

Kingborough



COUNCIL MEETING MINUTES

20 September 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



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, 20 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	✓
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
Chief Financial Officer	Mr John Breen
Chief Information Officer	Mr Fred Moulton
Director Environment, Development & Community Services	Dr Katrena Stephenson
Manager Development Services	Ms Tasha Tyler-Moore
Manager Works	Mr Darren Johnson
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

C1/19-2021

4 APOLOGIES

Deputy Mayor, Councillor J Westwood

C2/19-2021**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. 18 held on 6 September 2021 be confirmed as a true record.

CARRIED**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

13 September - Risk Management

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

C3/19-2021**9.1 Strategic Plan and Risk to Operational Outcomes**

Ms Karen Tantari of the Australian Services Union asked the following questions without notice:

In 2020 Kingborough Council took advantage of an expired Enterprise Agreement to impose a wage freeze on staff. Kingborough Council ended up experiencing no substantial financial loss due to Covid yet has to date not adequately reimbursed it's employees for the period in which the wage freeze was imposed, nor provide an adequate wage increase in the current bargaining. The fact that the Enterprise Agreement was recently voted down is testament that the employees are feeling undervalued and is representative of a negative work environment. The national minimum wage increase over recent years have been much higher than the Kingborough Council's wage increases, meaning that wages at Kingborough Council are now not much higher than the minimum award rates. The negative enterprise bargaining result and the current high level of staff turnover appears to show that the Kingborough Council is not a desirable place to work at present. Council is struggling to recruit employees to replace the skilled staff that it is losing. Given the high turnover rate and the negative Enterprise Agreement negotiation outcome and last years wage freeze, is Council confident that they are on track to achieve the key principle from the Strategic Plan of being a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment?

Mayor responds:

I am aware that there are continuing discussions around an Enterprise Agreement. I believe a second offer has been made but I will ask the Acting General Manager to provide some more information.

Acting General Manager:

Yes, that is correct. We are in the middle of an ongoing enterprise bargaining agreement process but to answer the question, yes, we remain confident that we will be able to achieve the objectives set out in Council's Strategic Plan.

Ms Tantari:

Thank you. On 27 May 2020 the General Manager advised that on 25 May 2020, Council adopted a Notice of Motion from the Deputy Mayor "that Council directs the General Manager to implement a 2.8% Covid-19 efficiency dividend across the organisation for all non-salary expenditure in 2020/21". The General Manager advised that as a result of this outcome that Council was unable to pay a wage increase to employees in 2020, in effect a wage freeze for everyone, himself included. Could Council please advise how many managers, senior employees on contract have received a wage increase during the period in which employees have endured a wage freeze?

Mayor:

We will take your question on notice.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

C4/19-2021**10.1 Traffic Data**

Ms Kate Lucas submitted the following question on notice:

I refer to the question by Cr Fox regarding the Howden Interchange (C473/18-2021). Cr Fox asserted that 'the speeds on that road often exceeds 100kph' referring to the Channel Hwy. Do we have any recent traffic data from State Growth on the Channel Hwy in the 90kph speed limit area between Margate and Kingston, and in particular around the Howden Intersection to confirm this? If not, can this be requested from State Growth?

Officer's Response:

This section of Channel Highway is managed by the Department of State Growth (DSG). Council does not have access to traffic count information but can forward the query to DSG for consideration.

David Reeve, Director Engineering Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C5/19-2021**11.1 Salvaged Art Competition**

Cr Bastone asked the following question without notice:

Could we have an explanation as to why the Salvaged Art competition was cancelled a week after the entries closed?

Director Environment, Development & Community Services responds:

We haven't cancelled it. We have postponed it on the basis that we had only received 10 entries so we are allowing a longer period. We are waiting for confirmation from the Department of Health regarding the availability of the auditorium. We are hoping to have it in November but currently the Covid booking goes until 30 November so we are trying to navigate around not having a firm withdrawal dates from the Department of Health.

C6/19-2021**11.2 Police & Emergency Services**

Cr Grace asked the following question without notice:

There was an incident at Kettering on Wednesday where a male was attacked and brutally bashed. It took 50 minutes before a police officer turned up and that officer was apparently the Woodbridge policeman. It was another 60 minutes before an ambulance turned up to the scene. Is that good enough in our populated area?

Mayor responds:

As you would be aware the provision of police and other emergency services is a State Government issue. Although having said that, we do have a Notice of Motion on the agenda this evening that Cr Glade-Wright has brought forward in relation to the need for the growing community to have a 24 hour police presence. I did meet with Inspector Burke, who has been in the role for several months now, and I did ask the question whether the levels of staffing were adequate at Kingston Police Station for our population base and he indicated that they were. There had been an increase maybe three or four years ago and Kingston was given an additional police presence at that time and that has been maintained.

