

Kingborough



COUNCIL MEETING MINUTES

19 July 2021

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



Acting 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, 19 July 2021 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:

Acting 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	✓

Staff:

General Manager	Mr Gary Arnold
Director Engineering Services	Mr David Reeve
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Environment, Development & Community	Dr Katrena Stephenson
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

4 APOLOGIES

There were no apologies.

C365/14-2021

(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.13 held on 5 July 2021 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

C366/14-2021

*(commences at ± 3 minutes of audio recording)***9.1 By-Law Amendments**

Ms Jill Hickie asked the following question without notice:

Council is currently undertaking community engagement on the Council By-Law amendments, which closes today. Of particular concern to the community is the removal of Part 7 – Trees on Private Property from the Health & Environmental Services By-Law based on legal advice that the Council has received. The removal of this part of the By-law will have long term detrimental impacts on the future character and natural biodiversity values of Kingborough and the South East Tasmania and these can never be replaced. Given the level of importance of this proposal, why wasn't greater effort made by the Council to engage with the community giving the time and consideration required on this proposal?

Director Governance, Recreation and Property Services responds:

Council followed the processes as prescribed by the Act with respect to community consultation on this matter. We also undertook two Council workshops in relation to the matter. It has been something that we are well aware of the community concern and something that we have tested vigorously with our legal advisers.

Ms Hickie:

Again, given the level of importance, why wasn't a second legal opinion obtained?

Director Governance, Recreation and Property Services:

It's not so much a legal opinion as the fact that our By-Laws, by legislation, need to be prepared and certified by a qualified, practising legal practitioner. The legal practitioners that we have

engaged have indicated that the inclusion of this clause is contrary to law and is not something that they would be prepared to sign off on given their legal requirement to do so under the Act. The question of getting a second legal opinion is one of how far do you go? We have engaged a well respected legal firm to undertake this work for us. They have consulted broadly within their own firm and are firmly of the opinion that the advice that they are providing is correct and we see no value in getting a second legal opinion.

Ms Hickie:

Given that the Taroom Community Association and the Taroom Environment Network have obtained a second legal opinion, I am wondering will the Council reconsider this matter in another workshop?

Director Governance, Recreation and Property Services:

The Act requires Council to consider all submissions made. There is no definition with respect to the manner in which those submissions are to be considered but if Council considers that a workshop is necessary, then I'm sure that is something that we can do. The matter of the consideration of the submissions, there is no prescribed process under the Act.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

There were no questions on notice from the public.

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C367/14-2021

(commences at ± 7 minutes of audio recording)

11.1 Plant Hire on Bruny Island

Cr Grace asked the following question without notice:

In March I raised an issue about plant hire and undertaking road works at Adventure Bay. Could we please be supplied with a copy of the invoices and charges of the plant that was used on that road works for the period of the start to finish naming days, dates and how much they cost?

Director Engineering Services responds:

There certainly would be some information that we could supply, bearing in mind that some of the information is going to be commercial in confidence so we couldn't have that in the open agenda of Council. If it was covered off on some previous questions on notice then I'm happy to provide some of that information.

C368/14-2021

11.2 Foot Bridge, Snug

Cr Grace asked the following question without notice:

Could I have a costing of what the structural problem is with the bridge? What would it cost to upgrade the bridge, compared to what we have in our agenda of \$250,000, and that is only an estimate. And what would it cost to actually fix those structural problems as to compared to reconstruct the bridge?

Acting Mayor responds:

We will take your question on notice.

Cr Grace:

If we reconstruct the bridge with a new bridge, how is that going to fit in with the character statement?

Acting Mayor:

We will take that on notice.

C369/14-2021**11.3 Signage in Huntingfield**

Cr Bastone asked the following question without notice:

Could 'Keep Clear' be painted on Sirius Drive, Huntingfield where Prince Henry Place, Charles Eaton Court and Thistle Down Street intersect? At the moment the cars leaving Huntingfield after school pick up time form a continuous line across the entrances to these streets and it obstructs residents from returning home who turn right into these streets.

Director Engineering Services Response:

I'm happy to take your question on notice.

C370/14-2021**11.4 Street Lighting on the Intersection of Sandfly Road and Allen's Rivulet Road**

Cr Cordover asked the following question without notice:

What is the criteria that will be used to assess whether or not a street light is needed at that location? What would be the trigger for getting a street light at that location as there is already one at the other side of the intersection of Allen's Rivulet and Sandfly. To get a street light at the other intersection, what would be the trigger point where we would say that we do need it?

