

Kingborough



COUNCIL MEETING MINUTES

12 October 2020

These Minutes are provided for the assistance and information of members of the public, and are a draft until confirmed as a true record at the next Ordinary Meeting of Council

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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MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 12 October 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 CUSTODIANS

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	x
Councillor P Wriedt	✓

Staff:

General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Executive Manager Engineering Services	Mr David Reeve
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Strategic Planner	Mr Adriaan Stander
Communications & Engagement Advisor	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton

C572/19-2020

4 APOLOGIES

Cr Wass

C573/19-2020

(commences at ± 3 minutes 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 28 September 2020 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

No workshops have been held since the last Council meeting.

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

C574/19-2020

(commences at ± 4 minutes of audio recording)

10.1 Whitewater Park / Spring Farm

Mr David Bain submitted the following question on notice:

I note that Whitewater Park / Spring Farm is referenced in the Play Space and Playground Strategy.

Can you advise if plans are in place for a playground on the open space council have acquired through the subdivisions?

With the developers advertising "plans to include a natural bush playground (in conjunction with the Kingborough Council) along with a walking track along the existing Whitewater Creek" is there an expectation that the developers will be assisting with this? Or is the "gifting" of POS to council as part of the subdivision the developers only requirement?

Officer's Response:

The Spring Farm developer has included an area of public open space within the subdivision that will be suitable for a future children's playground. This is no requirement on the developer to

contribute to the cost of this playground. This will be something that Council will need to consider at some future time in accordance with the Play Space and Playground Strategy 2020.

Tony Ferrier, Deputy General Manager

C575/19-2020

10.2 Dog Complaints

Ms Qin Liu submitted the following question on notice:

In a written response to me dated 24 September 2020, Scott Basham wrote that approximately 45% of complaints under section 46 of the Dog Control Act 2000 for financial years 2018-2019 and 2019-2020 had substance. Of those complaints that were found to have substance, how many (i.e. what number):

- 1. Were complaints that the dog had behaved in a manner that is injurious or dangerous to the health of any person (s46(3)(a) of the Dog Control Act 2000)?*
- 2. Were complaints that the dog created a noise, by barking or otherwise, that persistently occurred or continued to such an extent that it unreasonably interfered with the peace, comfort or convenience of any person in any premises or public place (s46(3)(b) of the Dog Control Act 2000)?*
- 3. Other than the complaint that I lodged, how many complainants have been told by your staff that without further information being provided by the complainant, their matter would be finalised without further investigation?*

Officer's Response:

There has not been sufficient time to undertake the research necessary to prepare a response to this question for inclusion in the Council Agenda. The question will therefore be answered directly and a copy provided to Councillors.

Daniel Smee, Executive Manager Governance & Community Services

C576/19-2020

10.3 Closure of James Lane

Mr Jemery Day submitted the following question on notice:

- 1. What actions have Council taken to ensure that all relevant permits were issued for the development work at 1B James Ave prior to commencement of work on this site?*
- 2. Assuming all relevant permits were issued, what actions have been taken to ensure the initial development works, which appear to have commenced some weeks ago, are in compliance with these permits, given the current problems on this site, the resulting public safety hazard and the subsequent closure of James Lane?*
- 3. When can the public expect James Lane to be re-opened in full?*
- 4. Can information on both the reasons for the closure and the expected re-opening date be advertised on both the main Kingborough Council website (e.g. <https://www.kingborough.tas.gov.au/2020/08/temporary-closure-of-nierrina-creek-walking-track/w>) and on notices near the barriers closing off the lane, so that those who regularly use the lane (and*

those who are unable to access the Kingborough Council social media pages) have better information as to what to expect? Advertising this information only on Council related social media pages makes it difficult for many residents to find this information.

