

Kingborough



COUNCIL MEETING MINUTES

17 October 2022

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, 17 October 2022 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:

| | |
|--|----------------------|
| General Manager | Mr Gary Arnold |
| Chief Financial Officer | Mr John Breen |
| Director Governance, Recreation & Property Services | Mr Daniel Smee |
| Director Engineering Services | Mr David Reeve |
| Director Environment, Development & Community Services | Dr Sam Fox |
| Manager Development Services | Ms Tasha Tyler-Moore |
| Strategic Planner | Mr Adriaan Stander |
| Media & Communications Advisor | Ms Sam Adams |
| Executive Assistant | Mrs Amanda Morton |

4 APOLOGIES

There were no apologies.

C404/20-2022**5 CONFIRMATION OF MINUTES**

Moved: Cr Flora Fox
Seconded: Cr Sue Bastone

That the Minutes of the open session of the Council Meeting No.19 held on 3 October 2022 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Nil.

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

C405/20-2022**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

Ms Melissa O'Keefe asked the following questions without notice:

9.1 Landscape Conservation Zone

Can the Council guarantee that there will not be any property owners who will be unable to build on their land as a result of being rezoned to Landscape Conservation Zone (LCZ)?

Manager Development Services responds:

The application of any of the zones through the new Planning Scheme will still be subject to an assessment for any proposals. It really comes down to the proposal and you can't just broadbrush and say that they can't have approvals. For example, if they want to build a dwelling they need to meet certain setbacks, certain criteria might have to do with colours or access to the properties. Every application is assessed on it's own merits so you can't answer it straight out.

Ms O'Keefe:

In relation to that, I understand that Hazard Management Areas are in conflict to LCZ and that it is a mandatory requirement to have a Hazard Management Area in all areas that have bushfire prone overlay. Will this preclude people from building on blocks because they are unable to have a Hazard Management Area?

Manager Development Services:

Hazard Management Areas and the requirement for BAL assessments is dealt with under the *Building Act 2016*, not necessarily under planning. It does apply to planning in some instances such as sub-division over a certain size and vulnerable uses. It's not directly related and no, it could prevent development by not requiring a Hazard Management Area. Each application would be assessed on its own merits and the requirements around that would be assessed, just as we do in the current planning scheme.

Ms O'Keefe:

With the current planning with the environmental living zone there is an information sheet that has been issued that states that "the introduction of environmental living created a conflict" with regards to the need to clear vegetation and vegetation management for hazard management purposes. There is quite a bit of information on this. Pages 88 to 90 contained within the Kingborough Council Land Use Strategy of May 2019 and in there it is very clear that LCZ is being used to discourage residential development in bush areas.

Manager Development Services:

I'm not familiar, off the top of my head, what document you are referring to, the information sheet about the LCZ, so I can take that on notice. The application of LCZ is a choice of the zones that we have available to us. There is no intent of preventing development. The application of all the zones and the code overlays throughout the municipality have different effects on use and development and different planning permit requirements, the same as we have in our current planning scheme.

Ms O'Keefe:

I would suggest that there is some review of the Kingborough Council Land Use Strategy because it speaks very differently to the advice that you have just provided.

Thinking about the welfare, health and good safety of the municipality, the Huon Valley Council had over 400 representations. If we have say 100 people that engage a planner to prepare a representation, that is a cost of in excess of \$500,000 to our community. We are experiencing problems currently in the rapid increases in the cost of living and this is really going to hurt our community. Our community currently doesn't have the avenue to put forward their suggestions without going through to the commission. In addition, the Council will have to expend money to have representation to the commission also, which is more money from the public purse. That money I would suggest could be better used. I have been advised that there is not even enough money to do public consultation in relation to this.

Mayor:

Can I ask you to get to your question please. Unfortunately our meeting regulation procedures do not allow for lengthy statements, so if you could just ask the next question.

Ms O'Keefe:

Would Kingborough Council consider requesting the withdrawal of the draft Local Provision Schedule, undertake community consultation, redraft the document and then people can make submissions? It would save, not only the Council and the ratepayer money, and also the community more broadly.

