

Kingborough



COUNCIL MEETING MINUTES

18 July 2022

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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Public Copy

MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 18 July 2022 at 5.30pm

ELECTION OF A CHAIR

In the absence of the Mayor and the Deputy Mayor, Cr Street is elected as Chair of this Council meeting.

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:

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:

General Manager	Mr Gary Arnold
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Acting Director Environment, Development & Community Services	Ms Heather Salisbury
Statutory Planner	Mr Adriaan Stander
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

C298/14-2022**4 APOLOGIES**

Councillor P Wriedt
Councillor J Westwood

C299/14-2022**5 CONFIRMATION OF MINUTES**

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

That the Minutes of the open session of the Council Meeting No.13 held on 4 July 2022 be confirmed as a true record.

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

11 July - Margate Strategic Fire Plan

C300/14-2022**7 DECLARATIONS OF INTEREST**

Cr Bastone declared an interest in an item in closed session headed "Kettering Cemetery".

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.

C301/14-2022**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

10.1 Inappropriate Application of Landscape Conservation Zone (LCZ) In Draft LPS

Ms Angela Hanly submitted the following question on notice:

I refer to Section 8A Guideline No 1 - Local Provision Schedule (LPS) zone and code application guidelines¹ provided by the Tasmania Planning Commission which states under the zone application guidelines on page 20:

¹ https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf

"The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary."

Landscape Conservation Zone (LCZ) is an optional zoning under State Government guidelines. The way that LCZ has been applied by Kingborough Council to thousands of properties in the Kingborough region in the draft LPS is clearly NOT a part of the Government process. This discretionary application of LCZ by council is expected to cause a high level of harm and distress to a large proportion of Kingborough residents (many of whom are blissfully unaware due to the lack of communication) in terms of property devaluations, potential financing/refinancing issues, new restrictions, and national parks style zoning applied to private land - to name a few. It is not like-for-like rezoning – it's not even close.

With the above in mind – I have two questions/requests.

- 1. As a matter of priority, I'm asking Council to request of the Minister and the Tasmanian Planning Commission to recall the draft LPS and fix the scattergun approach that has been taken when recommending LCZ.*
- 2. If Council is not prepared to take the proactive action of withdrawing and correcting the inappropriate and detrimental application of LCZ in the LPS whilst it's in a draft state, I'd like to hear the reasons WHY. Does council think it's fair and appropriate to allow the incorrect draft to run its course with the TPC therefore placing the onerous task of protecting our fundamental property rights back on to individual residents during the public consultation process? If the answer is yes, you are expecting residents to spend hours of their own time on research and submissions, plus wear the potential costs associated with engaging planners, engineers etc to support submissions to defend our properties. This expectation is nothing short of outrageous and could be avoided if Council were to take proactive steps to correct its disastrous and negligent recommendations of LCZ saving residents stress, time, and money. The question is will you?*

Officer's Response:

Kingborough's draft Local Provision Schedule (LPS) was endorsed by Council on 9 December 2019 and again on 11 February 2020, when errors on the LPS mapping were fixed and submitted to the Tasmanian Planning Commission for consideration. The [State Government's Guidelines](#) outline the criteria that must be considered for the conversion of the current interim planning zones to the new Tasmanian Planning Scheme.

The Environmental Living Zone of the Kingborough Interim Planning Scheme 2015 will no longer exist under the new Tasmanian Planning Scheme, and as a result Council had to suggest an alternative zone for land that is currently zoned Environmental Living. The statement that all properties zoned Environmental Living will automatically converted to the Landscape Conservation Zone is incorrect. The application of the State Government's Guidelines resulted in the conversion of properties in the Environmental Living Zone to a number of different zones under the Tasmanian Planning Scheme. For example, the broad application of the guidelines resulted in the conversion of the Environmental Living Zone to the Landscape Conservation Zone, Rural Living Zone, Rural Zone and in some instances to the Environmental Management Zone depending on the special features and characteristic of an individual property.

