

Kingborough



COUNCIL MEETING MINUTES

23 March 2020

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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Public Copy

MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 23 March 2020 at 5.30pm

1 AUDIO RECORDING

The Mayor declared the meeting open at 5.30pm, welcomed all in attendance and advised that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson requested confirmation that the audio recording had commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor paid his respect and Council's respect to the traditional and original owners of this land, the muwinina people. The Mayor acknowledged the contemporary Tasmania aboriginal community who have survived invasion and disposition and continue to maintain and fight for their identity, their culture and indigenous rights.

3 ATTENDEES

Councillors:

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

Staff:

General Manager	Mr Gary Arnold
Executive Manager Governance & Community Services	Mr Daniel Smee
Communications and Engagement Advisor	Ms Sarah Wilcox

C200/6-2020

4 APOLOGIES

Cr Flora Fox
Cr Steve Wass

C201/6-2020

(commences at ± 2 minutes of audio recording)

5 CONFIRMATION OF MINUTES

Moved: Cr Sue Bastone
 Seconded: Cr Paula Wriedt

That the Minutes of the open session of the Council Meeting No.6 held on 10 March 2020 be confirmed as a true record.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

13 March - Climate Profiles
 16 March - Draft Budget

C202/6-2020

7 DECLARATIONS OF INTEREST

Cr Bastone declared an interest in the report in closed session headed “Kettering Uniting Church Property”.

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

There were no questions without notice from the public.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

C203/6-2020

(commences at ± 4 minutes of audio recording)

10.1 Boat Sheds at Nebraska Beach

Ms Lyn Cengia submitted the following question on notice:

1. (a) What exactly does “non-transferable” mean in Council terms and (b) what are the implications, given it was our intention to list as the lessees just the 5 children- ie. the

benefactors of the previous foreshore/boatshed owner (Mrs JM Barrow). That is (for example), does this mean we will now have to list the entire family, or at the very least, the names of the children and grandchildren, or possibly use a more general term- "the surviving members of the Barrow family"- to ensure the tenure of the lease for the next 50 years?

2. *Does KC actually intend to apply this term (ie. "the leases to be non-transferable") to our lease on the "Barrow boatshed" (given that the Agenda item mentions "five boat sheds" in both 2. BACKGROUND and 9. CONCLUSION- whereas there are actually six)- OR only to the other five boatsheds?*
3. *While Council has agreed it will enter into a LEASE agreement with our family, is it Council's intention to issue a LEASE or a LICENCE to each of the occupiers of the other boatsheds? In Item 17.2 of Agenda no. 2 of 2020 both words are used, however, in your discussions with our family it was made clear that normally Council would not issue a LEASE, rather a LICENCE, for a boatshed.*

Officer's Response:

1. All council lease agreements are non-transferable without the permission of the landowner. Non-transferable means that you cannot sell or transfer the agreement into another person's name without the express permission of Council as landowner. There is no limit on the number of family members who can sign the lease, however a general term like "the surviving members of the family" cannot be allowed as an agreement must be with named people.
2. The Council resolution refers to all six boat sheds (including yours).
3. All the agreements with the boatsheds are to be lease agreements. Whilst Council would normally require a licence, you have made it clear that a lease agreement was the only form of tenure you would accept and this has been applied to all the other boatsheds for consistency.

Sean Kerr, Property Officer

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C204/6-2020

(commences at ± 5 minutes of audio recording)

11.1 2 Ewing Avenue

Cr David Grace asked the following question without notice:

According to the General Manager, he was going to allow the two solicitors to sort the issue out. How can they sort it out when they are not talking to one another?

General Manager responds:

The situation simply put is that Council engaged a solicitor because the party involved had done similarly. Council ceased the Council's solicitor's duties in this matter following advice from the other party that they had ceased the tenure of their solicitors. In essence, the reason that I responded as I did on 11 February is that there was no approval that was set to expire. The only thing set to expire was a notice under the *Urban Drainage Act*, Section 13(1) that requires an applicant to obtain the General Manager's approval for any construction within or over a Council easement. That approval has not been obtained. The other party has a development

application approval that has an advice notice on it that says “the applicant must get approval under the *Urban Drainage Act*.” That approval has not been given. Subsequently, the applicant has a situation whereby they have built a structure over Council’s stormwater easement, without a building approval and without approval under the *Urban Drainage Act*.