Manager Development Services:

The reference to costing \$500,000 for the residents, the system is not set up that the residents need to get representation. This has been a bit of misguided information that we have seen on social media. The system is set up by the State Government that people can just represent themselves at the tribunal. It's done in a fairly friendly environment, they are given generous ability to talk or ask questions. If someone asked me directly 'should I get representation?' I would suggest that it is really set up for lay people, ordinary residents to be able to approach the TPC. You don't need to go and get these expensive consultants and I wouldn't encourage people to do it necessarily. Sure, some areas may choose to pitch together and employ someone or get some advice and it is also worth understanding that if residents are putting in representations to Council's planning scheme, whether we agree or disagree, we are always there for the community to help explain it. It's the same as when we go to planning appeals for a multi-unit development appeal, if you're the resident and you don't like it and you're appealing against us, we still spend the time and explain how the process works, what you might need to do on the day to give an understanding and we provide that service regardless because it doesn't matter whether it's for or against what we are doing, we provide that. I would encourage the residents to engage with us if they were nervous about going to the public hearings that are held. The second one was about Council spending money on representation at the TPC – that's part of our job, that's what we do, we are going to be there regardless whether there is one representation or 400 and we will give all representations due consideration and it will be included in the report that will come back to the Council meeting, much as we do with other planning scheme amendments, where we come back and we might make a recommendation such as we've taken this on board, we've now reviewed this, our recommendation to the TPC should be, actually rezone this or maybe apply this code overlay, we've got the opportunity from those representations. And that's the whole purpose of public consultation and representations, it gives us an opportunity to review it because, yes, it's true, we don't live in every single property. There are over 33,000 properties and we've done our very best to do the zoning as we see fit and the translations that the State Government has allowed us to do that. There might be some representations where we say either that it's not a relevant matter such as property devaluation which is a famous one that planners have to deal with all the time, it's not a planning matter because it's not in the legislation. We would make comment to that so that the elected members are aware of what they can or can't consider as the planning authority. But ultimately it is a report for the Planning Commission and the Planning Commission makes determination as to whether they are valid recommendations or not. As an example, we might say that we will rezone a township a certain way after the consultation, but the TPC might say that it's an incorrect application of that zone and that we need to stick with the original zoning or we may need to do something else. And that's what the hearings are for and residents can speak or businesses and Council officers speak as well. That is what the public hearing is for, to have that overall discussion and understanding. But as part of the public consultation that we are going to undertake, we plan to do it in different areas because most people are only interested in their township or their area, so we will provide information specific to them and we can answer questions more directly so that they are informed when they make the representations, should they wish to make a representation. Sorry, Mayor, I forgot what the final question was.

Mayor:

Pulling the LPS.

Manager Development Services:

There is a mechanism which I'm guessing the residents are aware of. Officer recommendation is that the LPS isn't in need of being pulled. I think it's important that we go through the process, we haven't had the response back from the Planning Commission about the methodology and the application of the codes and overlays throughout the planning scheme. We need to remember there are many, many zones and many overlays and other parts of the planning scheme that are relevant and we need that direction. It would be pre-emptive to make that decision and certainly the TPC would give direction in those post-lodgement meetings, which we have commenced,

whether there is concerns about the applications and, of course, they are aware of the public angst about the LCZ and what has occurred at Huon Valley. It is our intent at our next meeting that the matters that have been raised by the residents about the LCZ be raised with them and tabled at our next meeting that we have with them. Certainly we are carrying that through from the public to them for discussion and hopeful response. There are a number of elements in pulling the LPS – worst case scenario is that the State Government takes on the responsibility for the planning scheme and they make the decisions and it's removed from Council's hands. Whichever way you look at it, it might have pros it might have cons but its important to understand that.

Ms O'Keefe:

In relation to representation, it is a cost of \$5,000 to \$6,000, is what I'm told through people who have engaged a planner. I would suggest that a lot of people wouldn't have sufficient knowledge to be able to go in and put forward a case for themselves. So I would refute that and say that this will cost (*Mayor interjects*).