The proposed application of the Landscape Conservation Zone in Kingborough has not been finalised and may still change as a result of the Tasmanian Planning Commission's assessment before public consultation will occur. As such, it would be inappropriate for Council to request a withdrawal of the Kingborough Draft LPS at this point in time. In addition, putting a hold on the

current assessment process (which is government led), will result in significant delays in the implementation of the Tasmanian Planning Scheme in Kingborough.

More information about the new Landscape Conservation Zone and what people will be able to do in that zone is provided on Council's website. More information will be made available closer to the exhibition period of the LPS. Once Council is ready to proceed with consultation, people will be able to confirm what zoning is proposed for their land, lodge an objection, support the proposal or raise concerns, but we are not there yet.

The [Kingborough LPS Supporting report](#), [Kingborough Draft Local Provision Schedule \(LPS\) draft mapping and Council Agenda of 9 December 2019](#) are available for viewing on Council's website.

Adriaan Stander, Strategic Planner

10.2 Recreational Trails Network

Ms Eva Burns submitted the following question on notice:

Council has committed to providing a network of recreational trails for the community. Many excellent sections of track have been opened. However, there remain some very small sections between existing tracks which result in a fragmented whole.

The most obvious of these are the following:

- 1. North West Bay River end of Hopfields Road, Margate.*
- 2. Englefield Drive via Hillview Drive to Baretta Reserve, Margate.*
- 3. 521 Allens Rivulet Road (east) to Sandfly Road, Sandfly.*
- 4. Moodys Road, Allens Rivulet.*

These are all a high priority in "The Kingborough Council Tracks and Trails Strategic Action Plan".

Therefore, we would ask if Council could immediately put in place action to close these gaps in the Trails network.

Officer's Response:

It is acknowledged that all the above linkages are worthy additions to the tracks and trails network in Kingborough. However, there are time, cost and legal considerations involved in progressing these as agreements with private landowners are involved. Staff will make some preliminary investigations into the feasibility of creating these track linkages and provide a report to Council in relation to the likely cost and legal implications. It should be noted that in instances where a private landowner is unwilling to negotiate an easement for a right of public carriageway, the only option available is compulsory acquisition. Broad community benefit would need to be demonstrated before this option was considered justifiable.

Daniel Smee, Director Governance, Recreation & Property

10.3 Public Open Space, Spring Farm

Ms Kate Lucas submitted the following question on notice:

Is the proposed Spring Farm estate open space and the path linking Spring Farm to the Whitewater Creek track being funded by the developers of Spring Farm Estate or are the ratepayers being left to foot the bill?

Officer's Response:

The budget allocation for the Spring Farm track is \$475,000 that is made up of \$207,000 of cash in lieu Public Open Space contributions from the developer and the balance from Council's capital program.

Daniel Smee, Director Governance, Recreation & Property Services

10.4 Development Application for Slip Lane at Huntingfield

Ms Kate Lucas submitted the following question on notice:

Has Communities Tasmania submitted a development application for the promised slip lane to be added to the roundabout?

Officer's Response:

Yes, a development application has been lodged.

Melissa Stevenson, Coordinator Statutory Planning

C302/14-2022

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Cordover asked the following questions without notice:

11.1 Weed Management / No Spray Register

Has Council considered extending the no spray registration permit period and what is the reason for the current two year period? What are the possible exemptions?

Director Engineering Services responds:

In terms of managing the vegetation on our roads, our preference is to slash and spray. We find that if we don't, we tend to get problems in those areas. We do make provision for people to have no spray outside their property. Generally it's based on where people may be undertaking a particular function such as organic farming, they may have some sort of medical condition or there may be other extenuating reasons why they may want to have no spray outside their property. One of the issues of having an extended period of time is it can get lost when you do get change of ownership or you get change of circumstances as well. We do try and be fairly active in terms of managing that process because the preference is to make sure that we also try and manage our road reservations for vegetation control and the spread of weeds.

