

Kingborough



COUNCIL MEETING MINUTES

28 September 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, 28 September 2020 at 5.30pm

1 AUDIO RECORDING

The Chairperson declared the meeting open, 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 received confirmation that the audio recording had commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 ATTENDEES

Councillors:

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

Staff:

General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Chief Financial Officer	Mr John Breen
Executive Manager Engineering Services	Mr David Reeve
Executive Manager Governance & Community Services	Mr Daniel Smee
Communications & Engagement Advisor	Ms Sarah Wilcox
Customer Service Coordinator	Ms Kelly Nichols

C537/18-2020

4 APOLOGIES

Cr Paula Wriedt

C538/18-2020

(commences at ± 2 minutes of Part A of audio recording)

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
 Seconded: Cr Sue Bastone

That the Minutes of the open session of the Council Meeting No.18 held on 14 September 2020 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

21 September - Zero Net Emissions

C539/18-2020

(commences at ± 3 minutes of audio recording)

7 DECLARATIONS OF INTEREST

Cr Grace declared an interest in an item in closed session headed “Kingborough Bowls Club”

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

C540/18-2020

(commences at ± 4 minutes of audio recording)

10.1 Customer Service Charter

Ms Qin Liu submitted the following question on notice:

Is it the case that the Council's Customer Service Policy says that if a matter relates to unsatisfactory conduct of an officer(s), or a failure to comply with the Service Standard, the matter will be dealt with as a complaint and dealt with by the General Manager (5.3.6 of the Council's Customer Service Policy)? If such matters are required to be dealt with by the General Manager:

1. *Why was the complaint that I made on 27 August 2020 about unsatisfactory conduct of an officer and a failure to comply with the Service Standard dealt with by Scott Basham rather than the General Manager? and*
2. *How many other complaints about the unsatisfactory conduct of an officer(s), or failure to comply with the Service Standard, have been dealt with by Scott Basham rather than the General Manager?*

Officer's Response:

The reference to Council's Customer Service Charter is correct, and

1. The matter was reviewed by the General Manager and a written response provided to Ms Liu on 4 September 2020.
2. Nil.

Gary Arnold, General Manager

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**C541/18-2020**

(commences at ± 2 minutes of audio recording)

11.1 Closure of James Lane

Cr Fox asked the following question without notice:

Could Council provide an explanation for the recent closure of the public walkway, James Lane, and could Council provide details of when this popular walkway access to and from Kingston Beach will be reopened to the public?

Executive Manager Engineering Services responds:

That particular walkway has been closed because of some development works on the side of the walkway. At the moment we have served a notice on that particular property to stop work because they have excavated too close to the walkway and it's unsafe for people to be using the walkway. In terms of when it will reopen, it will depend on when we get a satisfactory response from the developer in terms of rectifying the works so that we can then open the walkway safely, which we anticipate to happen very shortly.

C542/18-2020**11.2 Brightwater Road**

Cr Fox asked the following question without notice:

Could Council consider providing a bike lane on the left hand side going uphill and, if that is not possible in the configuration of the road, would it be possible to have the centre line made off centre to allow room for bikes travelling uphill?

Executive Manager Engineering Services responds:

That will depend on the width of the road and whether it can accommodate that particular configuration. What I can do is go back and have a check on it and provide a written response.

C543/18-2020**11.3 Job Guarantee Proposal**

Cr Cordover asked the following question without notice:

On Wednesday 23 September the Parliament of Tasmania past a motion calling on the government to investigate a job guarantee and the idea of the job guarantee is that local councils would be the conduit to provide some of the work for people who are willing to work and volunteer

for a program. Has Kingborough Council considered what work it might provide if a job guarantee were to pass and is there a plan to do more work on a job guarantee to employ Kingborough's not in education, employment and training young people?

Mayor responds:

Unless the General Manager corrects me, the answer is no.

C544/18-2020

11.4 Corporate Communications Strategy

Cr Midgley asked the following question without notice:

In regard to the reconciliation plan, I noted it stated that Council staff will be working on development of a Reconciliation Plan and I'm wondering at what stage that would be?

Communications and Engagement Adviser responds:

The Reconciliation Action Plan engagement is on hold at this time due to the priority on Covid and resources.