Mayor:

Sorry, is there another question as Ms Tyler-Moore has answered that, that she doesn't believe that people don't need to we've got a process here, and don't shoot the messenger, but we have to follow the meeting procedure regulations. It's not up for debate, the response. If you want to ask another question then you can do so now. Ms Tyler-Moore has answered that in relation to the cost of a planner and that it is not intended that people need to fund a planner to make representations on their behalf, that's not how the system is set up.

Ms O'Keefe:

In the communications we continue to see that this is only a change on paper and that there will be no changes in a practical sense. That is incorrect and for that reason, I would suggest that people ge their own representation and I'll leave it at that. Thank you.

Mayor:

I will give Ms Tyler-Moore an opportunity to respond to that. I'll take that as a question because that is a statement that you have made and this is question time. Ms Tyler-Moore, would you like to respond to that?

Manager Development Services:

I don't believe that any of our communication or communication that has come out of Kingborough Council says that there are changes only on paper. There are changes, we are well aware of the changes, we have been working with those changes for a number of years since 2019. Yes, there are planning control changes about what is required in the different zones and overlays that have to be considered each time.

Ms O'Keefe

Has there been any economic or social impact studies done to look at the impacts that LCZ will have on our community?

Manager Development Services:

No, no direct report or assessment has been done in that.

C406/20-2022**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

10.1 Sporting Grounds

S Clark submitted the following question on notice:

The Twin Ovals football ground, unlike the cricket ground, does not have the infrastructure to be used for summer sport, ie a cricket pitch.

Both Ovals are available for casual hire during their respective off seasons.

- 1. Can the Council please provide the income derived for each oval from the casual hire booking system?*
- 2. Can the council also provide the number of times each ground was used on a weekend during the respective off seasons?*

Officer's Response:

- Twin Ovals 1 – Casual use income Summer 2021-22 = \$2,013.50
Twin Ovals 1 – Casual use income Winter 2022 = \$3,364.00
Twin Ovals 2 – Casual use income Summer 2021-22 = \$4,071.00
Twin Ovals 2 – Casual use income Winter 2022 = \$7,823.50
- Twin Ovals 1 – Summer Season 2021-22: The ground was used on nine weekend occasions, however, was used daily during the week for Football training with a total of 265 hours of use.

Twin Ovals 2 – Winter Season 2022: The Ground was used on seven occasions on a weekend, however, was used daily during the week for Football and Soccer training with a total of 173 hours of use.

Daniel Smee, Director Governance, Recreation & Property Services

10.2 Playgrounds

AJ Kingston submitted the following question on notice:

At the Council meeting on 19.9.22 Council discussed the community engagement report for the Spring Farm play space. The officer's report stated that "many of the respondents are seeking infrastructure that is beyond the available budget allocation" and that "it may be necessary to either allocate additional funds from the Public Open Space account or complete the project in stages".

This playground is receiving funding of approx \$200,000 from the sale of Council owned land. The proceeds of the land sales were intended to fund the critical upgrades of existing playgrounds which the playground audit found to be necessary. This was clear in Dean Winter's communication prior to and after the land sales were agreed.

"Stage One" was referred to during the recent meeting.

- 1. Please provide details of any plans for subsequent stages eg funding and timeframe.*

2. *Please provide details of the funds raised from the land sales and the projects these funds have been allocated to.*
3. *Which playgrounds from the original list of 18 are yet to have any funding allocated?*
4. *Does all expenditure of funds from the Public Open Space account require a decision by Council in open session?*

Officer's Response:

1. The balance of funds remaining once the upgrade of the Willowbend Playground has been completed is expected to be around \$200,000 and development of the play space at Spring Farm is proceeding on this basis. There are no current plans for subsequent stages or funding allocations at this point in time but Council may wish to consider these in the future.
2. To date, settlement has occurred on two properties: Lot 1 Mt Pleasant Road (for which the net proceeds of sale totalled \$379,000) and 281 Roslyn Avenue (for which the net proceeds of sale totalled \$382,000). As noted above, funds from the sale of Lot 1 Mt Pleasant Road have been committed to the Willowbend Playground and the proposed Spring Farm play space. Funds from the sale of 281 Roslyn Avenue have been committed to an upgrade of the Alamo Place playground (\$220,000) with the balance to be put into the Public Open Space account. Funds from the sale of 41 Hiern Road have been earmarked for the Donohoe Gardens playground, whilst funds from the sale of 110 Channel Highway have been allocated towards the upgrade of the Louise Hinsby Reserve. The balance of any remaining funding from these two projects will be placed in the Public Open Space reserve.
3. Of the 18 playgrounds rated as high priority for upgrades in the 2020 audit, funding has thus far been allocated for Louise Hinsby Reserve, Willowbend Park, Donohoe Gardens and Alamo Close.
4. All expenditure of Public Open Space funds is made by a resolution of Council – either through the annual budget process or through a formal report. Whilst this is normally a decision made in open session, there may be instances where an allocation of Public Open Space funds is recommended for the acquisition of land or an interest in land. In these instances, the matter would be considered in closed session, as per the provisions of Section 15(2)(f) of the *Local Government (Meeting Procedures) Regulations 2015*.

Daniel Smee, Director Governance, Recreation & Property Services

C407/20-2022

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Glade-Wright asked the following question without notice:

11.1 Landscape Conservation Zoning

I would like to understand more the roll of Councillors in this whole process and I'll read this out "the role of the councillors as the planning authority after public consultation is merely to summarise and comment upon the community submissions made in relation to the draft local provisions schedule forwarding these to the State Planning Commission." In that case, if there are areas of overreach and landscape conservation zone isn't justified, what is the roll of the planning authority to assist our community members?

Manager Development Services responds:

There is a function of the councillors. When the report comes to the Council following the public consultation period, recommendations can be made as I referred to earlier. Recommendations may be to do with the application of zoning on particular properties as an example and it is important that you are still sitting as a permit authority so you are still obliged to stay within the parameters of what the planning scheme and the State Government is requiring us to do with the planning scheme, rather than the emotive direction of people or persons or businesses and the like. It still has to stay within the parameters of what we can and can't consider. There has to be a justification report which has already occurred and will occur to any adjustments to any parts of the planning scheme, such as what we are doing with the specific area plans. We must do a justification report which has about 12 points in it that we do an assessment against, which includes things like, does it match the other plans of the State Government, does it meet this requirement and all these different criteria. Whilst we don't expect the Councillors to necessarily do that assessment, we do that assessment and provide advice, but certainly if there are questions or wanting to understand that justification report that's provided.

Cr Glade-Wright:

Does the justification report come to Council in the report? Do we get to see that?

Manager Development Services:

Yes it does.

Cr Glade-Wright:

I was reading the officer's report to Council dated 26 November 2019 when this was last discussed. At 7.3 it says "it is also proposed that property owners will be individually notified where it is apparent that there is likely to be a significant change to the use or development provisions that apply to their property". Has that occurred and if not, why not?

Manager Development Services:

That comment in the 2019 report where it talks about significant changes and it would be up to our assessment to determine what constitutes significant. If it were to be a notification process where there are many, many people advised of the changes, we would need to consider the resourcing implications of that. That's not to say that's the reason for doing the notification or not, but it certainly plays a part of it. There needs to be fairness between the different zones and overlay controls that are affected, so to one person they may think it's really significant such as LCZ but to another person where they are going from low density to general residential, then they may think that that's significant. It can be a bit of a feast about what is significant or maybe your zone is saying the same but now you've got an overlay code, so there needs to be a pragmatic approach to the notification process around the changes to the planning scheme.

Cr Glade-Wright:

Do we feel like we are adequately resourced to send every property a letter explaining the zone changes that are proposed?

Manager Development Services:

I think this is probably a decision really for the incoming Council to determine what they feel is the most appropriate to meet the needs of the residents, but certainly will be guided by officers which will also inform the resourcing and the like or the implications or expectations will bring with that.

Cr Glade-Wright:

Is there any concept of how much that would cost?

Manager Development Services:

No, we don't have that on hand.

Cr Glade-Wright:

Could we put that on notice please?

Mayor:

Yes, we will take that on notice.

