council pay for private legal advice, for what purposes, and where is that sum listed in the accounts?	<p>Note 15 in the Annual Report relate to Other Expenses and Levies to State Government.</p> <p>The Legal Fees of \$271,000 is for all legal fees paid by Council and the total for Other Expenses of \$4.193 million is in the Statement of Comprehensive Income.</p> <p>The main reason for incurring legal fees is in relation to planning matters, property matters and defending the charitable rate exemption issue in the courts.</p> <p><i>John Breen - Chief Financial Officer</i></p>

Heading	Submitted By	Submission	Officer's Response
Council Staff	Mr John Maynard	<p>In LGAT's Local Government Workforce and Future Skills Report in September 2018, it is stated that the unplanned staff turnover in Tasmanian councils averages 7.1% compared to the national average of 8.3%. The report adds that these numbers exclude casual, limited tenure, redundant and retiring employees, and that turnover is higher for rural councils than urban based councils.</p> <p>Responding to a question on notice, Council's agenda for the meeting on 26th August 2019 states that 121 Kingborough Council employees ceased employment over a 4-year period to August 2019. Assuming a workforce of 183 FTE's, this equates to an average annual turnover of nearly 17% over this period, more than double the state and national averages. This is a major concern to ratepayers.</p> <p>Such a relatively high rate of attrition must be causing additional workplace disruption, impacting operational efficiency and transferring stress to remaining employees. It must also be adding to overall cost for ratepayers.</p> <p>However, the disparity with state and national figures could also be indicative of an underlying problem with workplace culture at Kingborough. KRAI has been contacted by a number of ex-employees – both professional and outdoor personnel - who have reported that a 'toxic' culture does indeed exist within the organisation.</p> <p>Page 12 of Council's Annual Plan 2019-20, Strategic Outcome 2.5 reads that "Council is a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment". Clearly, either these practices do not exist or are not working at Kingborough!</p> <p>As workplace culture begins at the top, the General Manager and Councillors have the duty and responsibility to ensure that the organisation is managed in a positive cultural environment in a manner that employees and ratepayers expect and deserve.</p> <p>Section 62(1) of the Local Government Act 1993 outlines the functions of the General Manager, which include (c) to be responsible for the day-to-day operations and affairs of the council, and (h) to manage the resources and assets of the council. Section 63(2) states that the General Manager is to develop human resource practices and procedures in accordance with policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination.</p> <p>Section 28(2)(b) of the Local Government Act 1993 states that Councillors have a collective function to determine and monitor the application of policies, plans and programs for (i) the efficient and effective provision of services and facilities; and (ii) the efficient and effective management of assets; and (iii) the fair and equitable treatment of employees of the council. Section 28(2)(d) also requires Councillors to appoint and monitor the performance of the General Manager.</p>	<p>The employee separation numbers provided in response to the Question on Notice at the Council meeting of 26 August 2019 included causals, limited tenure employees, retiring employees and those who transferred to other organisations under transfer of business arrangements. This means that comparing this number to the LGAT Local Government Workforce and Future Skills Report turnover statistics is not a meaningful comparison.</p> <p>Council has a number of mechanisms for engaging with employees on general workplace matters. There are many employees who report that they enjoy working for Council, are highly motivated and take pride in their role supporting the community.</p> <p>However, in a workforce of over 200, there will always be employees who become disengaged due to frustrations with their role, their supervisor or the organisational direction.</p> <p>Council's management team have identified opportunities for improvement. Specifically the issues that staff have raised include professional development, leadership skills, workforce segregation and workload and resourcing.</p> <p>During the last 12 months a range of actions have been undertaken to address these issues including - the development of a leadership framework for Council managers and training in the core competencies; the development of an annual workforce plan; the engagement of additional staff in areas such as Planning, Environmental Health and Engineering; and ongoing support for professional development opportunities such as the recent LG Professionals National Management Challenge and an internal Mini Management Challenge.</p> <p style="text-align: right;"><i>Pene Hughes - Executive Manager Organisational Development</i></p>

Heading	Submitted By	Submission	Officer's Response
		Question – Given the relatively high staff turnover rate at Kingborough and the testimonials from ex-employees, (a) why hasn't the General Manager been able to recognise and successfully address the reported 'toxic' culture at Council, and (b) what is the General Manager's plan and timeline to reduce the staff turnover rate, and (c) why have Councillors not intervened and acted to bring the General Manager to account on this matter, given it has been evident for at least the past four years?	