Cr Midgley:

I noted that there was a plan for a marketing strategy for the Kingborough Hub. Was this developed prior to the Hub Coordinator leaving?

Executive Manager Governance & Community Services:

Our Hub Coordinator was unfortunately unable to produce that document. He had done some preliminary work but it's a long way off being complete.

C545/18-2020

11.5 Food Waste Strategy

Cr Midgley asked the following question without notice:

I noted in the Waste Strategy that it states "...implement a food waste evidence program Love Food, Hate Waste". Has that ever been implemented and if we could have some more information about that?

Executive Manager Engineering Services responds:

Not at this stage. There will be a number of things in that strategy that are yet to kick off. It's obviously a strategy that goes over a number of years. Our main initiatives are to deal with the green waste, home composting and other initiatives.

C546/18-2020

11.6 Audit of Recycling Bins at the Kingborough Sports Centre

Cr Midgley asked the following question without notice:

While I was at the Futsal games at the sports centre on Friday night, I happened to open up a recycling bin and noted quite a large number of coffee cups. Can we do an audit of the bins at the sports centre and take action similar to what has happened at the Kingston Beach recycling bins signage?

Executive Manager Engineering Services responds:

We are happy to take that on board and have a look at it.

C547/18-2020**11.7 Estimate of Expenditure, Kingston Park Playground**

Cr Grace asked the following question without notice:

What is the actual expenditure on the playground? Was it \$5 million? What is the actual figure and when are we likely to get a report on the financial status of the playground?

Mayor responds:

We received a report on the status of the project I think the meeting before last. We are receiving regular reports about Kingston Park, including that. For the exact price of the playground I will defer to the Deputy General Manager.

Deputy General Manager:

The \$5 million is correct.

C548/18-2020**11.8 Mayor's Communications in the Appendix**

Cr Midgley asked the following question without notice:

On the 18th August regarding the meeting with Kingston High School and Council's ongoing partnership, I'm not aware of what the partnership are, if I can have an explanation?

Mayor responds:

The partnership is almost exclusively to do with the sports centre. Kingston High School doesn't have it's own sporting facilities and uses the Kingborough Sports Precinct including Lightwood. That was predominately what the discussion was about and the Principal and myself discussed how we could continue to work on that. There are opportunities coming up for the school. They want to really focus on their sports curriculum in years 11 and 12 and with the NBL team coming there is an opportunity for them to have specific athlete development programs with the new NBL team, but also with other clubs. The discussion was about the future directions statement and the opportunities that the school have to work with the clubs that are semi-professional and the NBL team professional level and how they can better engage with those clubs.

Cr Midgley:

On 26 August, the NSTC Transport Mode Study?

Mayor:

In solidarity with the Mayors of Glenorchy and Hobart, I went to the briefing about the Northern Suburbs Transit Corridor and I didn't make very much a contribution at all. I sat there and listened and it's not a big issue for Kingborough, but as City Deal Partners we attend these meetings and participate silently as I did.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C549/18-2020*(commences at ± 14 minutes of audio recording)***12.1 Environmental Fund**

At the Council meeting on 14 September 2020, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

The Environmental Fund has been receiving financial offsets for the removal of vegetation since 2004 and there is now over \$800,000 to invest in projects. Could you please give me an update as to whether those funds have been expended or where they might be expended?

Officer's Response:

Expenditure from the Kingborough Environmental Fund (KEF) is governed by the project implementation plan. This plan was completed in 2018. In September 2018 the fund was holding approximately \$800,000 in offset contributions. To achieve a strategic conservation gain, the resources in the fund needed to grow to a level that enabled a more efficient application of the funds. For example, the ability to pool contributions for a particular threatened vegetation type has allowed Council to protect larger, more strategic conservation reserves to protect those values. Expenditure commenced in the 2017-2018 financial year following the employment of the project officer. The program is on track to meet all of the target outcomes set out in the implementation plan by June 2022. Financial biodiversity offsets continue to accumulate in the Fund. The Fund does not have an 'end date' per se.

Expenditure of the Kingborough Environmental Fund:

2018/19	\$99,357
2019/20	\$118,840

Liz Quinn, NRM Coordinator

C550/18-2020**12.2 Pruning of Trees**

At the Council meeting on 14 September 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

At what stage does pruning a tree become cutting down of a tree? If a 15 to 20m high tree is heavily pruned so only the trunk is left at about 3m, what can Council do about this?