5. *As a property owner with a boundary and private access to James Lane, I would like to be able to continue to use sections of the lane that are not affected by this safety issue. There are multiple property owners in a similar situation, who may wish to continue to use those sections of the laneway which are not affected by the safety issue to access either James Avenue or Ewing Avenue. Can the safe portions of both the upper and lower sections of James Lane be re-opened as soon as possible, to allow residents with private access to these sections of the lane to continue to use the parts of this public laneway which currently have no associated safety issues?*
6. *I notice that this development is occurring in a gully that was extensively damaged in the May 2018 flood event. Given that this area was recently ranked 5th in a list of hotspots for stormwater flood damage in the Kingborough Council area, will the suggested stormwater upgrades to James Avenue be moved up the priority list, and the impacts on the local stormwater system from this development and associated risks to nearby at-risk properties be adequately monitored and abated? I hope that issues seen at the nearby development site (52 Roslyn Avenue) are not repeated with this development.*

Officer's Response:

- 1 When Council identified that the work had commenced at 1b James Avenue, Kingston Beach the standard administrative checks were conducted by Council to confirm whether the relevant statutory building and plumbing approvals were in place for the development. The checks identified that Planning, Building and Plumbing statutory approvals are in place for the development.
- 2 The initial priority of Council investigations was aimed at mitigating any risk to the public. This identified the need to immediately close the walkway. The next part of the Council investigation will look into the circumstances that gave rise to the need to close the walkway. It is common for such investigations to assess a development for compliance with the relevant condition's approval.
- 3 The expected date for reopening the walkway is the 26th of October 2020. Council will closely monitor the status of building work at 1b James Avenue and update the community if there is any change to this date.
- 4 The notification of the closure of the walkway has occurred on Council's website and signage has been erected on the access points to the laneway informing pedestrians of walkway closure.
- 5 Council has recently reopened the eastern and western segments of the walkway. However, the section of the walkway that adjoins 1b James Avenue, Kingston Beach remains closed to the public until the 26th of October 2020. The walkway cannot be used as a means of access between Ewing Avenue and James Avenue until the walkway is fully reopened.
- 6 The ranking of flooding hotspots in Kingborough Council's Stormwater System Management Plan was based on a preliminary assessment to provide an indication of where flooding hotspots are likely to occur within the municipality. Although Council do not have intentions to revise the outcome of this study continuously as development within the municipality occur, it is likely that the study will be updated every 5 years or so. Further to this, Council is in the process of collating all recommendations made from several recently finalised studies to establish a likely timeframe for when each recommendation can be progressed further. As part of the approved DA for the development at 1B Ewing Avenue, several stormwater management measures were required for the development to ensure that any potential

adverse impacts on downstream properties as a result of the development is significantly mitigated and managed. Further to this, an on-site drainage and access maintenance plan to property owners on 1B Ewing Avenue was required as part of the DA. This plan will ensure ongoing maintenance and monitoring of the site such that the implemented stormwater management measures will operate as intended.

Andy D'Crus, Building and Plumbing Coordinator

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C577/19-2020

(commences at ± 5 minutes of audio recording)

11.1 Kingborough Ratepayers Association Submission

Cr Grace asked the following question without notice:

Will this come to Council in a full report and when?

General Manager responds:

The Mayor has kindly provided me with a copy and I will endeavour to get a report to the next Council meeting.

C578/19-2020

11.2 Single Use Plastics

Cr Cordover asked the following question without notice:

Has Council taken any steps towards helping local businesses to prepare for the potential phase out and ban of the 10 most problematic single use plastics found in marine life and in the ocean, in line with steps taken in the EU to end the use of harmful single use plastic?

Executive Manager Engineering Services responds:

There is a lot happening in this space at the moment. You will be aware of the work at a State Government level with the draft Waste Action Management Plan which is starting to get some traction. There will be some actions that will come out of that process that will look at single use plastics in particular and how Councils and other organisations might be involved in actually assisting in that space. It's a bit of a wait and see at this stage but it is something that we know we will have an active role to play going forward.

Cr Cordover:

What are some examples that we might do to help facilitate businesses to make that change?