11.2 Signage on Van Morey Road

There are three spots on Van Morey Road where the road narrows significantly and therefore, in the opinion of constituents that I have been speaking with, requires some road safety signage. Will Council consider road safety signage for those areas and has a speed limit reduction been considered for Van Morey Road, from the sealed bit?

Director Engineering Services responds:

We are aware of some of the queries associated with the changing widths, bearing in mind that a lot of that is to do with the topography, and we have tried to improve the area only just recently. In some areas, it is quite hard to get some consistent widths. We do try and maintain consistency in terms of speed limits on all of our roads and for rural unsealed roads, that is normally a default of 80kms/h, but we will be looking into it.

Cr Grace asked the following question without notice:

11.3 Bus Shelter, Snug

I received an email from Mr Smee suggesting a plaque rather than painting the bus shelter pink. That's an insult, I've been told by our ratepayers. The community has come back with the idea of painting the surrounding rooftop and the two outside parts of the bus shelter pink?

Director Governance, Recreation & Property Services responds:

Firstly, I apologise if there has been any insult to the family of the deceased that the bus stop commemorates. It certainly wasn't my intention, it was a suggestion that was floated as an alternative to painting the bus stop, bearing in mind that the shelter is not owned by Council and as a Metro asset, I believe that Metro were open to the notion of a plaque and that suggestion was put to the family and as yet I haven't had a response to that letter.

Cr Glade-Wright asked the following question without notice:

11.4 State Planning Provisions

Has Council done or are intending to write a submission to the State Government regarding the State Planning Provisions?

Statutory Planner responds:

Yes, Council will be making a submission. We have just been advised that the due date for submissions has been extended to 12 August.

Cr Glade-Wright:

Is there any way that Councillors can view that submission?

Mr Stander:

I'm happy to do that. The submission that we intend to do is from a Council officer level but I'm quite happy to workshop that with Councillors.

Cr Midgley asked the following questions without notice:

11.5 State Planning Provision Review

Do we have any general comments or statements around the impact on this review for Kingborough and in regards to the timeline for the review process and what that means for Council?

Strategic Planner responds:

The only comment that I will make is that the document that is out for comment is the scoping paper. It is the State Planning office putting out questions in relation to what work needs to be undertaken in regards to that process. It's quite a high level document at this stage and it's quite difficult, even for planners sometimes, to go through that and it would be more difficult to explain to members of the public. From Council's point of view, our intention is to make a submission and it will be broadly in two parts. One would be to look at things from a strategic point of view, what are the things that we want to achieve through the new planning scheme and the second part would be to look at the potential issues or errors or even things that are missing within those state planning provisions. As you might know, the State Planning Provisions are not applicable to Kingborough yet so we haven't really had the opportunity to work with the State Planning Provisions but I have been working with my counterparts at other Councils, and the intent is to do a joint submission through LGAT as well, but from Kingborough's point of view, we will pick up on a number of things that we anticipate would be a problem for us when we do get the opportunity to go over to the Tasmanian Planning Scheme.

11.6 Algonia Road Roundabout Consultation

Do we know if the project will include a grade separated shared path to link Spring Farm and Whitewater to Huntingfield park and ride?

Director Engineering Services responds:

No, we don't. At this stage they have been concentrating more on the roundabout. It's fair to say that the discussions had with various people who have been involved in the preliminary meetings about the need to cater for pedestrians and cyclists in the general area, but we are yet to see what that might end up being. What is showing on the plans at the moment is not detailing that at this stage but it will be something for us to chase up at our future meetings.

Cr Midgley:

If we will be noting that in our feedback and submission that it is a very worthy thing to include and will the results be presented to Councillors in a workshop?

Mr Reeve:

We can arrange for a workshop to be held if that is the wish of Council. In terms of making a submission regarding the active links, absolutely, that is something that we would like to put forward very strongly. It's something that we have advocated for before, even with the park and ride in the area.