Officer's Response:

Council's procedure that guides decisions around the removal of native trees on private land defines pruning as per the relevant Australian Standard - Pruning Amenity Trees (AS 4373-1996/2007). This standard is a guide that defines uniform tree pruning procedures and practices in order to minimize the adverse or negative impact of pruning on trees. Correct pruning techniques enable a tree to fight against disease and help it to sustain a long healthy life.

Lopping, topping and flush cutting are defined as unacceptable practices in the Australian Standard. The 'heavy pruning' that is described in this question is actually a practice called 'topping'. The act of 'topping' is perhaps the most harmful tree pruning practice known. Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Other names for topping include 'lopping', 'heading', 'tipping' and 'rounding-over'.

Through the implementation of Part 7 of the *Health and Environmental Services By-law of 2011*, Council regulates the removal and lopping of native Tasmanian trees and trees listed on the Significant Tree Register on private land. A landowner must apply for a permit if they wish to fell or lop/top/injure a native tree. Each application is assessed on a number of criteria including risk and significance. Pruning is exempt where it is carried out as per the Australian Standard. Council can take compliance action against a landowner who lops or tops a tree that required a permit for the works.

Liz Quinn, NRM Coordinator

C551/18-2020

12.3 Retrospective Application for Clearing of Land

At the Council meeting on 14 September 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

If an application is made for retrospective permission to clear large areas of native bush, the retention of which was part of the original DA, what can the Council do? Obviously the Applicant cannot be made to put it back as this will take many years to regrow. What financial penalties are there in this case?

Officer's Response:

If vegetation removal has occurred without the required Planning approvals Council has the option to undertake formal planning enforcement proceedings (which may include certain directions such as replanting; issue monetary penalties (infringements); or prosecution which may include financial penalty awarded by the court). Alternatively, Council can request that a retrospective planning permit application be made for the vegetation removal. Retrospective Planning Permit applications allow for the charging of double fees, application of permit conditions (which may include part 5 agreements, vegetation management plan, replanting, conservation of remaining vegetation) plus conditions that may require payment of Native Vegetation Offset amounts.

The decision of which path to take must consider the best outcome specific to the site and what objectives are to be achieved.

Tasha Tyler-Moore, Manager Development Services

C552/18-2020

12.4 Delegated Authority Report in the Appendix

At the Council meeting on 14 September 2020, **Cr Wriedt** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

There are three delegated authorities DA-67-2020, DA-249-2020 and DA-306-2020, all in relation to retrospective applications of various types and I wanted to know whether the appropriate increased fees will be applied to these applications?

Officer's Response:

Yes, all the mentioned applications paid double application fees.

Tasha Tyler-Moore, Manager Development Services

Deputy Mayor assumed the chair at 5.45pm

13 NOTICES OF MOTION

C553/18-2020

(commences at ± 14 minutes of audio recording)

13.1 Code of Conduct Panel

Moved: Cr Dean Winter

Seconded: Cr Flora Fox

That Kingborough Council will move a motion of no confidence in the Local Government Code of Conduct Panel at the next Local Government Association of Tasmania General Meeting and call on the Minister for Local Government to take an active role in resolving the issue.

CARRIED

Mayor resumed the chair at 6.00pm

14 PETITIONS STILL BEING ACTIONED

The following petitions are still being actioned and an officer's report will be tabled at a future Council meeting:

- Waste Collection for Tinderbox
- Unisex Bathrooms for Schools and Public Facilities.

15 PETITIONS RECEIVED IN LAST PERIOD

There were no Petitions received.

16 OFFICERS REPORTS TO COUNCIL

C554/18-2020

(commences at ± 31 minutes of audio recording)

16.1 NORTH WEST BAY RIVER MULTI-USE TRAIL FEASIBILITY STUDY - COMMUNITY ENGAGEMENT

Moved: Cr Gideon Cordover

Seconded: Cr Flora Fox

That Council:

- (a) Endorse the final Draft of the North West Bay Multi Use Trail Feasibility Report.
- (b) Approve an allocation of \$15,000 be made available from the Public Open Space Fund to commence some initial survey work to determine boundaries.