C7/19-2021**11.3 Bus Shelter, Snug**

Cr Grace asked the following question without notice:

Have you had time yet to look at the bus shelter at Snug?

Mayor responds:

Yes I have. It is my understanding is that there is a difficulty with Metro Tasmania and the status of that bus shelter. They say it is theirs and they believed that it was not painted at the time when it was done. When it was painted pink I am told that they believed that approval hadn't been provided by Metro Tasmania to do that and that is why they then subsequently painted over it. I had occasion to meet the new Metro CEO several weeks ago and I did mention it in passing to her but I also understand that Cr Midgley has made enquiries about this as well and I am trying to work through a solution for that because I understand that there is a desire from the family to have some sort of recognition on that bus shelter for the loss of their mum and wife, but we would need the permission of Metro to do that.

C8/19-2021**11.4 Basketball Ring at the Snug Tennis Courts**

Cr Grace asked the following question without notice:

In the proposal for the playground at Snug we were going to put a basketball hoop at the tennis courts but that's not happened.

Acting General Manager responds:

My recollection of that is that a basketball ring at the tennis courts was one of a number of infrastructure items that came up during the survey that was done and it was also identified as one a potential items that could be installed but there has been no commitment given from Council to do that and it would need to be a matter that is included as part of the budget deliberations for next year because, whilst it was discussed, it has never been formalised.

C9/19-2021**11.5 Vacant Land, Bruny Island**

Cr Grace asked the following question without notice:

Council own a block of land at Bruny Island which we tried to sell some time ago and it was voted unanimously that we would not sell that block of land because it belongs to the ratepayers of Bruny Island. They are in a position where they are trying to develop this block of land. The sewerage that is coming from the hotel onto that block is a major problem that they have inherited. Can Council look at that problem and advise the hotel owner to remove the sewerage off that block of land?

Mayor responds:

Mr Smee, are you aware of this?

Acting General Manager responds:

No, I'm not aware of it. We can certainly have our Environmental Health Department do an assessment and then it will depend on the circumstances and what powers we have to be able to act on that but we will certainly take that on notice.

C10/19-2021**11.6 Bruny Island Boat Club**

Cr Grace asked the following question without notice:

As you are aware with the erosion that occurred down there, the government put \$80,000 towards the reinstatement of the erosion and Council undertook the planning and management of that project. I understand that the rock size is too small and the whole thing is starting to collapse again. Could Council give us a report on the process of what took place there?

Mayor responds:

We don't have Mr Reeve with us this evening and we will take your question on notice.

C11/19-2021**11.7 Staff Turnover**

Cr Grace asked the following question without notice:

How many more planners are we losing and I again I heard a lady tonight speak about enterprise bargaining. Our previous Mayor when he was elected swore black and blue that he was going to bring this to a head and find out why. I think in the last 12 months or 2 years we have lost somewhere around 20 planners. Is it because this Council is not prepared to pay these people a proper wage because if they are not all it's doing is jeopardising our ratepayers because they are not getting the services because it is taking too long to get an application through. Are we underpaying or is there a problem with management within that department?

Acting General Manager responds:

The underlying issue in employing planners is that there is a nation wide shortage of them. The situation that Kingborough Council finds ourself in is no different to any other Council in Tasmania in which it is a particular skill set where there is a shortage. Inevitably when there is a shortage there is a situation where there is this constant merry-go-round of either councils trying to recruit staff from other councils and the State Government also recruiting staff from councils. The staff that we have lost would be less than a handful over the past 12 months and it's not due to our paying conditions. It is due to the shortage. It's due to the workload that we have at the moment and it's due to the preference to go and work either in private consultancy or for State Government.

Cr Grace:

I think its time for us as councillors and you as the new Mayor elected that we workshop and look at the conditions and all the stuff around how to get a planning approval. I see many come through this table that don't even meet the criteria. Why aren't they sent back and not dealt with? If they don't meet the requirements, the Council staff have, under their power, to immediately refuse it.

Acting General Manager:

Our policy requires that a refusal comes to Council. Unless you want to amend the policy we are simply abiding by that.

C12/19-2021**11.8 Huntingfield DA**

Cr Midgley asked the following questions without notice:

Local residents have circulated a submission from Tas Fire Services regarding the Huntingfield DA. Was this a submission for the current sub-division application? Were staff aware of this information prior to the DA being submitted because the information in the Tas Fire submission is quite alarming.