Environmental Fund	Mrs Clare Corrigan	<p>The Annual Report states that The Kingborough Environmental Fund has been receiving financial offsets for the removal of vegetation since 2004 and that there is over \$900,000 to invest in local environmental projects and new reserves on private land over the next four years.</p> <p>How is it decided on how this sum is to be used? Is it open for public comment?</p> <p>Could the council consider using this sum to implement:</p> <ul style="list-style-type: none"> Kingborough Council Strategic Plan (2020-2025) – Strategic Outcome 1.4 Re: Climate Emergency; and Kingborough Service Delivery Plan (2020 – 2023) – Actions 1.4.1 – Implement Kingborough Climate Change Action Plan and 1.4.4 – Strategy for reducing Council's carbon footprint, by the employ of a Project Coordinator – Climate Change Adaptation, and/or Carbon Reduction Project Officer? 	<p>Council applies biodiversity offsets as an innovative approach to tackling the challenge of balancing development needs whilst conserving biodiversity values. Both direct and indirect offsets are available under the Biodiversity Offset Policy. Due to the time lag in achieving a net gain for the biodiversity impacted when using financial offsets rather than direct actions, they are only an option where the losses are small and it can be demonstrated that there will be a more significant and strategic conservation outcome. These financial contributions have been held by Council in the Kingborough Environmental Fund.</p> <p>The use of biodiversity offsets by Kingborough Council is guided by the Biodiversity Offset Policy (6.10) and the regional 'Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process' (2013). The policy outlines the triggers for requiring an offset and determines the requirements for the offset. A set of Council endorsed guidelines provide a consistent framework for expenditure from the Kingborough Environmental Fund. One of the key principles is that an offset must be a new action that is 'like for like' and permanent, that is it must benefit the same natural values as were impacted by the original development and the offset action must be secure and able to be maintained in perpetuity. For example, in relation to threatened vegetation communities, the offset site must be of the same vegetation community type as the impacted community and of the same threatened status; and within the same bioregion. The Fund is therefore targeting a specific set of conservation values that have been lost. These targets are outlined in the Implementation Plan (available on Council's website).</p> <p>Expenditure of the Fund is not currently up for public comment as it is directed by an Implementation Plan and governed by a Steering Committee. However, community participation in the Fund is fundamental to its success. Landowners in the municipality have been invited to submit an expression of interest in participating in offset projects where they have natural values on their property that the fund is targeting as potential offset sites.</p> <p>The funds are therefore not available for climate change initiatives as they are to be used to secure offsets for the natural values that have been lost through development.</p> <p><i>Liz Quinn – Natural Resource Management Coordinator</i></p>
Climate Change	Mrs Judith McDonald	Given that preparations will be made soon for next years' Annual Budget will there be an allocation of appropriate funding to purposefully enact the Climate Change Plan and Climate Change Adaption Policy given the timeframe of 2019 to 2024? Will this include increasing council staffing levels to carry out the extra duties necessary such as employing a Climate Change Officer?	The Kingborough Council Climate Change Plan and Adaptation Policy were drafted and approved by Council on the understanding that actions could be largely undertaken within existing budgetary circumstances. It is unlikely that an additional officer could be employed in the foreseeable future but opportunities for external funding may arise for initiatives highlighted.

