

Kingborough



COUNCIL MEETING MINUTES

6 September 2021

Kingborough Councillors 2018 - 2022



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor Clare Glade-Wright



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass

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MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 6 September 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:

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

Staff:

Acting General Manager	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Manager Development Services	Ms Tasha Tyler-Moore
Natural Areas and Biodiversity Coordinator	Ms Liz Quinn
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

4 APOLOGIES

There were no apologies.

C455/18-2021

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
Seconded: Cr Clare Glade-Wright

That the Minutes of the open session of the Council Meeting No.17 held on 16 August 2021 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

23 August - Kingston Park and Transform Kingston
30 August - Metro Plan

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

C456/18-2021

10.1 Blackmans Bay Skyline

At the Council meeting on 16 August 2021, **Ms Rosalie Maynard** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Am I incorrect in thinking Council has proposed a Special Area Plan for the Burwood Drive area?

Officer's Response:

It is correct, there is a 'Burwood Drive Specific Area Plan' proposed as part of the LPS. The SAP was reviewed and supported at the Council meeting in November 2019 before it was forwarded to the Tasmanian Planning Commission for consideration. A copy of the SAP and its controls can be viewed online in the *Kingborough Draft Local Provision Schedule - supporting report* from that meeting at:

https://www.kingborough.tas.gov.au/wp-content/uploads/2019/12/AttachmentE_SupportingReport_draft_KingboroughdraftLPS_DDM_20191120.pdf

Tasha Tyler-Moore, Manager Development Services

C457/18-2021**10.2 Walking Track, Spring Farm**

Mr David Bain submitted the following question on notice:

In January 2020 Councillors went against Council Officers' advice and accepted the Spring Farm Estate developer's offer to construct a walking track through Spring Farm, in lieu of making their public open space contribution.

The result to date is that the developers have been able to hold on to \$353,000 for 20 Months (which would have otherwise been paid to Council) and in return are yet to even commence work on the track. It's also worth noting that in this same period of time, the same developers have successfully managed to find the necessary time and resources to complete several stages of their Spring Farm Estate subdivision.

Can you please advise the following:

- a) *Has the General Manager or the Mayor contacted the developer to convey any frustration and disappointment in the clear lack of focus and priority the developer has toward the commencement and completion of this walking track project?*
- b) *Given the development application for the track was lodged around the 19 April 2021, why is it that some 18 weeks later it is still yet to be advertised. Has any sense of urgency been encouraged with the track plan revisions the Council have requested be made by the developer?*

Officer's Response:

There has been substantial negotiation between Council and the developer. This is a complex trail to design. Council officers have been working with the proponents on the many and varied design considerations including: environmental values, connectivity, flooding issues, line of sight, and user conflict issues. These considerations have required collective efforts from both Council and the developer to get the best outcome – that has been the focus of both parties. Substantial work has been undertaken on the design. A development application has been lodged but Council is awaiting some final information before proceeding to the next steps.

Dr Katrena Stephenson, Director Environment, Development & Community

C458/18-2021**10.3 Environmental Fund**

Ms Kate Lucas submitted the following question on notice:

The Kingborough Environmental Fund created from the collection of Biodiversity offsets had a balance of around \$800,000 in 2019. How much has been spent since then and on what projects? What is the current balance of the fund?

Officer's Response:

Expenditure from the Kingborough Environmental Fund (the Fund) is governed by the project implementation plan. This plan was completed in 2019 to guide the expenditure and governance of the Fund and is available on Council's website. A steering committee of experts and stakeholders in the field of conservation provides leadership, technical assistance, and advice on the expenditure of the accumulated offset funds.

When the Fund was created in September 2018 it was holding approximately \$800,000 in biodiversity offset contributions. Expenditure commenced in the 2017-2018 financial year following the employment of a project officer. As of the end of the 2020-2021 financial year \$345 000 had been expended.

The Fund has now received just over one million dollars to be invested in conservation and land management in Kingborough. The Implementation Plan outlines ten projects to be delivered by the Fund. These include revegetation projects to restore habitat for threatened species such as the Swift parrot and Forty-spotted pardalote and threatened vegetation communities such as Black peppermint forest on sandstone and recovery actions for threatened species such as population research and survey work. The majority of funds will be invested in permanent nature reserves on private land. Four conservation covenants under the Fund have been secured with two further covenants to be completed in coming months. The program is on track to meet all of the target outcomes set out in the implementation plan.

Liz Quinn, NAB Coordinator

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C459/18-2021

11.1 Mayor's Hours and the Mayoral Vehicle

Cr Grace asked the following question without notice:

Are you a full time Mayor or part time?

Mayor responds:

I'm not quite sure what you mean by that. Do you mean do I have another job? Yes I do. I work two days a week for Cystic Fibrosis Tasmania. It was three days a week and I cut back my hours to incorporate the Mayoral job.

Cr Grace:

Do you have a fully maintained motor vehicle from the ratepayers?

Mayor:

I have the Mayoral car, yes, as other Mayors have.

Cr Grace:

Is this another new vehicle or have you taken the vehicle from the previous Mayor?