Cr Grace:

Thank you. Secondly, are the occupants at 2 Ewing Avenue being victimised because of a question that that occupant raised at the AGM standing up saying that she had no confidence in our General Manager?

General Manager responds:

No.

C205/6-2020

(commences at ± 10 minutes of audio recording)

11.2 Kingston Park DA Removal

Cr Gideon Cordover asked the following question without notice:

On 11 November 2019 this Council passed DA2019-112 for earthworks and tree removal at Kingston Park. I’ve recently been receiving correspondence from concerned community members who would like those trees saved. What Options have these constituents available to them to implore the Council or the developer to please consider saving those trees?

General Manager responds:

I think the best option available to those members of the community is to contact the holder of the development approval.

C206/6-2020

(commences at ± 10 minutes of audio recording)

11.3 Hedge at Blackmans Bay Beach

Cr Gideon Cordover asked the following question without notice:

Councillors have received correspondence from a resident concerned with a hedge at Blackmans Bay Beach which is allegedly encroaching over the path to the extent that it is causing people to walk on the road behind cars. Can the Mayor please confirm that gardening works are scheduled for this section of brush on the Blackmans Bay Beach and indicate any expected time frames.

Mayor responds:

Yes, there is an issue that has been identified at Blackmans Bay Beach with a hedge that apparently needs to be clipped and I was advised by the Manager of Works today that that will be programmed and undertaken next week.

C207/6-2020*(commences at ± 11 minutes of audio recording)***11.4 Declared Weeds**

Cr Gideon Cordover asked the following question without notice:

Declared weeds are a problem in our municipality including on road sides and verges that are under the control of the State Government and the Department of State Growth that then spread to other areas at great cost to Council. Noting Council's ability to serve notices on residents to compel them to deal with weeds on their property, will Council consider serving a notice to the State Government's Department of State Growth requiring them to deal with weeds on the side of state highways?

Mayor responds:

We will take that on notice.

C208/6-2020*(commences at ± 12 minutes of audio recording)***11.5 COVID-19 Impacts on Draft Budget & Operating Plans 2020/21****Cr Jo Westwood:**

Given the public has chosen not to attend tonight, I have some questions without notice from the Kingborough Ratepayers Association:

Given unpredictable circumstances surrounding the COVID-19 pandemic manifesting at the same time Council contemplates draft budgets and operational plans for 2020/21, Kingborough Ratepayers Association Inc requests Council immediately suspend all non-essential spending and plan for a surplus in reserves to support the local community through this crisis now and into the future.

Specifically, it is requested:

- (i) That Council ease pressure on ratepayers by determining no rate increases for the 2020/21 budget and proactively exploring ways to ease current and future financial pressure on ratepayers.*
- (ii) That Council ease pressure on local small businesses fighting to survive, by abolishing the financial burden of small business levies and charges for 2020/21.*
- (iii) That Council communicate - to achieve 100% reach within the municipality - its intentions to deal with the impacts of the pandemic.*

Mayor responds:

I appreciate the Ratepayers Association who have been a regular attendee to these meetings for the past three to four years heeding advice of the Government and not attending, I'm sure are watching at home.

The financial impact on Local Government across Tasmania is going to be very significant through this and Kingborough Council was forecasting a rate rise in it's long term financial plan anyway of around 2.8% next year as well as a budget surplus, but we now face a significant deficit. There is no other option here. I think the ratepayers are quite right to be concerned about not just the financials of small business and households but also that Council maintains a strong balance sheet. However, when it comes to suggestions of rate caps and in fact in that question I think I heard along the lines that we should basically not levy rates or charges to

small business. The simple fact is that if we elect not to charge a rate then the financial viability of this Council comes into question itself and the last thing we need to do for this community is for it's local Council to not be able to operate. In terms of our costs, we have no intention of doing anything other than continuing to serve the community over the next six months as this pandemic continues and I would much prefer myself that we were able to provide more generous rates concessions and small business support at the end of this pandemic to the most impacted rather than a rate cap for everyone. At this stage, I don't think that we are able to responsibly do both.