Director Engineer Services responds:

We typically have street lighting in our urban areas so in the rural areas where you have heavier movements of traffic moving through there or other conflicts potentially walking tracks where there is a need to have some sort of light at the intersection, you may have one. The other thing that we have to take into account is whether there is any power that is easily accessible to put a pole up. I believe in this particular case that is not the case so it would be quite an expensive operation to instal a street light. It's about consistency across the municipality as well otherwise there would be a significant expense to Council if we were to put street lights on all of our intersections.

Cr Cordover:

Is there any way of getting an indicative cost so that way we would know if it was feasible?

Director Engineering Services:

Yes, but typically what we do when we are trying to get designs which are beyond just putting in a street pole, so it's about trying to bring power to the pole as well and we would get TasNetworks to do it. There is a cost associated with trying to get an answer to your question and it would be more a process that we would go down there if we were quite comfortable and believed that it was one that was definitely warranted to have in that location.

Cr Cordover:

In areas like Allen's Rivulet which are experiencing quite a significant degree of growth, but they are also in a rural area, do we have a policy framework for when we go an re-test those things and pay the money to get the costings? What should we wait for?

Director Engineering Services:

Yes and no. We do certainly evaluate in a non-formal way in particular areas where we know that there has been growth and the traffic numbers have changed. One of the things that we are looking at putting together is a street lighting policy and that will be covered in that part of it and it would make it a lot clearer and provide a lot more understanding to both Councillors and the community in terms of when and what type of lighting we would put in different locations.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C371/14-2021*(commences at ± 17 minutes of audio recording)***12.1 Smoke-Free Kingborough Sports Precinct**

At the Council meeting on 5 July 2021, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

How are we progressing with plans for a smoke free Kingborough public spaces, such as the sports precinct and areas of the CBD? What are the kind of time frames we should expect before being ready to declare the sports precinct smoke free and implement adequate signage and community awareness for that broad change?

Officer's Response:

At this stage, Council has not endorsed the approval of any further Council-owned land to be smoke-free apart from the areas declared at Kingston Park. The further declaration of smoke-free areas within Kingborough would be best considered as part of a strategy document to guide possible options and consideration within a broader structure.

Abylene McGuire, Senior Environmental Health Officer

C372/14-2021**12.2 Woodbridge Hall Roof**

At the Council meeting on 5 July 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Will the new roof on the Woodbridge Hall be painted?

Officer's Response:

The Woodbridge Hall is located within the Woodbridge Heritage Precinct and listed on the State Heritage Register

Due to the rapidly deteriorating condition of the existing roof fabric over the past five years Heritage Tasmania has been extensively involved. The replacement of the roof required a Works Permit Exemption from Heritage Tasmania under the *Historic Cultural Heritage Act 1995* that was issued on the basis that the product to be used was galvanised steel sheeting in a Custom Orb profile.

Historic records indicate the original roof sheeting is over 130 years old and for maintenance reasons was firstly painted green and then subsequently painted red. A photograph of the original roof and landscaping is featured on the history panel at the entrance to the Hall showing the silver appearance of the roof.

In conjunction with the recently approved DA for relocation of the 1970's public toilets addition from the visually prominent Jetty Road elevation on the north to the less visible south elevation the Woodbridge Hall Committee and Heritage Tasmania saw this as an opportunity to restore the structure to its original grace and historic accuracy.

Prior to work commencing a photograph of a recent reroofing project involving a Heritage building in Oatlands was circulated via the Community Newsletter showing how this roofing product dulls very rapidly once exposed to the elements.

Technical product information can be found on the Fielders Heritage roofing website.

There is no intention to paint the new roof.

Daniel Smee, Director Governance, Recreation & Property Services

C373/14-2021

12.3 Availability of Power Points to the Public at the Community Hub

At the Council meeting on 5 July 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

The outside power points at the Hub are not locked. They have covers on them but they are not locked and there have been large numbers of teenagers going there and plugging in their phones and using the free Wifi after hours and late into the night. Could we have those power points locked?

Officer's Response:

The Kingborough Community Hub and Kingston Park are attractive spaces for young people to congregate after school and this is welcomed. This emerging use by young people will be supported by the move of Council's Community Services staff to the Hub over the next few months.

However, it is also important to ensure the experience is not undermined by a minority who are using the space at inappropriate hours and undertaking illegal activities such as vandalism, drug use and threatening behaviour. It is also important to ensure all hirers, many of whom are not for profit, feel comfortable to use the facility. The hire fees are important in offsetting the cost of maintaining the Hub.

Since last week the Baby Change room has been temporarily locked with advice to use the Universal Access facility, which has a baby change table. This provides time to rectify graffiti and determine an appropriate approach to use for all users, but in particular mothers who need to change their baby. The Coordinator Community Services and the Hub has been successful in engaging with young people in the facility about appropriate and time limited use of the baby change room.

Council and the Police have access to all the footage from the Hub and Kingston Park Security Cameras as well as the footage from the street security cameras. Council have not been advised by Police of any assault at Kingston Park.