Cr Cordover asked the following questions without notice:

11.2 Basketball Ring, Kingston Park

It has come to my attention that the net on the basketball ring at Kingston Park playground has become dislodged and is in need of reattachment. Is playground equipment at Kingston Park regularly inspected for faults and if members of the public do identify equipment in need of maintenance, do you recommend they email kc@kingborough.tas.gov.au or is there a separate mechanism for playground maintenance?

Mayor responds:

No we would encourage them to lodge a service request through that email. Mr Smee, could you provide us with any specifics in relation to the basketball ring.

Director Governance, Recreation & Property Services:

We do have a dedicated team that maintain the Kingston Park playground and we can certainly have the issue of the net addressed. And yes, it would be appreciated if members of the public could email us to alert us of any maintenance issues required.

11.3 Landscape Conservation Zoning

Would it be possible to open public consultation early to give the community more opportunity to share their perspectives on the LCZ but also on the other aspects of the draft LPS and if its not possible to open it early, why not? Secondly, could we extend it longer if people in the community feel like they need more time to make their feelings known about the LPS?

Mayor responds:

I'll ask Ms Tyler-Moore to comment on this but my understanding is that we can't open it early because the documents are currently with the TPC and we can't go out to consultation with something that may change once it comes back from the TPC because we would have to restart consultation again, so we might not be consulting on the same documents and that's the point that Ms Tyler-Moore and our Strategic Planner have been trying to indicate over recent weeks, is that the TPC, it's up to them what they do with the recommendations that we have put to them. And this applies now or later on as well. Under the process, the State Government has mandated a minimum 60 day consultation period as I understand it.

Manager Development Services:

Correct, the formal consultation period is an 8 week period for residents to be able to ask any questions and make representations within that time. We may consider after discussions with the TPC and SPO whether we will have an opportunity to perhaps have some information sessions. The risk with having consultation before the consultation is that people don't really that they are two separate processes and only if you put in the representation in the second half, they are the representations that count and also give you to the ticket to speak at a hearing. It's important with the public to not cause confusion, while some people are really attune to what is going on, others are not as invested or involved so you do run a risk there, and it's not fair on those residents. We certainly will continue to do communications from our website and social media as we get closer to it. Again, as I have mentioned in previous Council meetings, the reason we are not doing it too early we don't see that the advertising period is we are not going to get direction for that probably until the very earliest in the first quarter of next year, if not half way through next year. If we do information too early, it's just too much of a gap between the two and, as the Mayor has mentioned, it may change between now and then as a result of the post-lodgement meetings. But as part of the consultation period, there will be information sheets and specific to certain areas as well, so that it is more relevant to people and easier to digest, because if you just give them the whole scheme, trust me, it's hard to read and hard to go through and hence why we will have meetings and workshops with the Councillors as well, because I am sure that many of the Councillors will be present at the public consultations in addition to that so there is a better understanding and we can share that information across various platforms.

Cr Cordover:

I'm very concerned that we need to make sure that the community feel like this is a thorough process and when they give feedback that that feedback is constructively and meaningfully assessed and acted upon. Is it possible to extend that consultation process longer if people feel like they still need more time to express their opinion? Will Council, in order to achieve a very thorough and robust process, will we be seeking funding from the State Government to help invest in an adequate and extensive public consultation process?

Mayor:

In relation to extending it past 60 days, one of the issues when you are doing community engagement is if you start to go over more than two months, people tend to lose interest. They can be too short and they can be too long. I think that is something that we need to assess at the time and ensure that we are getting adequate information from the community and if it looks during that point that there hasn't been the level of engagement that we would expect, then perhaps we would consider extending it, but we also have to be conscious of the fact that the longer we extend it, the whole thing starts to take longer and could cause more stress for people the longer it goes on. That's something I don't think we can particularly answer right now but I'll ask Ms Tyler-Moore to add to that.

Manager Development Services:

I would just add the comment that we would need to seek some direction or allowance by the TPC to change what the requirements that are legislated are.

Cr Cordover:

And will we be seeking funding to assist us in that process from the State Government whose ultimate responsibility this is?