Cr Grace asked the following question without notice:

11.7 Planning Scheme

I raised an issue with State Government regarding rezoning at a property at Snug and their reply was that if Council uses the State Wide Planning Scheme they would have more scope. I just heard that we are not allowed, at this stage, to use the State Planning Scheme?

Acting Chair responds:

I'll get Mr Stander to answer you but we are in the process of apply the State Wide Planning Scheme, but Mr Stander, you might want to provide some comment as to where we are in that process.

Mr Stander:

The properties at Margate and Snug have come up in discussions recently. When Council proposed what we want to see in the new planning scheme, we also identified future growth areas at Margate and Snug as part of that process. Currently the commission is still assessing what Council has presented to them, we've had our third post-lodgement meeting with the Commission on 3 June, so we are still working through a number of matters including those at Margate. The short answer is no, the new planning scheme is not in place, it will still take some time but we are working through those matters.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

There were no questions on notice from councillors.

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning authority commences at 5.50pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C303/14-2022

13.1 PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 – REZONING FROM INNER RESIDENTIAL ZONE TO COMMUNITY PURPOSE ZONE OF LAND (CT 178255/1) AT 35 MARANOA ROAD, KINGSTON

Moved: Cr Gideon Cordover

Seconded: Cr Amanda Midgley

That Council resolves that:

- (a) Pursuant to section 34(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* as per Attachment 1.
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies that Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorises the General Manager to sign the Instrument of Certification provided in Attachment 2.
- (c) Pursuant to section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the *Water and Sewer Industry Act 2008*, Council will refer Amendment PSA-2022-2 to TasWater; and
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will place Amendment PSA-2022-2 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

CARRIED

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumes at 5.53pm

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

16 OFFICERS REPORTS TO COUNCIL

C304/14-2022

16.1 INTENTION TO MAKE TREE BY-LAW

Moved: Cr Gideon Cordover

Seconded: Cr Flora Fox

That Council:

- (a) in accordance with s.156(1) of the Act, intend to make the *Trees on Private Property By-law, By-law 1 of 2022* as annexed to this report;
- (b) submit the regulatory impact statement as annexed to this report to the Director of Local Government; and
- (c) on receipt of the certificate issued by the Director under s.156A(6) of the Act and the General Manager giving notice pursuant to s.157 of the Act, undertakes public consultation in respect of the proposed By-law.

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

Against: Cr David Grace

CARRIED 7/1

C305/14-2022

16.2 POLICY 3.19 - CASH-IN-LIEU OF PARKING POLICY

Moved: Cr Gideon Cordover

Seconded: Cr Amanda Midgley

That the amended *Cash-in-Lieu of Parking Policy 3.19* be approved.

CARRIED

C306/14-2022**16.3 CIVIC CENTRE FLAGPOLE POLICY**

Moved: Cr Amanda Midgley
Seconded: Cr David Grace

That Council approve the Civic Centre Flagpole Policy and Annual Community Flag Schedule as attached to this report.

Moved: Cr Flora Fox
Seconded: Cr Steve Wass

That this matter be deferred.

CARRIED

17 NOTICES OF MOTION

There were no Notices of Motion.

C307/14-2022**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

Moved: Cr Amanda Midgley
Seconded: Cr Flora Fox

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 - Provision of Reactive Tree Trimming

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

Tender Assessment - AB2215 Mountain Bike Park Pump Track

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

Kettering Cemetery

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

CARRIED

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting ceased.

Cr Grace left the meeting at 7.23pm

Open Session of Council adjourned at 7.23pm

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OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.25pm

C308/14-2022

Moved: Cr Amanda Midgley
 Seconded: Cr Flora Fox

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil
Tender - Provision of Reactive Tree Trimming	Panel Approved
Tender Assessment - AB2215 Mountain Bike Park Pump Track	Tender awarded to Velosolutions Pty Ltd for \$327,825 excl GST
Kettering Cemetery	General Manager Authorised to Negotiate Acquisition of Right of Way and Lease Approval

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.26pm

.....
 (Confirmed)

.....
 (Date)