Mayor:

I inherited the previous Mayor's vehicle.

C460/18-2021

11.2 Workshops

Cr Grace asked the following question without notice:

I'm a little bit stunned at how many questions you can ask at a workshop. I've been pulled up now three times at workshops for asking too many questions. Why don't we go back to the old system where we had committees and that enables us to ask more questions.

Mayor responds:

For the record, I don't believe that your comments or questions at workshops have been prevented or stymied. In fact, at the last workshop last Monday evening I allowed you about 10 minutes to make some statements and ask questions. I remember it specifically because I wrote it down. It ran from 6.25pm to 6.35pm. What I do attempt to do, as other Mayors have done during workshops, is to try and make sure there is an equitable distribution of questions around the table so that every Councillor has an opportunity to ask the questions that they would like to. You may recall last Monday that Cr Midgley had indicated that she had around 7 to 9 questions that she wanted to ask

and what I did was ask her to ask two initially so that it could then be shared around the table and then if there was time left over at the end there would have been the opportunity for additional questions. My recollection was that you then left the workshop at about 6.37pm so there would have been an opportunity for you to come back around to you to ask more questions but you had left the meeting. In relation to the committee system, Council has previously made a decision to do away with the committee structure that used to exist. My personal opinion is that it was a valuable system, however, other councillors voted to do away with that but you are most welcome to put up a Notice of Motion at any time to actually reintroduce the committee system and I'm sure councillors will consider that as they feel fit.

C461/18-2021

11.3 Mayor's Diary

Cr Cordover asked the following question without notice:

I'm interested to know about how the Voluntary Assisted Dying Forum with Mike Gaffney went. Secondly, I'm interested to know about the meeting with Nic Street regarding the Huntingfield development and finally I'm interested to know about the Margate Primary School.

Mayor responds:

The Voluntary Assisted Dying Forum was held in the first week of August and was attended by about 50 to 60 residents. Some of them are people who had previously been involved in community consultations around the matter but there was some new faces there. It was run by the Honourable Mike Gaffney who gave a presentation about the passage of the legislation and what it meant going forward and how it would be rolled out. He was very delighted with the attendance and subsequent to that I have written to all of my fellow Mayoral colleagues around the State expressing that it was a very valuable evening and encouraging them to hold similar forums because I understand that only a hand full of them at this stage have taken up that opportunity.

The meeting with Nic Street and Matt Jones was in relation to the Huntingfield development. We discussed a range of issues in relation to the timing of the development and there is still a continued feeling amongst the community in Huntingfield that they would like to see the development not go ahead and a discussion around the impact on local schools of the additional development. As a result of that meeting, there is a meeting on site between Huntingfield residents and Minister Ferguson and Nic Street some time in about 4 weeks and then we were going to reconvene following that.

For Margate Primary School, that was in relation to a range of issues in relation to the school but in particular the Principal of the school who is just about to retire from the position, has been on the steering committee and has been the driving force behind The Basics literacy initiative and I have been invited and accepted to join the steering committee because the early childhood sector is an area that I have great deal of interest in particularly because of my time in State Government as Education Minister and I think they are shortly running an event on Friday 29 October at the Community Hub for people to come along to. The last time they had about 140 people in attendance so it was very well received by the community.

C462/18-2021

11.4 State Budget

Cr Bastone asked the following question without notice:

In the latest State Budget, \$100,000 was allocated to Woodbridge for a walkway from the hall to the post office. Did anyone from Council apply for this money?

Director Engineering Services responds:

There certainly were some discussions at Council level in terms of a possible pre-election commitment to some works in that area but there wasn't a formal application to access those

funds to do those works. Our next step would be a great deal of community consultation because I realise there are different viewpoints in the community regarding that footpath so that will need to be carefully considered with the community as compared to just going ahead and doing the project.

Cr Bastone:

Since it appears that local residents don't want this path, could the Council request the government fund the path at Kettering instead which has been applied for for the last 10 years?

Director Engineering Services:

The grant is quite specific to this particular project. What we would need to do is to at least attempt to manage to get the project through as it is listed and then if that wasn't successful we can go back to the State Government and say that we don't have general support for that particular project and is there any other options to look at utilising those funds for other projects.

C463/18-2021

11.5 Disposal of Japanese Sea Star's at Baretta

Cr Bastone asked the following question without notice:

There are groups that have been doing community cleanups and collect large numbers of the Japanese sea stars in the water off the Kingborough coastline. Will Council allow these Japanese stars to be disposed of at Baretta?

Director Engineering Services responds:

I will take that on notice.

C464/18-2021

11.6 Cleaning of Drains

Cr Bastone asked the following question without notice:

We have had a couple of heavy downpours of rain and the drains opposite Gemalla Road in Margate on the Channel Highway have bullrushes well over a meter high. Could they be cleaned as part of an ongoing cleanup and also the drains in Thomas Road in Woodbridge now have gumtrees growing in them nearly 2 meters high.