Manager Development Services:

It's not something that we have really considered because I think it's very unlikely because all 29 Councils are going through the same thing and I'm not aware of any of them receiving any support funding.

Mayor:

I think I did read somewhere that some of the very small Councils did receive some assistance with some funding and I think it might have been a comment in parliament that one of the Ministers made recently and I think the comment was that the rest of us were well resourced.

11.4 Margate Development

Could I please ask for a status update about the construction works of the Kalis Group development at Margate CBD? Is Council aware if an anchor tenant has been secured for the development?

Mayor responds:

I haven't had any further contact from Mr Kalis but I don't know if the General Manager has. I can only indicate what I have heard very much on the grapevine and that is that the proposed anchor tenant that had been going to go in there has not signed the lease. I believe there is still work going on there because every time I've gone past, which has been a couple of times a week in the last few weeks, there has been activity on the site, so I'm not aware that there is a stop work at all.

Cr Cordover:

Is Council aware of the timeframe for completion or will Council be getting kept up to date with any delays, should they arise?

General Manager responds:

It's unlikely. The Kalis Group make their contractual arrangements and they are not necessarily through the Council.

Cr Cordover:

What oversight or involvement will Council have in this project with respect to things such as building permits, inspections or approvals and will reports about that progress of the development be brought to Council on a periodic basis so that the community can stay apprised of what is happening to their CBD?

Manager Development Services responds:

They will have a private building surveyor. They will undertake all their building inspections. The plumbing inspections will need to be undertaken by Council because Council is still the permit authority for the plumbing side of it and there may be other inspections involved if there are impacts or works related to our assets. Other than that we wouldn't have any updates or oversight and we would not bring it to a Council meeting. That's not normal practice.

Cr Grace asked the following questions without notice:

11.5 Costs of Hearing

If a rate payer lodges a complaint regarding a development application to the Planning Commission, they are immediately told if they loose they have to pay the full costs of that hearing.

Mayor responds:

You're asking if that's correct and why?

Cr Grace:

Yes.

Manager Development Services:

I think there might be a mix up between the TPC and RMPAT. Was it intended that the question was about an individual planning application as opposed to the planning scheme? I'll take it that it was. If a resident takes an appeal to TASCAT which was formerly known as RMPAT, and they loose, no, there is not automatic award of costs against the person that lodged the appeal. If it was frivolous and vexacious, then it may, but that's the decision of TASCAT.

Cr Grace:

I've been told be people that they are told when they go into the hearing, if they loose they pay.

Manager Development Services:

I don't believe that is true and the comment is about something that TASCAT is doing, not what Council is doing, so I can't speak on their behalf.

11.6 Ambulance Services

How many ambulances do we have stationed in our municipality at any one time?

Mayor responds:

I couldn't tell you those figures

11.7 Stadium

Are you and the General Manager supporting this multi-million dollar stadium for AFI football at Macquarie Point?

Mayor responds:

It's not something that this Council has taken a position on, it's a matter for the State Government. My personal opinion is that a \$750 million stadium is unnecessary and unaffordable for the State at this point in time.

Cr Street asked the following question without notice:

11.8 Drainage Issue at Sports Centre

Are Council staff aware of a significant drainage issue with respect to outdoor netball court 3 at the Kingborough Sports Centre?

Director Governance, Recreation & Property Services responds:

Yes, we are and our stormwater engineers are doing work in relation to that but it will require a capital bid to resolve it.

Cr Street:

Is consideration being given to the conflict between those drainage issues and the urgent need to resurface at least that court and potentially one or two others? The conflict being that if the drainage issues aren't fixed, there's not a lot of point resurfacing the court.

Director Governance, Recreation & Property Services:

We are certainly aware of the need to resurface the courts and the associated matter of drainage. My understanding is that the intention is to resurface some of the courts that aren't impacted by the drainage and then do the others once the drainage is fixed.

C408/20-2022

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Welcome to Kettering Sign

At the Council meeting on 3 October 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

When will the sign on the Channel Highway, travelling north, that says 'Welcome to Kettering' be replaced?