Manager Development Services responds:

The Tas Fire letter that has been circulated to all the councillors, and I believe to a number of members of the public did not form part of the planning application. We were unaware of that letter before it was circulated to us by one of the lead residents who have got concerns with the application. I have since spoken with Tas Fire Services. They were not aware that the public had the letter and the letter seems, although not dated, is written very early stages. The letter references the whole estate and, as we have explained a number of times, this application isn't for the whole estate, it's not the masterplan. It's just a portion of the estate. The comments contained in that are not necessarily directly related to that part of the application but it will need to be dealt with when the sub-division expands. It's also worth noting under the planning scheme there are only a few things that trigger the requirement for consideration of bushfire and sub-division application types is one of those. But the planning scheme as written by the State Government requires that you have a report from an accredited person. That has been supplied by the Applicant. There is no statutory requirement to refer it to Tas Fire Service. We have referred it to Tas Fire Service and a number of other agencies because the planning scheme lacks any direction about that, to make them aware of the application and what's occurred in those documents. Tas Fire Service have confirmed that, no it has nothing to do with this application, yes, they have concerns about it. In my opinion the email is not as alarming as what has been portrayed. The applicants would certainly need to look at those matters of concern and their practitioner should certainly have a look at the content of that TFS letter.

Cr Midgley:

How do we know if individual lots will be sold on a lot by lot basis or they will be sold in blocks to developers?

Manager Development Services:

We are unaware of how they will sell them. It's not something that forms part of our decision making whether they sell them as individuals or as clusters. That will be up to the applicant.

Cr Midgley:

The government's publication released with the Huntingfield DA material, Huntingfield Desired Guideline and consultation material looks very aspirational. What controls will be implemented to ensure that these design guidelines will be followed?

Manager Development Services:

We did ask the question about how they thought those guidelines would be implemented and their submission talks about potentially applying a covenant or a Part V Agreement that would then tie those controls into those lots which would then mean that every time a planning application comes in for those lots, we would have to do an assessment against that Part V Agreement. We haven't yet decided whether we think that's appropriate or whether there is a better mechanism to do that. It's not typically something we have an example of one that we have that is similar is Kingston Green and that is very dated now and it is something that we would need to be mindful of if we were to consider those design guidelines. Do we want to create another situation where we just have things that are too specific and will create later problems.

Cr Midgley:

Are Council staff aware if the government has any design policy regarding social housing?

Manager Development Services:

I'm not aware of those. They may very well exist. It doesn't form part of the planning scheme so we have no regard of them if they do exist.

Cr Midgley:

I note that we have a meeting with Minister Ferguson on Wednesday and I'm wondering what in particular that is about?

Mayor:

We haven't been advised.

C13/19-2021**11.9 Speed Data**

Cr Wriedt asked the following question without notice:

My question is for Mr Reeve who is not here this evening, so it will be taken on notice. The response from Mr Reeve to Ms Kate Lucas' question in the agenda regarding traffic data says we "could forward the query to DSG for consideration to get access to the traffic count information". Can we please do that?

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C14/19-2021**12.1 Disposal of Japanese Sea Stars at Barretta**

At the Council meeting on 6 September 2021, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on 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 Barretta?

Officer's Response:

Japanese Sea Stars can be disposed of at Barretta Waste Transfer Station provided they are bagged and prior notice is given that they are being brought in for disposal.

David Reeve, Director Engineering Services

C15/19-2021**12.2 Legal Support for Councillors**

At the Council meeting on 6 September 2021, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on 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? What does the Councillors insurance policy cover?

Officer's Response:

Council has a Councillors and Officers Liability Insurance Policy. This policy covers the financial losses from claims against Council, Councillors or Officers. It does not provide cover where Councillors initiate legal action.

Any claim for legal costs must be approved by Council and Council's insurer prior to any costs being incurred.

Tim Jones, Manager Finance

13 NOTICES OF MOTION

13.1 Beach Road Crossing

Motion Withdrawn.

C16/19-2021**13.2 24 Hour Police Station in Kingston**

Moved: Cr Clare Glade-Wright

Seconded: Cr Amanda Midgley

That the Council lobby the State Government for a 24 hour, 7 day per week Police presence in Kingborough.

In Favour: Crs Paula Wriedt, Clare Glade-Wright, David Grace, Amanda Midgley, Christian Street and Steve Wass

Against: Crs Sue Bastone, Gideon Cordover and Flora Fox

CARRIED 6/3

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

That Cr Cordover be allowed an additional 3 minutes to complete his contribution.

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

Against: Crs David Grace and Steve Wass

CARRIED 7/2

C17/19-2021**13.3 Workshops**

Moved: Cr Christian Street

Seconded: Cr Paula Wriedt

That:

- (a) Council's Workshop Policy be amended to include an agreed set of guidelines to assist in the smooth running of workshops. The guidelines will include the timing and format of workshops, and procedures for making contributions so that all Councillors have an opportunity to participate equally in the workshop.
- (b) That a report on this matter be provided to Council within four weeks.