Director Engineering Services responds:

For the drains opposite Gemalla Road, that would be a State Growth road and I'm happy for forward those comments on to their maintenance division for them to have a look at it. For the ones in Thomas Road, I'm happy to put forward a service request.

C465/18-2021

11.7 Huntingfield Development

Cr Westwood asked the following question without notice:

Could Council provide an update on whether the State Government has responded to the Request for Further Information in relation to the Huntingfield sub-division?

Manager Development Services responds:

The further information has been sent back for the second time. It was insufficient the first time and didn't meet the requirements. We are reviewing those currently and we expect that we will go to advertising as early as this week and we will be advertising the application for a three week period instead of a two week period, which we are able to under the Act, given the complexity of the application and the large volume of reports that need to go with it to allow people enough time

to digest it. This approach was recently undertaken as well with the cable car at the Hobart City Council, so it's not unprecedented and we have done it in Kingborough previously.

C466/18-2021

11.8 City Status for Kingborough

Cr Glade-Wright asked the following question without notice:

Has this Council ever considered becoming a city and what the pros and cons are?

Mayor responds:

In late 2018 I put up a Notice of Motion in relation to Kingborough attaining city status. In terms of the number of residents, we certainly well and truly qualify. That Notice of Motion was debated at the end of January 2019 when, unfortunately, I was away on leave so I wasn't able to take part, but my colleagues voted it down in my absence. It seems ironic to me that we are part of the Greater Hobart City Deal when we are not actually a city. I have made further enquiries about that recently. In order to achieve city status we would have to have an elector poll that would coincide with a Council election so the next opportunity would be in October next year.

C467/18-2021

11.9 Spring Farm Track

Cr Midgley asked the following question without notice:

I note that it has been about 14 months since we passed the motion for the developer to progress this work. Could I please have an update?

Mayor responds:

As of late this afternoon, we received a letter from the developer to indicate that they no longer wished to do the work and they wanted us to do the work. Mr Smee, would you like to add anything to that?

Acting General Manager:

The status is as printed in relation to the question on notice from a member of the public but the recent information has literally only been received in the last hour or so. We haven't had an opportunity to assess the implications of that.

C468/18-2021

11.10 Feasibility Study

Cr Midgley asked the following question without notice:

The Liberal party's biggest promise to date is a commitment to undertaken planning for the extension of the Snug to Margate path through to Huntingfield in the Franklin electorate. This is one of the priorities coming out of the Margate to Huntingfield/Channel Highway study plan which was released in September last year. I note that we have not heard anything in regards to a commitment for that but perhaps we can write a letter or can we do some more active follow up to see if there is any further commitment?

Director Engineering Services responds:

Certainly we have had the discussion at an officer level with members of State Growth who really can't share too much more light on it apart from the fact that a lot of the recommendations that sit in the Channel Highway Corridor Study which this was one of them, have yet to actually come into play. Based on the fact that at an officer level we are not necessarily getting the answer it may make sense to then write a letter to get some clarity as to whether or not that election commitment is likely to come forth and when.

C469/18-2021**11.11 Wicking Gardens**

Cr Midgley asked the following question without notice:

As a follow up to Cr Bastone's question on notice, it seemed quite expensive to build what I thought was some example garden beds to perhaps showcase what you can do regarding upcycling recycling materials to build a garden in your own home. Was there any community involvement or education component in regards to that?

Director Engineering Services responds:

We did check the market to see whether we could get some more competitive quotes but unfortunately that was the cost for providing that facility. It has been ongoing for the last six to twelve months so it was discussed with the Board to suggest that this would be an excellent way of providing some education to people who are accessing that site as to what can or can't be done. What we are intending to do with it is to add some more to it in terms of running some education sessions and using the actual facility.

C470/18-2021**11.12 Legal Support for Councillors**

Cr Grace asked the following question without notice:

As you are aware, I took a Code of Conduct against all Councillors and I believe that you have got the decision that the Code of Conduct Panel refused it. Under our Councillors insurance policy that Council take out, I would like to know whether I am entitled to legal support?

Acting General Manager responds:

I don't believe that there is, under our policy, a provision for you to be able to claim the costs of legal assistance.

Cr Grace:

What does this insurance policy cover for Councillors?

Acting General Manager responds:

I will take your question on notice and our Finance Manager, who deals with our insurance policies, can provide full details.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C471/18-2021**12.1 Woodbridge Hall and Budgeted Costs**

At the Council meeting on 16 August 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

In relation to my question at the last Council meeting regarding the installation of insulation bats being placed in the ceiling of Woodbridge Hall, it was stated there had been insufficient money to do this as the roofs cost budgeted for \$75,000, had in fact been over cost by \$2,000. How many jobs contracted in the last year have come in right on budget and what is the average overrun?

Officer's Response:

An average overrun measure across the entire Capital Program does not have a lot of meaning as a measure as projects may be under or over budget for many reasons with the focus being more individual project management to scope and desired outcome coupled with overall budget control

across the entire program. For example for 2020/21 the average underspend was approximately \$5K for completed projects, however this is will vary from year to year based on a number of factors including:

- Whether the allowed for contingencies built into projects came to fruition.
- The detailed development of projects necessitated adjustments to scope.
- Prices received from the market to deliver projects.