The Coordinator Community Services and the Hub has already instigated conversations with the electrical contractor about how the external power sources can be 'turned off' at certain times to deter congregations occurring very late or in the early morning hours but provide access at other times to support young people socialising. The limited use of the WIFI at those times and the relatively low bandwidth mean there is limited value in having 'off hours' and this would be at odds with how free WIFI is applied in community spaces elsewhere.

Council is currently finalising new arrangements with Council's security provider, which includes a direct security response for after hours hirers and in response to alarms. This is in addition to the regular evening security patrols being undertaken for Council as well as those now being undertaken by Police.

It is worth noting that following the Council meeting there was a significant online discussion in support of ensuring young people are welcome to make use of the open space at the park and Hub at appropriate times, including through providing charging points.

Dr Katrena Stephenson, Director Environment, Development & Community

C374/14-2021**12.4 Bruny Island Boat Club Lease**

At the Council meeting on 5 July 2021, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Who actually owns the land? I believe Crown own it. Could we get a report on that lease?

Officer's Response:

The Bruny Island Boat Club are positioned on Crown land. In the past we have had a "head" lease with the Crown and sub-lease to the Club. The Club have decided that they would prefer a lease direct with the Crown which they are now investigating.

Sean Kerr, Property Officer

C375/14-2021**12.5 Stage 2 Development, Kingston Park**

At the Council meeting on 5 July 2021, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I have been made aware through KBAC that there could be a potential pump track through that area as part of Stage 2 and I'm wondering if these plans will be available to the public or if there is any further consultation regarding Stage 2?

Officer's Response:

Council approved the upgrade of Kingston Park Public Open Space Stage 2 at the meeting held on 18 January 2021 (Minute C19/1-2021 refers). The final design has been previously provided to councillors with a render of the stage 2 design anticipated to be publicly distributed the week of 12 July 2021. However, additions to the plan include an extra BBQ pavilion, children's pump track, children's bike loop track, and a viewing deck. The consultation for the whole master plan was carried out prior to the first stage of the park being developed. The second stage delivers on the desired outcomes articulated during that consultation. Whilst Council is continuing to log public feedback on the public open space, no further formal consultation will be carried out.

Dr Katrena Stephenson, Director Environment, Development & Community

C376/14-2021**12.6 Banning Single Use Plastics**

At the Council meeting on 5 July 2021, **Cr Wass** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I would like to ask where LGAT is, whether we should be following LGAT or whether we should be following the Hobart City Council in relation to banning single use plastics?

Officer's Response:

In July 2019 LGAT Members passed the following resolution – "That the Local Government Association of Tasmania lobbies the State Government to complete a state-wide Waste Strategy that includes Policy and Legislation that will phase out single use plastics across the State and support the establishment of regional composting facilities". LGAT has continued to advocate on this matter.

In a letter dated 1 July, the Minister for Environment advised the Acting Mayor (in response to her letter of 25 May 2021) that, the Tasmanian Government has committed to phasing out single use plastics from Government and Council facilities and events on publicly owned land by 2023, and to a state-wide phase out of problematic and unnecessary plastics by 2025.

The City of Hobart has become the first Council in Australia to introduce a by-law prohibiting the use of single use plastics in the municipality. The process to implement this by-law, including engagement, regulatory processes and phased implementation has taken over three

years. Given the State Government's commitments above, there would appear to be no significant time savings for Kingborough in pursuing a by-law over a state-wide approach. Significant resourcing would be required if Council decided that a by-law was the preferred approach.

Council should continue to advocate for the phase out of single use plastics and encourage the State Government to work towards compressing the timelines for delivering on the phase out of problematic and unnecessary plastics.

Dr Katrena Stephenson, Director Environment, Development & Community

C377/14-2021

12.7 Adventure Bay Road

Cr Bastone submitted the following question on notice:

Could the council please look at the drains on either side of Adventure Bay Road in the area in front of the Adventure Bay caravan park. Even when it hasn't rained there are large amounts of standing water on both sides of the road.

Officer's Response:

A customer service request will be generated to investigate but generally standing water in sections is to be expected due to the comparative levels of the road versus the water table in the area.

David Reeve, Director Engineering Services

C378/14-2021

12.8 Sawdust Road

Cr Bastone submitted the following question on notice:

Could the council place some more gravel on the edge of Sawdust Road in the vicinity of number 16 where numbers of people park to use the Slider track? It is very cut up and muddy.

Officer's Response:

A customer service request will be generated to investigate.