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		What actions are Kingborough Council planning to accommodate and facilitate the expected roll out of EV over the following 3 to 5 years? What innovative transport options has the council developed for progressing the Kingston Hub or similar as a nexus for traffic busting city commute options?	Council will be endeavouring to encourage the take up of electric vehicles in the community and is progressing the incorporation of hybrid vehicles into its fleet. The development of the Kingston Park precinct and the Community Hub provides an opportunity to explore transport options. Larger park and ride facilities for commuters to Hobart will be located outside of central Kingston and they may, when developed, present opportunities for EV charge stations. <i>Jon Doole - Manager Environmental Services</i>
Climate Change Action Plan	Mrs Elizabeth Ekins	Since Council's declaration of a climate emergency a special committee be established to focus on implementation of the Climate Change Action Plan. Additional funding investment for local environment projects. Provide more contemporaneous information to the public about progress on the Climate Change Action Plan as it is implemented.	The formation of a special committee will be considered in 2020 but needs to be premised on an understanding that funding for actions may be limited. Any increased funding for projects will be the subject of budget estimate considerations early in 2020. It is proposed that progress on actions will be communicated through Council's website and in the 2020 Annual Report. <i>Jon Doole - Manager Environmental Services</i>
Kingston Playpark	Ms Tricia Ramsay	Context: The Annual Report, Section 2.4.1 about Kingston Park notes the playground attracted "a great deal of community interest and there was extensive public consultation during the year." The Annual Report does not disclose that extensive support for the Kingston Playpark was initially solicited - through the community consultation via the OurSay portal on Council's website and other mechanisms - on the basis that it was to be fully grant funded. The Annual Report, Section 3.1 identified Council endorsed a new Corporate Communications framework to ensure Council's commitment to effective engagement, and to encourage "active and authentic participation with the community." The framework is part of the Corporate Communications Strategy that lists its strategic outcome as "The local community is well informed and engaged with Council." Section 8.1 of the Communications Strategy reinforces why full financial disclosures are critical to community consultations relating to any new facilities or services: "To hold the goodwill of the community, Council must not only demonstrate the right values, but also communicate effectively and prove itself sensitive and, where appropriate, responsive to community needs and aspirations." This submission posits that: i) The process by which Council has fast-tracked \$5 million for the Playpark has not been transparent; ii) Subsequent to the initial consultation period, two further public consultation processes relating to the Playpark have provided	The submission above is based on Council only proposing that the playground within Kingston Park be constructed if it was to be funded entirely by an external grant. This has never been the case. A large children's playground has always been part of Council's development plan for this precinct. This was initially called for when the draft plan was exhibited in 2012/13 and has been an increasingly popular component within the overall development ever since. Council has pursued external grants to support the implementation of this project throughout the last five years. A grant was obtained to assist in the construction of the Community Hub and it was hoped that something similar could be obtained for the playground. However the eventual construction of the playground was never reliant on obtaining such a grant. In fact grant opportunities for such large projects are very rarely available and, when they are, they are extremely competitive. The grant for the Community Hub was only obtained after the fourth attempt. Every effort was made to attract an election commitment for the playground (or part thereof) at the last Federal election, but this was unsuccessful. Following the completion of the Community Hub, there has been a need to progress the provision of the playground. The full activation of the Hub (eg a viable café) is reliant upon the adjoining playground and community expectations have peaked following the public consultation during its design process. This public consultation involved public displays (eg Love Living Locally and other community markets), student workshops, stakeholder groups and advisory committees, on-line surveys, media exposure, and very extensive direct contact with many groups and individuals. Council could put this part of the overall project on hold, but there are no large grant programs in the foreseeable future and, when one does appear, the chances of being successful remain slim. It was therefore decided to borrow the funds to make this playground a reality, acknowledging the fact that the playground is keenly anticipated by the Kingborough community and is an important part of the overall development and the revitalisation of the Kingston central business district.