Changes to scope of a project are considered on a case by case basis taking into account whether the change in scope is justified, its effect on the project budget, its effect on the overall budget and what alternative arrangements may be available.

David Reeve, Director Engineering Services

C472/18-2021

12.2 Environmental Study on Beach at Dennes Point

At the Council meeting on 16 August 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Was an environmental study done on the beach at Dennes Point where Missionary Road comes into Dennes Point? There used to be a beach there which was a nesting habitat and the beach has been totally destroyed due to a new rock wall being placed. Has a study been done prior to the wall being rebuilt?

Officer's Response:

The road protection work being undertaken on Missionary Road at Barnes Bay has arisen due to the failure and collapse of the existing rock retaining wall at this location, resulting in the loss of protection to Missionary Road from wave attack.

The works consist of replacement of the rock revetment armouring for a length of approximately 140 metre along a section of Missionary Road, immediately to the south of Barnes Bay. The previous road levels through the subject site were low and subject to wave overtopping in larger swell conditions. In designing these works, consideration has been given to the future effects of global warming and projected sea level rise. Accordingly the revetment and road pavement levels through this area have been elevated by approximately 500-600mm to ensure that the road is able to provide a safe and usable transport corridor for the community into the future.

While assessment and implementation of environmentally appropriate construction practices are adopted in the design and construction of work to mitigate environmental impacts, more detailed analysis and reports on broader ecosystem impacts have not been undertaken specifically for this location. Such an assessment would not typically be undertaken for repair projects of such discrete nature. Notwithstanding, the longer-term consequences arising from coastal armouring activities on adjacent beach and habitat is understood, if not well known. The placement of any physical barrier to protect infrastructure will conversely prevent natural coastal erosion and beach migration. As sea levels and tides rise, this will ultimately lead to the drowning of the beach and loss of any habitat.

In relation to the current reinstatement works, the following points are considered relevant.

- The location and alignment of the current revetment works follows the existing wall/road alignment.
- The toe of the existing wall was generally located within the high-tide zone, with swell tide levels and wave action being the cause of the impact and failure of the existing rock wall.

- The sloped batter of the revetment treatment, designed to reduce wave reflection issues, in conjunction with the road height increase has resulted in the toe of the revetment extending approximately 3.5 metres further seaward. A more vertically faced gabion structure would have a smaller footprint, but would generally result in a much larger wave reflection and beach scouring impact
- The beach/mudflat area to the front of the revetment wall was and remains subject to inundation at high tide, thus would not typically have provided nesting habitat.
- The works have all been completed from the road side. The general low-tide mudflat/foraging areas in front of the rock toe has not been impacted by construction activities and remains unchanged.
- At *current* low tide levels, this area continues to become exposed, and continues to be an active foraging location. As above, it should be noted that with sea-level rise and an increase in the 'low tide' height, the area of exposure will progressively reduce and potentially disappear.

In general terms there are pros and cons of coastal protection which are a reality that Council has been forced to face in several places in recent times, and will continue to face into the future. The impacts on a natural ecosystem with any engineered structure required for coastal protection often creates that juxtaposition as to which is the more important outcome.

David Reeve, Director Engineering Services

C473/18-2021

12.2 Howden Interchange

At the Council meeting on 16 August 2021, **Cr Fox** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I have concerns about the Howden interchange and the road safety concerns that were raised by the residents which actually led to the State Government doing the Channel Highway/Huntingfield to Margate Corridor Study and that corridor study has been completed but I understand that none of the actions highlighted in that study have been undertaken, particularly the reduction in speed of the Channel Highway between the golf course and Fehres Road which was recommended to go down to 80km/h from 90 and also vegetation removal to improve sight distances and they were the issues that originally triggered the study. I'm very concerned that with the increase of traffic on the Channel Highway and the high speeds on that road often exceeding 100kms/h, it's becoming nearly impossible to get out of Howden Road many times during the day, not just occasionally but most of the day. I think the waiting time was acknowledged as being excessive. What action will result from that study and where the department of main roads is at with that particular study?

Officer's Response:

This matter was referred to the Department of State Growth (DSG) who have provided the following response:

- DSG undertook some vegetation control north of the Howden Road intersection with Channel Highway in 2020 but will investigate as to whether any further work is required to maintain/improve sight distance.
- In respect to the lower speed limit recommended in the Channel Highway Corridor Study, this has not been followed up on and would likely require going back to the community to gauge whether this is favoured. The comments in the original study suggested that most

people opposed a localised drop in the speed limit and it is likely a speed limit reduction would only occur once improvements to the Highway had been undertaken and there was evidence then to support a reduction.

- The Tasmanian Government has committed to developing a 10 Year Strategic Action Plan for the Channel Highway (the Action Plan), which will draw on findings from the Study.

David Reeve, Director Engineering Services

C474/18-2021

12.4 Pedestrian Crossing, Beach Road

At the Council meeting on 16 August 2021, **Cr Glade-Wright** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

There is a lot of chatter about a pedestrian crossing on Beach Road. Has this ever been considered and what was decided?