C209/6-2020

(commences at ± 15 minutes of audio recording)

11.6 Historic Budget information

In the lead up to public consultation for the 2020 Draft Budget and Operating Plans, could you please document in the Minutes the annual budget deficits/surplus amounts listed in various Annual Reports for the past 13 years, along with the accompanying cash reserves for the same period.

Mayor responds:

We will take that on notice.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C210/6-2020

(commences at ± 16 minutes of audio recording)

12.1 Efficacy of New Low flow Outflow at Blackmans Bay Beach

Cr Cordover submitted the following question on notice:

Noting that the seagulls are back at Blackmans Bay beach, has council evaluated the efficacy of the new low flow stormwater outflow? If it is too early to make an assessment of efficacy, what are the timeframes for evaluation and what will that process involve?

Officer's Response:

The low flow devices at the outlet of Illawarra and mid beach catchments are operating as expected with low flow being diverted to sewer. However, there is infiltration of water from natural springs, in particular, which is of enough volume to bypass the low flow device even in dry weather conditions, which then allows a drinking source for the seagulls. Although the low flow devices were not primarily put in place to move the seagulls away, it was envisaged that this may be a secondary result. Council officers are currently investigating the source of the dry weather water ingress into the stormwater pipes and if possible will be looking at ways to divert this from the line.

David Reeve, Executive Manager Engineering Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commences at 5.45pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C211/6-2020

(commences at ± 16 minutes of audio recording)

13.1 DELEGATED AUTHORITY REPORT FOR THE PERIOD 25 FEBRUARY 2020 TO 10 MARCH 2020

Moved: Cr Christian Street
Seconded: Cr Paula Wriedt

That the report be noted.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0

PLANNING AUTHORITY SESSIONS ADJOURNS

OPEN SESSION RESUMES

Open Sessions resumes at 5.50pm

14 NOTICES OF MOTION

At the time the Minutes was compiled there were no Notices of Motion received.

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

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

C212/6-2020

(commences at ± 22 minutes of audio recording)

17 URGENT BUSINESS

Moved: Cr Gideon Cordover

Seconded: Cr Sue Bastone

That Council, by absolute majority, accept two urgent agenda items namely:

- 1 Kingborough Council Covid-19 Response;
- 2 Rates Hardship Policy;

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 8/0

C213/6-2020

(commences at ± 22 minutes of audio recording)

17.1 COVID-19 - KINGBOROUGH COUNCIL RESPONSE

Moved: Cr Jo Westwood

Seconded: Cr Amanda Midgley

That:

- 1 To address the impacts of this Pandemic Council note the actions taken by the General Manager in responding to the COVID-19 emergency and authorise him to take all further actions necessary to continue to address this pandemic.

- 2 Council, pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate the General Manager to determine all applications that would otherwise be determined by the full Council unless they are called in by a Councillor for the period from 24 March to 27 April inclusive.
 - i. Elected members would be informed of any application(s) subject to this recommendation 2 to make them aware of matters they may wish to call in before any delegation is exercised.
 - ii. Such delegation to be immediately revoked upon appropriate change to legislation to allow alternate Council meeting formats.
- 3 Council provide rental relief in the form of a waiver for the balance of the 19/20 financial year for those of its tenants experiencing financial hardship.
- 4 Council resolve to not apply penalties and interest for outstanding rates and charges until 30 June 2020.
- 5 Council endorse the initiatives outlined in this report to support local businesses.
- 6 Council continue to advocate for the State Government \$50M assistance package to local government to be provided as grants to assist with provision of essential services and for the delivery of 'funding ready' projects identified as part of the Australian Government Stimulus Package.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0