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		<p>insufficient financial detail for the community to make informed decisions;</p> <p>iii) Council has acted contrary to the terms of its Corporation Communications Strategy to provide 'authentic' – or trustworthy – information to ratepayers; and</p> <p>iv) Integrity of process underpins good governance. It is the basis for community trust and confidence.</p> <p>v) Council needs to re-establish its bona-fides with respect to ensuring future process transparency and adherence to principles of good governance.</p> <p>Deficient process:</p> <p>There is no dispute that the concept of the Playpark – given that it was to be totally grant funded - would be an attractive facility. However, concerns exist about deficiencies in the fast-tracking process:</p> <ul style="list-style-type: none"> • Council initially promoted the \$5 million project on the basis that it was totally grant funded: in doing significant community support was established. • Subsequently, without renewed public consultation detailing full disclosure of potential costs to ratepayers, support from the initial consultative process was used to facilitate Council's fast-tracking of the \$5 million Playpark: to be totally funded by ratepayers. • The fast-tracking of this project has lacked integrity and transparency in the following ways: <ul style="list-style-type: none"> i) Council assumed the same level of public support for the Playpark would be forthcoming whether it was totally grant funded or completely funded by ratepayers. ii) The \$2.1 million loan for landscaping of Playpark works in the 2019/20 Draft Budget papers - provided for public consultation - was not specifically disclosed. iii) Irrespective of the Long Term Financial Plan (LTFP) being accepted along with the 2019/20 Budget only weeks beforehand, Council sought another round of public consultation seeking support for an extra \$2.9 million loan that was not provided for in the LTFP. iv) The second consultative process [(iii) above] was also defective in that disclosure of financial implications to ratepayers only addressed an 'interest free' component that "would be no impact to ratepayers ... in the short term". No impacts on principal loan repayments in future budgets were identified. v) The statements in (iv) above misrepresents the long term, cumulative impact on ratepayers of Council's total loan repayment commitments. With \$10 million in loan funds for 	<p>The decision made by Council at its meeting on 22 July 2019 acknowledged that additional funds would be required. The original budget for the construction of the proposed playground was \$2.1M and this been included within a prior loan taken out by Council. As a result of the public consultation, the scope of the playground was increased. It was then decided that an additional \$2.9M would be borrowed (taking advantage of the current interest free loans) to enable the entire playground area to be constructed in full, rather than in stages.</p> <p>The financial advice to Council at the 22 July 2019 meeting was that "the additional \$2.9 million in borrowings is not included in the current Council's Long Term Financial Plan. The impact of the additional borrowings is that Council will finish the project with around \$8 million in borrowings that would be repaid over a ten year period. The additional interest expense, on the \$2.9 million loan, would be approximately \$100K from 2025/26 onwards, which can be comfortably accommodated in the underlying surplus figure". A public survey was conducted as to whether Council should borrow this additional money and there was overwhelming support for this to occur.</p> <p>As has been previously reported, the financial situation for the Kingston Park project is publicly reported in the Implementation Reports which have been released quarterly for the last few years. Information is also provided therein on the extent of borrowings to date for the Kingston Park project. It has also been previously reported that, by the time the Kingston Park project is completed, there may well be a net financial loss. Forward estimates of this are constantly being reviewed, but it should be borne in mind that the Kingborough community will have gained the Community Hub, playground, public parklands and an injection of private investment in central Kingston (providing a range of community benefits) – all as a result of the Kingston Park project.</p> <p>The way that the above Motion is presented does not facilitate the efficient or effective delivery of the Kingston Park project. Consultation has been extensive to date and there is evidence of Council responding positively to the views expressed by most people. Financially, Council has been transparent in its dealings and provides regular updates on the current financial status of the project, including the amount of all borrowings.</p> <p style="text-align: right;"><i>Tony Ferrier - Deputy General Manager</i></p>

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		<p>Kingston Park, loan principal repayments in the order of \$1 million/year for a ten year period were not reported.</p> <p>What we know:</p> <ol style="list-style-type: none"> 1. Council should not have proceeded to raise community expectations without acknowledging the financial implications of the project. 2. Kingborough Ratepayers Association Inc has continued to urge Council provide business cases in the public domain - with full financial disclosure - for all newly proposed facilities and services. Business cases support good decision making, assist transparency and underpin good governance. 3. Council has demonstrated by manipulating consultative and budgetary processes, and by ignoring its own LTFP, it can fast-track very expensive projects at ratepayer expense. 4. Council has acted contrary to the Values it ascribes in its 2015-2025 Strategic Plan that was current at the time of the fast-tracking process. It lists its primary value as 'accountability'. Moreso, Council commits to being 'honest and open'; as well as 'we behave ethically and with integrity, we tell the truth'. <p>Conclusion:</p> <p>To overcome deficiencies in procedural transparency and good governance highlighted in the fast tracking of the \$5 million ratepayer funded Kingston Playpark, I move that:</p> <p>Motion</p> <p>Moved Tricia Ramsay Seconded:</p> <ol style="list-style-type: none"> i) Future community consultation processes associated with potential new facilities or services be supported by a business case that documents full financial disclosures and impacts. ii) Information contained in future Draft Budget community consultation include dedicated line items in the financial statements detailing all projects to be funded by loans. iii) The Community Communications Strategy and the Community Engagement Framework be revised to incorporate values that ensure accountability, honesty and openness when communicating with the public, as well as best practice principles that ensure all consultation is underpinned with ethically motivated content. iv) Council strictly adheres to provisions in its Long Term Financial Plan, unless it can demonstrate wide-spread community support of at least 55% of municipal ratepayers for a particular project. 	