Officer's Response:

The section of Beach Road in the vicinity of the Kingston Beach Public Carpark is not an appropriate location to install a zebra crossing. The combined traffic and pedestrian volumes in that location do not meet the warrants for such a treatment.

Council is looking at the Kingston Beach precinct in its entirety with the intention to implement a Local Area Traffic Management Scheme to bring traffic speeds down in the area bounded by the 40 km/h speed zone. This will likely be achieved by threshold treatments at the commencement points of the 40 km/h zone and at intersections. It is possible that a threshold treatment could be implemented in the vicinity of the crossing point at the carpark as part of the scheme. A project to implement the scheme is identified for inclusion in Council's 5-year Capital Works program.

Renai Clark, Senior Roads Engineer

C475/18-2021

12.5 Margate to Kingston Feasibility Study

At the Council meeting on 16 August 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 note in the last State election the Liberal Government did promise some funding towards this study. Have we heard any more in regards to when this will happen and if there will be money available? I note in the budget that we have also put some money aside for this study as well.

Officer's Response:

Council have received no confirmation that this study will receive any State Government funding.

David Reeve, Director Engineering Services

C476/18-2021**12.6 KWS Report**

At the Council meeting on 16 August 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 note from the report that it says in general waste that there was more waste received than expected. Could I have a break down of what that 'more waste than expected' could be?

Officer's Response:

Kingborough Waste Services (KWS) forecast 11,400 tonnes of general waste to be processed through the Barretta Waste Transfer Station during the 2020/21 financial year however, the actuals were 12,200 tonnes. The increased tonnage is largely due to construction and demolition materials; a by-product of the buoyant building sector.

David Reeve, Director Engineering Services

C477/18-2021**12.7 Kettering Recreation Walkway Plan**

Cr Clare Glade-Wright submitted the following question on notice:

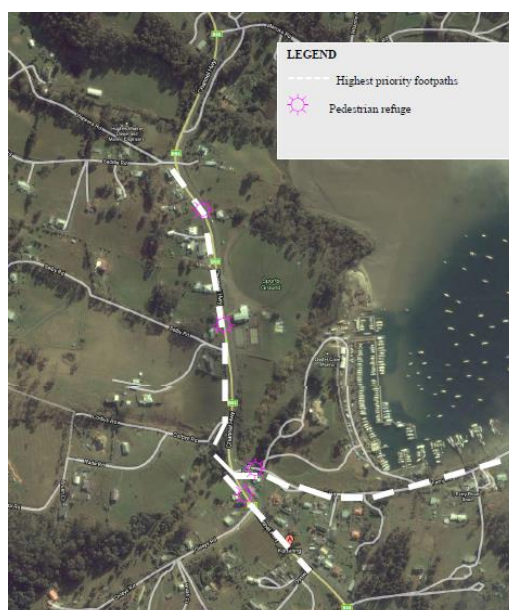
Is there a 2010 Kettering Recreation Walkway Plan. If so, what works are still required for its completion. Is there a timeframe for when this can be completed. What is the estimate of costs associated to complete the project?

Officer's Response:

The Central Kettering Walkway Plan was given in principle support by Council in December 2011. The plan focuses on two priority footpaths:

1. From Saddle Road through the town to Oyster Court; and
2. Along Ferry Road to the Bruny Island Ferry Terminal.

These priority footpaths are shown in the image below that has been taken directly from the 2010 plan:



A footpath along Ferry Road has been provided as part of the upgrade of this road by the State Government, whilst Council has constructed a new footpath from Saddle Road to Ferry Road on the western side of the Channel Highway. The section of footpath from Oxleys Road to Oyster Court has not yet been constructed, in part due to an assessment of cost versus the number of residents it will benefit. A high-level estimate to construct this section of footpath is \$100,000. However, more detailed design work is required before the project can be submitted as a capital bid or for externally funded grants and Council's Engineering Department propose to do this later this financial year.

Daniel Smee, Director Governance, Recreation & Property Services

C478/18-2021

12.8 Wicking Gardens, Barretta

Cr Bastone submitted the following question on notice:

How much did the wicking gardens at the Barretta refuse station cost? How much did the decorative fences near the re-use section cost?

Officer's Response:

The wicking beds and Macrocarpa fence are part of Kingborough Waste Services initiative to improve waste education for the community in support of Council's Waste Management Strategy. The cost of the wicking beds was \$18,840 and a further \$6,280 for the Macrocarpa fence.

David Reeve, Director Engineering Services

C479/18-2021

12.9 Piersons Park, Tinderbox

Cr Bastone submitted the following question on notice:

What are the very many black posts set into the ground, 3 meters behind the treated pine barriers at Piersons Park, Tinderbox? How much did they cost and what purpose do they serve?

Officer's Response:

In May 2021 Council's Biodiversity Officer liaised with Council's Supervisor Parks and Reserves and Urban Designer to delineate an area that would receive a reduced frequency of mowing at Piersons Point Reserve. A design was created by our Urban Designer and a style and colour was selected to reduce the visual impact of more bollards in the reserve. The cost of purchasing these posts came to \$518.