Officer's Response:

This is a non standard sign but will be replaced once a new sign of a similar type can be sourced.

David Reeve, Director Engineering Services

12.2 Use of Bus Stops at Blackmans Bay

At the Council meeting on 3 October 2022, **Cr Street** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Are Council staff aware of Metro Tasmania using the bus stops at Wells Parade near the skate park as a location of commencement of routes or for the taking of breaks during shifts? Could we make enquiries with Metro Tasmania as to that practice? I've had reports from residents in the area that routes are seemingly commencing from Wells Parade from very early in the morning which involve buses idling in the area from about 6am in the morning. It seems to be a very recent occurrence. If that is happening, I would put it to Metro that that is not very appropriate in a

residential area and probably not appropriate throughout the day outside a playground and skate park either.

Officer’s Response:

This matter will be queried with Metro with suggestions that either an alternate location is chosen or that the impact of noise is reduced by turning the bus off.

David Reeve, Director Engineering Services

12.3 Barrier on Underpass to Wetlands

At the Council meeting on 3 October 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

When will something more permanently be erected in place of the flimsy barrier on top of the underpass to the wetlands?

Officer’s Response:

Safety railing will be installed on top of the underpass as part of the road works contract that is scheduled for completion by the end of October.

Daniel Smee, Director Governance, Recreation & Property Services

12.4 Weed Spraying

At the Council meeting on 3 October 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

1. *What herbicides are being used this year?*
2. *How much spraying is undertaken by Council and how much is undertaken by contractors?*
3. *How are we preventing the runoff into the waterways?*
4. *Is a register kept of a daily spray sheet and do we audit the sheets?*

Officer’s Response:

1. An approximate forecast of herbicides that will be used this year is provided in the table below. Herbicide selection is based on a number of factors, including the species to be targeted. It is expected for weed populations to fluctuate seasonally, for new species to be identified requiring niche control methods and for reassessments of herbicide selections when existing populations fail to respond to current control techniques. For these reasons, it is not possible to provide a definitive forecast of herbicides being used this year.

A list of herbicides currently on hand is provided, along with herbicides known to have been utilised by contractors.

| Turf Maintenance Unit | Strategic Weed Program | Reserves | Roadside Maintenance (boom spray) | Contractors |
|------------------------------|-------------------------------|-----------------|--|--------------------|
| Weedmaster Duo | Lontrel Advanced | Kamba 750 | Glyphosate-based product registered | Weedmaster Duo |
| Slasher | Starane | Slasher | | Garlon |

| Turf Maintenance Unit | Strategic Weed Program | Reserves | Roadside Maintenance (boom spray) | Contractors |
|-----------------------|------------------------|--------------|--|--------------|
| Weedkiller | Advanced | | for use in aquatic environments by the Australian Pesticides & Veterinary Medicines Authority (APVMA). | |
| Apparent Ravage | Tussock Herbicide | Glyphosate | | Metsulphuron |
| Casper | Comrade | Grazon Extra | | |
| Matrix 500 | Associate | | | |
| Poacheck | Slasher | | | |
| | Rotary Max | | | |
| | Weedmaster Duo | | | |
| | Garlon | | | |
| | Kamba 750 | | | |
| | Grazon Extra | | | |

Table 1. Herbicides on hand within the organisation and those known to have been utilised by contractors to date this year.

2. A summary of contractor engagement, per program, is outlined below, including annual programs which have been outsourced to contractors.

| Turf Maintenance Unit | Strategic Weed Program | Reserves | Roadside Maintenance | Projects/Contracts undertaken by contractors annually |
|-------------------------|---|--|---|---|
| No spraying outsourced. | Most of the spraying within the Strategic Weed Program is undertaken by staff. | Nearly all spraying within recreational reserves and public open space is undertaken by staff. | 100% of the roadside boom spray program is undertaken by contractors. | Maintenance of Baretta Waste Transfer Station (Weeds). |
| | At the beginning of every financial year, certain projects within the Strategic program may be identified where on ground assistance from contractors will improve capacity/capabilities and ensure better weed control outcomes. | Minimal outsourcing is required to support staff, but occasional may include some site-specific support. | | Kingston Mountain Bike track |
| | Some components of Weed Action Fund grants are undertaken by contractors. | | | Weed control within the Capital Works Program, including the construction or upgrade of roads, footpaths and walking tracks, is predominantly undertaken by contractors with support from the Natural Areas and |
| | The quantity of on-ground weed control undertaken by staff in the form of fee for service for other organisations as high priority weed contracts is balanced by employing contractors on Council owned land tenure to | | | |