CARRIED

C555/18-2020

(commences at ± 57 minutes of audio recording)

16.2 HALLS TRACK ROAD

Moved: Cr David Grace
 Seconded: Cr Flora Fox

That the matter be discussed.

CARRIED

Moved: Cr Flora Fox
 Seconded: Cr Jo Westwood

That due to the significant cost required to implement Option 1 or 2 the closed section of Halls Track Road remains closed to passenger vehicles and four wheel drives but with no physical barriers installed so that motorists can still use at their own risk.

CARRIED

C556/18-2020

(commences at ± 1 hour, 10 minutes of audio recording)

16.3 AUDIT PANEL CHARTER

Moved: Cr Christian Street
 Seconded: Cr Flora Fox

That the attached Audit Panel Charter be approved.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Amanda Midgley, Christian Street and Steve Wass

Against: Cr David Grace

CARRIED 8/1

C557/18-2020

(commences at ± 1 hour, 17 minutes of audio recording)

16.4 FIRE RISK ABATEMENT POLICY

Moved: Cr Jo Westwood
 Seconded: Cr Sue Bastone

That Council endorse the revised Fire Risk Abatement Policy as attached to this report.

CARRIED

C558/18-2020

(commences at ± 1 hour, 23 minutes of audio recording)

16.5 ASSET MANAGEMENT STRATEGY

Moved: Cr Steve Wass
 Seconded: Cr David Grace

That this item be deferred until the next meeting.

In Favour: Crs Sue Bastone, Gideon Cordover, David Grace and Steve Wass

Against: Crs Dean Winter, Jo Westwood, Flora Fox, Amanda Midgley and Christian Street

LOST 4/5

Moved: Cr Jo Westwood
 Seconded: Cr Flora Fox

That the Asset Management Strategy, as attached to this report, be approved by Council.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Amanda Midgley, Christian Street and Steve Wass

Against: Cr David Grace

CARRIED 8/1

*Meeting adjourned at 7.05pm
 Meeting resumed at 7.12pm*

C559/18-2020

(commences at ± 17 seconds of Part B of audio recording)

16.6 NOMINATIONS FOR ACCESS ADVISORY COMMITTEE

Moved: Cr Amanda Midgley
 Seconded: Cr Gideon Cordover

That the following nominees be appointed as members of the Kingborough Access Advisory Committee:

Justine Barwick
 Kevin Brown
 Di Carter
 Paul Gilby
 Melinda Harris
 Julie Taylor
 Fran Thompson
 David Vickery
 Richard Witbreuk

Public Copy

CARRIED

C560/18-2020

(commences at ± 3 minutes of audio recording)

16.7 FINANCIAL REPORT - AUGUST 2020

Moved: Cr Jo Westwood
 Seconded: Cr Flora Fox

That Council endorses the attached Financial Report at 31 August 2020

CARRIED

C561/18-2020

(commences at ± 14 minutes of audio recording)

16.8 DEVELOPMENT SERVICES QUARTERLY REPORT

Moved: Cr Steve Wass
 Seconded: Cr David Grace

That the Development Services Quarterly report be noted.

CARRIED

C562/18-2020

(commences at ± 38 minutes of audio recording)

16.9 AUDIT PANEL CHAIRMAN'S REPORT TO COUNCIL - JULY 2020

Moved: Cr Flora Fox
 Seconded: Cr Christian Street

That the Audit Panel Chairman's Report be noted.

CARRIED

C563/18-2020

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Flora Fox
 Seconded: Cr Amanda Midgley

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*

Supply of Two (2) 11,000GVM Tip Trucks

Regulation 15 (2)(d) *contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

Kingborough Bowls Club - Request for Financial Relief

Regulation 15 (2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

Taroona Bowls Club - Loan

Regulation 15 (2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

CARRIED

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 7.53pm

OPEN SESSION ADJOURNED

OPEN SESSION RESUMES

Open Session of Council resumed at 8.43pm.

C564/18-2020

Moved: Cr Flora Fox
 Seconded: Cr Amanda Midgley

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
Supply of Two (2) 11,000GVM Tip Trucks	Supply and trade in accepted
Kingborough Bowls Club - Request for Financial Relief	Financial arrangement approved
Taroona Bowls Club - Loan	Financial arrangement approved

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.44pm.

.....
 (Confirmed)

.....
 (Date)