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	Climate Emergency	Ms Sarah Anderson	I congratulate the Kingborough Council on declaring a Climate Emergency in July 2019, showing leadership amongst Tasmanian councils and making a strong statement at all levels of government. Would Council now consider joining the Cities Power Partnerships, connecting with other councils in Tasmania and Australia to share reduction emission strategies, give collegial support and work towards achieving the council's goal of zero carbon emissions by 2050? Would Council please include the Climate Emergency Declaration in their Annual Report as a statement of significance and be prepared to ensure funding and resourcing to enact climate and environmental actions in the Council's Climate Change Plan (2019-2024) in the next year's budget.	<p>The formation of a special committee will be considered in 2020 but needs to be premised on an understanding that funding for actions may be limited.</p> <p>Any increased funding for projects will be the subject of budget estimate considerations early in 2020.</p> <p>It is proposed that progress on actions will be communicated through Council's website and in the 2020 Annual Report.</p> <p style="text-align: right;"><i>Jon Doole - Manager Environmental Services</i></p>
	Remuneration of Executive Managers	Mr Michael Casey	<p>It is noted that remuneration of councillors features in the body of the Annual Report as required by legislation. It is also noted that remuneration of senior Council employees is hidden in the Notes of the Financial Report: number 37(iii).</p> <p>That note identifies the GM's salary and benefits to be \$267,103 for the year ended 30/6/2019. As a comparison, the Premier of this State earns less – about \$248,500 according to Department of Premier and Cabinet's disclosures.</p> <p>As distasteful as this issue is to air in public, ratepayers have a right to expect that if the General Manger is rewarded so handsomely, then we need value for money.</p> <p>Questions:</p> <ol style="list-style-type: none"> 1. Can the Mayor ensure senior executives remuneration appears in the body of future annual reports for ease of information access? 2. Can the Mayor confirm that for the period covered in the 2018/2019 Annual Report, the General Manager: <ol style="list-style-type: none"> a) Continually exceeded the criteria outlined in his performance reviews; and b) Demonstrated at all times Council's commitment to the highest standards of honesty and integrity in meeting the needs of the community? 	<p>Senior Executive remuneration is referenced on page 32 of the Annual Report, which directs readers to details of remuneration in the financials. It is not 'hidden'. The closest comparison to the General Manager position in the Tasmanian Government would be the Secretary of the Department of Premier of Cabinet, which in 2018-19 was remunerated \$548,000.</p> <p>Recent analysis by <i>The Mercury</i>, showed Mr Arnold's remuneration is in line with that paid to General Managers in other Tasmanian metro Councils.</p> <p>In 2018-19, Mr Arnold was reappointed for a further five-year term. While it would be inappropriate to publicise any staff member's performance review outcome, it could be assumed from the decision to reappoint, that Council is satisfied with its General Manager's performance.</p> <p style="text-align: right;"><i>Mayor, Cr Dean Winter</i></p>