C214/6-2020

(commences at ± 1 hour of audio recording)

17.2 INTERIM FINANCIAL HARDSHIP POLICY

Moved: Cr David Grace
 Seconded: Cr Gideon Cordover

That Council:

- (i) That adopt the attached Interim Financial Hardship Policy, with further measures for 2020-21 to be worked through with other Greater Hobart Councils
- (ii) Authorise the General Manager to take on debt in order to fund the continuing operations of Council in the event that large numbers of hardship applications are approved for 2019-20.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0

18 OFFICERS REPORTS TO COUNCIL**C215/6-2020***(commences at ± 1 hour, 14 minutes of audio recording)***18.1 REVIEW OF PUBLIC TOILET STRATEGY**

Moved: Cr David Grace
 Seconded: Cr Gideon Cordover

*Cr Street left the meeting at 6.43pm
 Cr Street returned at 6.45pm*

That the schedule of works for Council's public toilet facilities (as listed below) be endorsed and Council's Public Toilet Strategy updated accordingly.

Budget Year	Facility	Works	Funding
2020/21	Kettering Hall	Refurbishment and compliant disability access	\$45,000
	Woodbridge Hall	Replacement of existing	\$100,000
	Adventure Bay Hall	Pump out system	\$73,000
	Christopher Johnson Park	Refurbishment	\$60,000
	Blackmans Bay Beach	Refurbishment	\$85,000
	Dennes Point Hall	Refurbishment and compliant disability access	\$80,000 (State Govt)
2021/22	Longley Reserve	New Facility	\$125,000
	Taroona Beach	Replace/Refurbish Existing	\$250,000
2022/23	Snug Beach	Refurbish Existing	\$150,000
	Margate	Refurbish Existing	\$100,000
2023/24	Trial Bay	Replace Existing	\$200,000
2024/25	Silverwater Park	Replace/Refurbish Existing	\$150,000
2025/26	Sandfly Hall	Refurbish	\$100,000

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0

C216/6-2020*(commences at ± 1 hour, 25 minutes of audio recording)***18.2 BOAT SHED LEASES - NEBRASKA BEACH**

Moved: Cr David Grace
Seconded: Cr Gideon Cordover

That Council, having considered the objection received to the proposed leases of boatsheds on Public Land at Nebraska Beach, resolves to proceed with its intent to lease in accordance with the terms and conditions of its resolution of 28 January 2020 and authorises the General Manager to finalise the lease agreements.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0**C217/6-2020***(commences at ± 1 hour, 30 minutes of audio recording)***18.3 REVISED FOOTPATH TRADING (ON-STREET DINING AND VENDING) POLICY**

Moved: Cr Paula Wriedt
Seconded: Cr Amanda Midgley

That Council resolve that the attached draft *Footpath Trading Policy* replace the previous *On-Street Dining and Vending Policy*.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0**C218/6-2020***(commences at ± 1 hour, 35 minutes of audio recording)***19 INFORMATION REPORTS**

Moved: Cr Christian Street
Seconded: Cr Amanda Midgley

That the following information reports be noted:

1. Mayor's Communications.
2. Development Services Quarterly Report - January to March 2020.
3. Minutes of the Kingborough Community Safety Committee dated 17 February 2020.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, Amanda Midgley, Christian Street and Paula Wriedt

Against: Cr David Grace

CARRIED 7/1

20 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**C219/6-2020**

Moved: Cr Jo Westwood

Seconded: Cr Sue Bastone

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

Kettering Uniting Church Property

Regulation 15(2)(f) *proposals for the council to acquire land or an interest in the land or for the disposal of land.*

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 8/0

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

Open Session of Council adjourned at 7.49pm.

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.05pm

C220/6-2020

Moved: Cr Paula Wriedt
 Seconded: Cr Christian Street

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	Approved
Kettering Uniting Church Property	Offer Declined

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, David Grace, Amanda Midgley, Christian Street and Paula Wriedt

Against: Nil

CARRIED 8/0

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.06pm

.....
 (Confirmed)

.....
 (Date)