CARRIED

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

Cr Grace left the room at 6.40pm

16 OFFICERS REPORTS TO COUNCIL

C516/19-2021**16.1 PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURES**

Moved: Cr Gideon Cordover

Seconded: Cr Christian Street

That Council adopt the Public Interest Disclosure Policy and Procedures (Policy 1.4).

Cr Grace returned at 6.42pm

Cr Street left the room at 6.45pm

Cr Street returned at 6.46pm

CARRIED

C517/19-2021**16.2 REVIEW OF POLICY 5.9 - SIGNIFICANT TREE REGISTER**

Moved: Cr Amanda Midgley
Seconded: Cr Flora Fox

That the amended Policy 5.9 – Significant Tree Policy be approved and implemented and to include “Kingborough Chronicle” at 5.11.

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

Against: Cr David Grace

CARRIED 8/1

C518/19-2021**16.3 LOUISA HINSBY PARK: LANDSCAPE PLAN AND FUNDING ALLOCATION**

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

That the Landscape Plan for Louisa Hinsby Park, developed by the Tarooma Community Association and Tarooma Environment Network, and as revised in response to community feedback, be given in-principle endorsement, and that:

- (i) Funding allocated to Louisa Hinsby Park Upgrades (\$125,000) under the Capital Works Programme 2021/22 be advanced to that project from the Public Open Space Reserve Account.
- (ii) Proceeds of the sale of 110 Channel Hwy, Tarooma, be transferred to the Public Open Space Reserve Account to cover the cost of implementing improvements to Louisa Hinsby Park.

CARRIED

*Meeting adjourned at 7.32pm
Meeting resumed at 7.40pm*

C519/19-2021**16.8 USE OF ANODISED ALUMINIUM BATTENS AT TINDERBOX BEACH RESERVE**

Moved: Cr Flora Fox
Seconded: Cr Amanda Midgley

That Council

- i. Notes the comments raised within the petition

- ii. Resolves for recycled standard rural type park bench that has hardwood timber battens to be installed at Tinderbox Beach reserve. This may require other furniture in the park to also be replaced if it is to be matching.
- iii. Informs petitioners of the council decision

CARRIED

C520/19-2021

16.4 COPPING REFUSE SITE JOINT DISPOSAL AUTHORITY - PROPOSED RULE CHANGE

Moved: Cr Christian Street
Seconded: Cr Flora Fox

That Council adopt the proposed amendment to Copping Refuse Disposal Site Joint Authority's Rule 219 dated August 2021 and certified by a legal practitioner and the Nominating Council's General Manager.

CARRIED

C521/19-2021

16.5 POLICY 3.8 TREASURY MANAGEMENT

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

That the updated Policy 3.8 – Treasury Management Policy be approved and implemented.

CARRIED

C522/19-2021

16.6 SOUTHERN OBEDIENCE CLUB LEASE

Moved: Cr Amanda Midgley
Seconded: Cr Flora Fox

That the General Manager be authorised to negotiate a lease agreement with the Southern Obedience Club on premises at Gormley Drive, Kingston on the following terms and conditions:

- a) A term of five years at peppercorn rental to apply;
- b) The lessee to be responsible for all costs associated with the use of the facilities, including maintenance and insurance;
- c) Council to reserve the right to cancel the agreement in the event that the site is required for the development of alternate community facilities.

CARRIED

C523/19-2021**16.7 BARNES BAY HALL LEASE**

Moved: Cr David Grace
Seconded: Cr Sue Bastone

That the General Manager be authorised to negotiate a lease agreement with the North Bruny CWA for the Barnes Bay Hall at 678 Bruny Island Main Road, North Bruny on the following terms and conditions:

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

CARRIED

C524/19-2021**16.9 FINANCIAL REPORT - AUGUST 2021**

Moved: Cr Gideon Cordover
Seconded: Cr Amanda Midgley

That Council endorses the attached Financial Report at 31 August 2021.

CARRIED

C525/19-2021**16.10 DEVELOPMENT SERVICES QUARTERLY REPORT**

Moved: Cr Gideon Cordover
Seconded: Cr Amanda Midgley

That the Development Services Quarterly report be noted.

CARRIED

C18/19-2021

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

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

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*

Tender Assessment AB2110 TS3036 Kingston Park Public Open Space Stage 2 Construction, Kingston

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

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 will now cease.

Open Session of Council adjourned at 8.24pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.48pm

Cr Grace left the meeting at 8.48pm

C19/19-2021

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	Approved
Tender Assessment AB2110 TS3036 Kingston Park Public Open Space Stage 2 Construction, Kingston	Tender awarded to MS Civil for \$2,641,810 ex GST

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.49pm.

.....
 (Confirmed)

.....
 (Date)