There is a nationally listed, critically endangered ecological community found at Piersons Point Reserve which the new bollards aim to help conserve. Lowland Themeda triandra Grassland, which is found on the Tinderbox Peninsula, is considered to be one of Tasmania's most threatened and fragmented ecosystems, and the most depleted vegetation formation in Tasmania. By reducing the frequency of mowing in selected areas we can help this ecological community recover. There are also plans to install interpretive signage about the grasslands in the reserve in the 21/22 financial year.

Nicholas Alexander, Biodiversity Officer

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning authority commenced at 5.57pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C480/18-2021

13.1 DA-2021-299 - DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL TO VISITOR ACCOMMODATION AT 19 JETTY ROAD, BIRCHS BAY

Moved: Cr David Grace

Seconded: Cr Sue Bastone

That the Planning Authority resolves that the development application for change of use from residential to visitor accommodation at 19 Jetty Road, Birchs Bay for Mr P Stanton be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2021-299 and Council Plan Reference No. P1 submitted on 19 May 2021. This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.
2. Prior to the commencement of the approved use, landscaping plans must be submitted for approval by Council's Manager Development Services.

The landscape plan must be prepared by a suitably qualified person and be at a suitable scale, and indicate the following:

- (a) vegetation screening to be planted between the building and adjoining vineyards on the northern boundary;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction; and

It is recommended that the consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

3. Landscaping must be provided within three (3) months of the planning permit being issued in accordance with the endorsed landscaping plan and to the satisfaction of the Council's Manager Development Services.

The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose.

4. The use and development must be managed so that the amenity of the area is not detrimentally impacted upon through any of the following:
 - (a) Appearance of any building, works or materials;
 - (b) Emission of noise, artificial light, vibration, smell, fumes, smoke, wastewater or rubbish;
 - (c) Parked vehicles.

5. The visitor accommodation is for short term stay only. Accommodated guests must not stay any longer than a total of three (3) months on any one occasion.
6. At all times, guests must park within designated parking areas shown on the endorsed plans within the site boundaries, and are not to obstruct other access and parking.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. Food must not be sold/served/provided to guests unless prior approval is granted by Council.
- D. This permit does not include approval for any signage to be erected on site. Further approval may be required for the erection of signage on the site.

CARRIED

C481/18-2021

- 13.2 DA-2021-305 - DEVELOPMENT APPLICATION FOR NORTH WEST BAY RIVER MULTI-USER TRAIL - STAGE 1 AT HUON HIGHWAY, SANDFLY TO RIVERDALE ROAD, SANDFLY (INCLUDING CROWN LAND, COUNCIL LAND AND PRIVATE LAND - CT 246545/1, CT 17384/5, CT 20860/2, CT 124923/102, CT 129004/102 AND CT 234772/4)**

Moved: Cr Gideon Cordover
Seconded: Cr Flora Fox

That the Planning Authority resolves that the development application for the North West Bay multi-user trail & associated works - Stage 1 at Huon Highway, Sandfly to Riverdale Road, Sandfly (including Crown Land, Council Land and Private Land - CT 246545/1, CT 17384/5, CT 20860/2, CT 124923/102, CT 129004/102 and CT 234772/4) for Kingborough Council be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2021-305 and Council Plan Reference No. P1 submitted on 23 June 2021 and reports submitted on 1 June 2021 including Kingborough Council submission for planning application North West Bay River Multi-user Trail, Natural Values Report – Enviro Dynamics 10 May 2021 and North West Bay Multi -use Trail Feasibility Study 21 September 2020.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the commencement of on-site works (including any excavation), a Construction Management Plan (CMP) must be submitted to and endorsed by the Manager Development Services. No works are permitted to occur until the Plan has been endorsed. The plan must include as a minimum:
 - (a) Hours for construction activity;
 - (b) Measures to control noise, dust, water and sediment laden runoff;
 - (c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - (d) A plan showing the location of parking areas for construction and sub-contractors' vehicles surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;
 - (e) A plan showing the location and design of a vehicle wash-down bay for machinery used within the site;
 - (f) Measures to ensure that sub-contractors operating on the site are aware of the contents of the Construction Management Plan;
 - (g) Contact details of key construction site staff;
 - (h) A site plan showing access route and the location of any machinery river crossings, on-site amenities, spoil waste storage and the like; and
 - (i) The size and type of machinery required to undertake track benching and appropriate washdown and weed hygiene management measures

Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Manager Development Services.

3. Construction work at the eastern end of the trail and the installation of the bridge across Cookes Rivulet must be avoided during the eagle breeding season (August to February inclusive).

Works on the eastern end of the trail can only occur during this period if the nests are deemed to be inactive in that season by a suitably qualified person.

4. Vegetation removal is limited to trees with a dbh <30cm, understorey trees and shrubs within the trail alignment, except where required for sightlines, weed control or drainage works.