David Reeve, Director Engineering Services

C379/14-2021

12.9 Hire of Council Halls

Cr Bastone submitted the following question on notice:

If an entity hires a council hall on a regular basis 12 times a year are they covered for injuries to people visiting the hall for a function or is it only people who are members of the entity hiring the hall who are covered? If people wish to hire the hall 24 times a year and take out their own public liability insurance are they covered for 12 events by council and then need to have insurance for 12 events themselves?

Officer's Response:

We have an insurance policy that provides public liability (PL) cover for uninsured hirers of our community halls, with the cover for hirers of less than 52 hire events per year. This policy is limited to our halls and does not extend to coverage of uninsured groups using our other facilities.

Casual hirers of Council's halls are covered for public liability insurance (ie potential injuries to any member of the public). This insurance does not provide cover for commercial hirers who are expected to have their own cover. Any liability cover of hirers takes precedence over our cover and is not in addition to cover provided by Council.

Council is sometimes asked about events being run by Community Groups on public land. It is worth noting that Community groups/associations are not covered by Council's PL insurance unless it is a council organised and run event.

Dr Katrena Stephenson, Director Environment, Development & Community

C380/14-2021

12.10 Youth Space/Activities

Cr Midgley submitted the following question on notice:

- 1 *What communication or media has Council done in relation to notifying the community that Yspace is closed?*
- 2 *Would Council consider engagement with young people about activities they might be interested in doing at the Kingborough Hub?*
- 3 *Will there be a dedicated youth space at the Kingborough Hub?*
- 4 *Would Council consider establishing a youth / children network group made up of youth, children and family focused stakeholders, parents, carers?*

Officer's Response:

- 1 Advice was circulated via Community Services network including to schools, but it should be noted it has not been used as a drop in space for a significant amount of time but rather as a program space. The programs will now take place at the Hub and other venues around the municipality. Increasingly young people do not want to congregate in a space that is monitored/supervised by adults.
- 2 Significant engagement was undertaken to develop the Youth Strategy and currently the Youth Action Kingborough members are doing a survey to help further identify what Kingborough's young people would like. Once the Community Services team have all moved to hub (likely October) and we also have an Engagement officer in place, we will look at what other engagement could be undertaken and when, being mindful of other Council engagement priorities.
- 3 There will not be a dedicated youth space at the Hub, but a number of youth programs will be run from there, and Kingston Park. Additionally, we will continue to undertake youth outreach activities (eg Westwinds, Blackman's Bay Skate Park) and Get Ready for Work programs. The Community Services team are also looking at the feasibility of setting up a pop up youth space in the teen area of Kingston Park as a relaxing open air drop in during warmer school holidays (staffed for a few hours a day, with a BBQ, beanbags, service providers etc).
- 4 Council already has the Kingborough Youth Action Network (YAK) in place. The Community Services Unit is a small team which has to service a wide range of community groups and needs. Consequently we must carefully consider resources and capacity in the context of their full workplan before establishing new and ongoing service requirements. The annual workplan is currently being developed and we can consider this idea in that context. We note the importance of not undertaking broad engagement without a clear view of future capability and what we can actually delivery.

Dr Katrena Stephenson, Director Environment, Development & Community

13 NOTICES OF MOTION

There were no Notices of Motion.

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

C381/14-2021*(commences at ± 19 minutes of audio recording)***15.1 Public Furniture, Tinderbox**

Moved: Cr David Grace

Seconded: Cr Steve Wass

That the petition containing **29** signatures be received and referred to the appropriate Department for a report to Council.

CARRIED

16 OFFICERS REPORTS TO COUNCIL

C382/14-2021*(commences at ± 19 minutes of audio recording)***16.1 FOOD TRUCK POLICY REVISION - JULY 2021**

Moved: Cr Steve Wass

Seconded: Cr Sue Bastone

That the matter be discussed.

CARRIED

Moved: Cr Flora Fox

Seconded: Cr David Grace

That this matter be deferred.

CARRIED**C383/14-2021***(commences at ± 1 hour, 16 minutes of audio recording)***16.2 NOMINATION FOR MEMBERSHIP TO THE DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE**

Moved: Cr Paula Wriedt

Seconded: Cr Sue Bastone

That Claire Richardson be appointed as Baptcare representative to the Disability Inclusion and Access Advisory Committee.

CARRIED

C384/14-2021

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Flora Fox
Seconded: Cr Steve Wass

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*

COVID-19 Rental Relief

Regulation 15(2)(c)(i) *commercial information of a confidential nature, that if disclosed, is likely to prejudice the commercial position of the person who supplied it.*

Sale of Land for Non-Payment of Rates

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

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY

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 6.47pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 6.50pm

C385/14-2021

Moved: Cr Flora Fox
 Seconded: Cr Sue Bastone

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
COVID-19 Rental Relief	Noted
Sale of Land for Non-Payment of Rates	Noted

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 6.51pm

.....
 (Confirmed)

.....
 (Date)