Executive Manager Engineering Services:

Through our own Waste Management Strategy you will note that there are a number of things that look at education at a lot of different levels, so it's not just about schools and the general community but it's also about businesses as well. I would suspect that we will take the lead from the State Government in terms of how we would be involved as a Council and then we would use the processes we have at the moment to then go through a similar type of educational support process with businesses, particularly some of the smaller businesses that may not be necessarily in the position to enact some of these things themselves, so that's where Council can take more of a lead role for those particular businesses.

C579/19-2020**11.3 Customer Complaints Policy**

Cr Wriedt asked the following question without notice:

I wrote to you on 14 September in relation to Council's Customer Complaints Policy. I didn't receive a response. I followed up with a further e-mail to you on 22 September and I followed up with a further email to you this morning. To date, some four weeks later, I haven't received a response or even an acknowledgement to my email and I'm wondering when I might expect a response?

General Manager responds:

Cr Wriedt, I don't recall receiving any of those emails so I will follow that up with our IT department.

C580/19-2020**11.4 Council Contractor Works**

Cr Bastone asked the following question without notice:

Two weeks ago at 7.15am on a Sunday morning, a contractor employed by the Council started to core the Woodbridge Oval in preparation for the cricket season, which woke up everybody in the area. When the residents rang Council on the Monday morning to complain, they were told that Council was not obliged to abide by the EPA noise regulations. Is this correct?

Executive Manager Governance & Community Services responds:

The oval and the work undertaken by Council on the oval is not subject to the normal residential noise requirements but whether that means that it doesn't come under the EPA definition of a nuisance, that I'm not sure. I know that the standard residential requirements with respect to use of machinery don't apply within the zone that the oval is in.

C581/19-2020**11.5 Coningham Toilet Block**

Cr Bastone asked the following question without notice:

When can we expect the new Coningham toilets to be open?

Executive Manager Engineering Services responds:

I can't give you an exact date at this stage but it will be very shortly.

C582/19-2020**11.6 General Manager's Diary**

Cr Midgley asked the following question without notice:

In the General Manager's diary in the appendix, on 22 September, Christian Schools traffic issues – could I please have some understanding regarding that?

General Manager responds:

That discussion was in relation to a near miss involving a young student at Calvin and I was joined at that meeting by my colleague, Mr Reeve and I understand that he will be looking at what options might be available to address that occurrence.

C583/19-2020**11.7 Ride to Work Day**

Cr Midgley asked the following question without notice:

Is Council taking any initiatives in regards to this with staff?

General Manager responds:

I must confess that I am not personally aware of the day that it occurs and I expect that it has probably come up in the Bicycle Advisory Committee, but other than that I can't help you.

C584/19-2020**11.8 Huntingfield**

Cr Midgley asked the following question without notice:

Have Council staff received any background information or technical reports for the Huntingfield Masterplan?

Manager Development Services responds:

No, we haven't received any detailed reports, anything further than what was at the community forums.

Cr Midgley:

As part of the development application, should they be submitting technical reports and background information?

Manager Development Services:

It's our expectation that they would. If they don't, then it's likely we would request that as a further information request standard for any planning application that we deal with. We need to have the information available to us to be able to make a proper decision.

C585/19-2020**11.9 Aboriginal Flag for Citizenship Ceremonies**

Cr Midgley asked the following question without notice:

Did we purchase an Aboriginal Flag for Citizenship Ceremonies?

Mayor responds:

We will take that on notice.

C586/19-2020**11.10 Cultural Awareness Training**

Cr Midgley asked the following question without notice:

Do staff or management undertake any training with the Tasmanian Aboriginal Corporation, the cultural awareness training?

General Manager responds:

I'm not aware that we have in recent times.

Cr Midgley:

Is that something that we would consider for the future? I think it's around \$200 per staff to participate.

General Manager:

Yes, happy to look into that.

C587/19-2020**11.11 Sale of Land at Alonnah**

Cr Cordover asked the following question without notice:

Does Council need to readvertise it's intention to sell in a newspaper? What is the process?