No native vegetation is to be removed prior to issue of a 'Start of Works Notice' for the development.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Kingborough Interim Planning Scheme 2015 or otherwise in accordance with law.

5. All remaining vegetation and riparian areas outside the trail alignment and footprint of works must be retained and appropriately protected during works to ensure they are not damaged or harmed during works, including adhering to the following requirements:

- (a) the existing soil level must not be altered (including the disposal of fill, placement of materials or the scalping of the soil);
 - (b) these areas must be free from the storage of fill, contaminants or other materials; and
 - (c) machinery is not permitted access.
6. The final trail and bridge alignment must be located to avoid impacts on *Epacris virgata* populations and significant habitat features including all trees >30cm and denning sites such as large hollow logs.

Prior to finalisation of the trail alignment, a suitably qualified person must be present during marking of the final trail alignment to:

- (a) undertake a detailed search for *Epacris virgata* in dry forest communities during the flowering season (August to November inclusive);
- (b) ensure no *Epacris virgata* plants or significant habitat features are impacted by the trail alignment; and
- (c) ensure the bridge crossing Cookes Rivulet avoids the large log as shown in page 9 of the planning submission.

Written verification from a suitably qualified person that the final track alignment complies with the above requirements must be provided to Council prior to the commencement of any on-site works.

7. To ensure weeds and pathogens are not spread from, within or introduced to the site during construction, to the satisfaction of the Manager Development Services:
- (a) prior to commencement of on-site works, weeds must be controlled along the trail footprint and margins. Alternatively, in areas where dense infestations occur, physical control can occur as part of construction, where appropriate;
 - (b) the direction of trail construction must take into account the location and density of weed infestations, with areas containing dense weed infestations constructed following works in weed free areas to reduce the opportunity for weed seed to spread along the trail;
 - (c) the use of imported foreign aggregates must be minimised where possible;
 - (d) if surfacing is required, it must be sourced from a weed-free source; and
 - (e) standard weed hygiene procedures must be implemented during track construction and all machinery and tools must take appropriate hygiene measures prior to entering and leaving the site as per DPIPWE's Washdown Guidelines for Weed and Disease Control.
8. In the event that evidence of raptor nesting, swift parrot nesting or marsupial den sites is observed or discovered during trail construction, work must stop immediately, and the Department of Primary Industries, Parks, Water and Environment's (DPIPWE) Threatened Species Section contacted for advice.

Works may only recommence in accordance with the advice of DPIPWE.

9. Coarse woody debris must not be removed from the site.
10. Only local river rock is to be used for river crossings and the rivers crossings must not alter the riverbed profile.

11. Prior to the commencement of any on-site works, including vegetation removal or modification, excavations, placement of fill and/or delivery of construction materials, a “start works” notice must be lodged with Council.

This notice must be lodged a minimum of 14 days prior to commencement of on-site works and works must not commence until this notice has been approved by the Manager Development Services.

12. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council’s Building Department or an independent building surveyor to establish any requirements.

- C. No construction work can commence prior to Council securing a licence over the Crown reserve from the Department of Primary Industries, Parks, Water and Environment (DPIWE) for access and maintenance.

CARRIED

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMED

Open session resumed at 6.21pm

The Deputy Mayor assumed the chair at 6.21pm

14 NOTICES OF MOTION

C482/18-2021

14.1 Significant Tree Register Policy

Moved: Cr Paula Wriedt

Seconded: Cr Flora Fox

That a review of the Significant Tree Register Policy and Procedures be undertaken by staff and a report provided back to Council within the next eight weeks.

Cr Street left the room at 6.35pm

Cr Street returned at 6.37pm

In Favour: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Clare Glade-Wright, Amanda Midgley, Christian Street and Steve Wass

Against: Cr David Grace

CARRIED 9/1

The Mayor resumed the chair at 6.40pm

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

Cr Grace left the room at 6.41pm

16 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

17 OFFICERS REPORTS TO COUNCIL

C483/18-2021**17.1 FOOD TRUCK POLICY REVISION - SEPTEMBER 2021**

Moved: Cr Amanda Midgley
Seconded: Cr Jo Westwood

That the attached revised draft Food Truck Policy be approved and to include the words “while on site” at the end of 6.3(d) of the policy.

Cr Grace returned at 6.44pm

Amendment

Moved: Cr Christian Street
Seconded: Cr Flora Fox

That the attached revised draft Food Truck Policy 4.12 be approved, with the removal of site 2 under ‘Food Truck Trading Locations’.

Cr Midgley left the room at 6.59pm
Cr Midgley returned at 6.59pm

In Favour: Crs Flora Fox, Amanda Midgley, Christian Street and Steve Wass

Against: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Gideon Cordover, Clare Glade-Wright and David Grace

LOST 4/6

Amendment

Moved: Cr Sue Bastone
Seconded: Cr Steve Wass

That 6.1(c) in the policy be removed.

In Favour: Crs Sue Bastone and Steve Wass

Against: Crs Paula Wriedt, Jo Westwood, Gideon Cordover, Flora Fox, Clare Glade-Wright, David Grace, Amanda Midgley and Christian Street

LOST 2/8

Amendment

Moved: Cr Clare Glade-Wright
Seconded: Cr Amanda Midgley

That the words “FOGO, waste and recyclables” be inserted at 6.4(b) of the policy.

In Favour: Crs Paula Wriedt, Gideon Cordover, Clare Glade-Wright, Amanda Midgley and Christian Street

Against: Crs Jo Westwood, Sue Bastone, Flora Fox, David Grace and Steve Wass

LOST 5/5

Meeting adjourned at 7.47pm

Meeting resumed at 7.55pm

The substantive motion was then put.

In Favour: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Gideon Cordover, Clare Glade-Wright, David Grace, Amanda Midgley and Christian Street

Against: Crs Flora Fox and Steve Wass

CARRIED 8/2

C484/18-2021

17.2 CAT PROHIBITED AREAS - COUNCIL RESERVES

Moved: Cr Amanda Midgley

Seconded: Cr Gideon Cordover

That Council resolves to formally declare Algona, Coffee Creek and Huntingfield Reserves as CPA and that a public notice is published in the Mercury (in accordance with the *Cat Management Act 2009*).

In Favour: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Clare Glade-Wright, Amanda Midgley, Christian Street and Steve Wass

Against: Cr David Grace

CARRIED 9/1

C485/18-2021

17.3 WOODBRIDGE RECREATION GROUND MASTER PLAN 2020: ENGAGEMENT ACTIVITY

Moved: Cr Sue Bastone

Seconded: Cr Steve Wass

That the content of the DRAFT Woodbridge Recreation Ground Master Plan (2020) be noted, and that:

- (a) The DRAFT Woodbridge Recreation Ground Maser Plan (2020) be released for public feedback through an engagement activity, in accordance with Council's Communications and Engagement Policy.
- (b) A further report be provided to Council with a summary of the results of the engagement activity and an option for Councillors to endorse the final version of the Woodbridge Recreation Ground Master Plan.

CARRIED

C486/18-2021**17.4 SELECTION PANEL KINGBOROUGH AWARDS**

Moved: Cr Amanda Midgley
Seconded: Cr Gideon Cordover

That Council appoints the following three Councillors to assist the Deputy Mayor in the assessment of candidates for the 2022 Kingborough Awards, and that these Councillors ensure their availability to meet in late October for this purpose.

Cr Bastone

Cr Wass

Cr Glade-Wright

CARRIED

C487/18-2021**17.5 TAROONA NEIGHBOURHOOD GARDEN LEASE**

Moved: Cr Amanda Midgley
Seconded: Cr Flora Fox

That the General Manager be authorised to negotiate a lease agreement with the Taroonia Neighbourhood Garden Inc. over the premises described above in Apex Park, Taroonia on the following terms and conditions:

- a) A five-year lease with a further five-year option;
- b) A "peppercorn" rental to apply;
- c) The lessee to be responsible for all costs associated with the use of the facilities, including service charges, maintenance and insurance.

CARRIED

C488/18-2021**17.6 KINGSTON MEN'S SHED LEASE**

Moved: Cr David Grace
Seconded: Cr Clare Glade-Wright

That the General Manager be authorised to negotiate a lease agreement with the Kingston Men's Shed over premises at Gormley Drive, Kingston on the following terms and conditions:

- a) A five-year lease with a further five-year option;
- b) A "peppercorn" rental to apply;
- c) The lessee to be responsible for all costs associated with the use of the facilities, including service charges, maintenance and contents insurance.

CARRIED

C489/18-2021**17.7 KINGSTON COMMUNITY GARDEN LEASE**

Moved: Cr Flora Fox
Seconded: Cr Gideon Cordover

That the General Manager be authorised to negotiate a lease agreement with the Kingston Community Garden Inc. over premises at Gormley Drive, Kingston on the following terms and conditions:

- a) A five-year lease with a further five-year option;
- b) A “peppercorn” rental to apply;
- c) The lessee to be responsible for all costs associated with the use of the facilities, including service charges, maintenance and insurance.

CARRIED

C490/18-2021**17.8 RENEWAL OF RATE REBATE FOR CONSERVATION COVENANT POLICY**

Moved: Cr Flora Fox
Seconded: Cr Gideon Cordover

That Council Policy 3.9 Rate Rebate for Conservative Covenant Policy, as attached to this report, be adopted for a further two years.

CARRIED

C491/18-2021**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

Moved: Cr Amanda Midgley
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*

Regional Contract for Recycling

Regulation 15 (2)(b), (2)(c)(i), and (2)(d) *information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business, commercial information of a confidential nature, that if disclosed, is likely to prejudice the commercial position of the person who supplied it, and contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

Current Court Matters

Regulation 15 (2)(i) *relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.*

CARRIED

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 8.36pm

Public Copy

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.55pm

C492/18-2021

Moved: Cr Steve Wass
 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	Approved
Regional Contract for Recycling	Authority provided to the General Manager
Current Court Matters	Noted

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.56pm

.....
 (Confirmed)

.....
 (Date)