Executive Manager Governance & Community Services responds:

We've advertised our intent in a newspaper. The process now is for Council to assess the submissions received, consider the merits of those submissions received and make a decision as to whether it wishes to proceed with the sale or otherwise. Any person having made a submission is then entitled to a right of appeal through the provisions of the Local Government Act.

Cr Cordover:

What kind of time frame are we looking at?

Executive Manager Governance & Community Services:

It's our intention to provide a report to the next Council meeting on this matter. However, that will be subject to being able to meet the deadline of the agenda which is closing this week.

Cr Cordover:

The current zoning is residential. Was there ever a different zoning or change of zoning for that particular piece of land.

Executive Manager Governance & Community Services:

My understanding is that it has always been zoned residential. I haven't been able to find any information to the contrary.

Cr Cordover:

It says it was considered for sale in 2002, however Council received considerable negative resident feedback and so the sale did not proceed. Does anybody recall the details of that situation in 2002?

Mayor:

In response to Cr Grace's request, Mrs Morton has provided the minutes of that meeting and would be happy to forward that to you as well. They are public minutes and I would also suggest offline you could talk to Cr Grace or Cr Fox who were both in the room at the time.

C588/19-2020**11.12 Sale of Land**

Cr Midgley asked the following question without notice:

We have received quite a number of e-mails in regard to the various properties across Kingborough and some of the comments is the lack of a letter to the residents and I understand that was not part of the requirement. People have asked why wasn't it advertised on the Council Facebook page? So many other matters are promoted there but this one wasn't.

Mayor responds:

I'm not sure that is correct. As the Mayor I have advertised it and the media release which was on our website. I certainly provided a link through my social media and answered somewhere close to 20 to 30 comments, dealt with all the questions. So it certainly has been on social media and there was a lot of interest in that. We also sent a media release to The Mercury which is the best and broadest way to communicate with people. We also did media on the ABC so I think we were very proactive and probably the reason why we have got so many emails is because I think we have communicated the intention pretty well. In hindsight I probably would have sent the media release to the Bruny Island News which was an oversight on my behalf, but apart from that I think we have communicated it pretty well.

12 QUESTIONS ON NOTICE FROM COUNCILLORS**C589/19-2020**

(commences at ± 20 minutes of audio recording)

12.1 COVID Safe Evacuation Centres

To stay COVID-safe at indoor gatherings, venues need to be spacious enough to allow for adequate social distancing and be prepared with extra hygiene measures. Periodically, natural disasters such as bushfires or floods require indoor evacuation centres to be rapidly set up within the municipality. In the event of a disaster requiring the use of indoor evacuation centres by large numbers of people, is there sufficient indoor evacuation space available in Kingborough to provide COVID-safe emergency evacuation facilities? Have emergency management preparations been updated since COVID-19 to account for the extra space and hygiene measures that might be required during an emergency?

Officer's Response:

Council's designated Emergency Evacuation facility is the Kingborough Sports Centre. Whilst the number of residents who may require the use of such a facility in an emergency event is

impossible to predict, the size of this building provides scope to cater for significant numbers of evacuees, even with social distancing requirements in place. Council's Emergency Management staff have been working with the Department of State Health in relation to the additional safety requirements associated with operating a Emergency Evacuation Centre during the COVID-19 pandemic and have updated procedures accordingly.

Daniel Smee, Executive Manager Governance & Community Services

C590/19-2020

12.2 Villa Howden

What is the status of the development permit at Villa Howden?

Officer's Response:

The planning permit that was issued to Villa Howden allows for an extension that accommodates 42 new guest rooms, plus dining area, bar and manager's accommodation. This permit was granted in November 2018 and an extension was applied for in July 2020. As provided for within the legislation, this two year extension was granted and the existing permit now expires on 6 November 2022.

Tony Ferrier, Deputy General Manager

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.50pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY**C591/19-2020***(commences at ± 21 minutes of audio recording)***13.1 PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 – PSA-2019-3, FORMER KINGSTON HIGH SCHOOL SITE SPECIFIC AREA PLAN LOCATED AT ‘KINGSTON PARK’, 42 CHANNEL HIGHWAY, KINGSTON**

Moved: Cr Jo Westwood

Seconded: Cr Flora Fox

That Council resolves that:

- a) Council notes the representations to PSA-2019-3, together with the Council officer's responses;
- b) the Tasmanian Planning Commission be advised that Council is not recommending any further modifications to the amendment as a result of representations received; and
- c) Pursuant to section 39(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forward a copy of this report and the representations to the Tasmanian Planning Commission.

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

Against: Cr David Grace

CARRIED 8/1**13.2 DA-2020-288 - DEVELOPMENT APPLICATION FOR DWELLING AT 31A HINSBY ROAD, TAROONA (CT 126472/2)**

This report was withdrawn by the applicant.

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumed at 6.08pm

14 NOTICES OF MOTION

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

15 PETITIONS STILL BEING ACTIONED

The petition headed 'Unisex Bathrooms for Schools and Public Facilities' will be tabled at a future Council meeting.

16 PETITIONS RECEIVED IN LAST PERIOD

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

17 OFFICERS REPORTS TO COUNCIL

C592/19-2020

(commences at ± 40 minutes of audio recording)

17.1 DRAFT BUSHFIRE MITIGATION MEASURES BILL

Moved: Cr David Grace
Seconded: Cr Amanda Midgley

That Council resolve to provide LGAT with a submission to inform the LGAT sectoral response to the Bill.

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

Against: Cr Dean Winter

CARRIED 8/1

C593/19-2020

(commences at ± 54 minutes of audio recording)

17.2 SEALED PLAN NO. 171047 AFFECTING LAND AT 361 REDWOOD ROAD, KINGSTON

Moved: Cr Christian Street
Seconded: Cr Paula Wriedt

That Council resolve to provide the following statement of reasons for refusing to amend Sealed Plan No. 101047 by deleting the covenants in relation to Lot 96 because:

1. The Sealed Plan was only recently registered;
2. There has been no substantial change to the nature or use of the area of and surrounding the Sealed Plan since it's registration;

3. There is at least one registered proprietor that benefits from the covenants in the Sealed Plan objecting to the amendment.
4. In these circumstances the amendment should be rejected.

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

Against: Cr David Grace

CARRIED 8/1

C594/19-2020

(commences at ± 56 minutes of audio recording)

17.3 WASTE AND RECYCLING KERBSIDE EXTENSION TO TINDERBOX

Moved: Cr David Grace

Seconded: Cr Flora Fox

That Council resolve to take no further action as to an extension of the garbage and recycling service to the Tinderbox area and that the organisers of the petitions requests such be advised accordingly.

In Favour: Crs Flora Fox and David Grace

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

LOST 2/7

Foreshadowed Motion

Moved: Cr Christian Street

Seconded: Cr Flora Fox

That Council resolve to survey the tenements in the Tinderbox area to ascertain the community's willingness to adopt a Council managed waste and recycling collection service.

CARRIED

C595/19-2020

(commences at ± 1 hour, 12 minutes of audio recording)

17.4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS POLICY

Moved: Cr Flora Fox

Seconded: Cr Amanda Midgley

That Council's Acknowledgement of Traditional Owners Policy be incorporated within the forthcoming development of a Kingborough Reconciliation Action Plan.

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

Against: Cr David Grace

CARRIED 8/1

C596/19-2020

(commences at ± 1 hour, 31 minutes of audio recording)

17.5 KINGSTON PARK IMPLEMENTATION REPORT OCTOBER 2020

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

That the Kingston Park Implementation Report October 2020 be noted.

CARRIED

C597/19-2020

(commences at ± 2 minutes of audio recording)

18 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.*

CARRIED BY ABSOLUTE MAJORITY

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 7.17pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7.18pm

C598/19-2020

Moved: Cr Gideon Cordover

Seconded: Cr Flora Fox

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.19pm

.....
(Confirmed)

.....
(Date)