| Turf Maintenance Unit | Strategic Weed Program | Reserves | Roadside Maintenance | Projects/Contracts undertaken by contractors annually |
|-----------------------|---|----------|----------------------|---|
| | the same value. Contractors in this scenario are normally engaged to control lower priority weeds or employed within a specific part of the program, such as revegetation maintenance, ensuring there is no negative impacts to capacity as a result of the fee for service contracts and that significant positive outcomes are yielded in the form of improved weed control outcomes. | | | Biodiversity staff. |

Table 2. Spraying operations undertaken by staff compared to that of contractors.

A review is currently underway assessing herbicide usage and best practice within Council and accurate figures may be ascertained for this question and provided within the report. The response can be varied in nature depending on how the question is applied, or what particular information is being sought. Examples of variations include volume of herbicide sprayed by staff versus that of contractors, or total size of infestations treated by staff compared to contractors, or alternatively, staff costs plus operational expenses versus that spent on contractors. All of these assessments, however, require significant data input and analysis to produce accurate calculations.

3. Within Kingborough Council, only trained staff who hold their ChemCert qualification are permitted to spray herbicides, including contractors employed by Council. Ensuring all spray operators hold ChemCert means all staff have the proper level of training and awareness, including how to apply herbicides appropriately around waterways, as well as those areas which may drain into such ecosystems, such as roadside drains.

When planning weed control around waterways, a number of factors are considered such as the feasibility and practicability of the work, the physical characteristics of the job site, optimal control method for the species identified including alternatives to herbicides, characteristics of any herbicide selected (physical, chemical and environmental) and buffer zones.

If herbicides are used, prevention of herbicide runoff into waterways is achieved via correct application methods. Application control measures include following the directions on the herbicide label, directing the spray away from the waterbody where possible, spraying only to the extent of covering foliage with droplets, applying herbicide in appropriate weather conditions, using a low pump/spray pressure to reduce the likelihood of spray drift and not applying herbicides when rainfall is forecast to prevent herbicide being washed into waterways.

Herbicides applied to a waterbody, or around its edge, must be registered for use in aquatic environments by the Australian Pesticides & Veterinary Medicines Authority (APVMA). Due to the nature of the roadside spraying program (via boom spray method) and the difficulty in determining whether all drains are dry at the time of application, a number of conditions are placed on the contract provider, including only the use of a glyphosate-based product registered for use in aquatic environments by the Australian Pesticides & Veterinary

Medicines Authority (APVMA) be allowed for spraying. In addition to this, no surfactants or other agents are to be added.

4. As per the AGVET Chemicals Code of Practice, Spraying in Public Places, Issue Date: June 2004, there is a clear expectation that individuals and organisations involved in spraying of public places will recognise the Code as the minimum acceptable standard for these operations. In addition to this, all spray operators must comply with the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* and the regulations and orders made under that Act.

Section 1, paragraph 10 of The Code states:

“You must maintain a record of spraying operations. Your records must at least include the date, location and name and rates of any chemical products applied. These records must be made available to relevant authorities if requested.”

Staff and contractors employed by Kingborough Council keep and maintain spray records as per The Code and legislative requirements. A register of these records, however, is not maintained.

Auditing of spray records is undertaken, including the independent auditing of application records, spray operations and herbicide holding facilities conducted by Biosecurity Tasmania.

Rene Raichert, Acting NAB Coordinator

12.5 Landscape Conservation Zoning

At the Council meeting on 3 October 2022, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Will the landscape conservation zone affect existing properties ability to renovate their houses or build on their land?

Officer’s Response:

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 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, but also to the 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.

Main differences between the Environmental Living Zone and Landscape Conservation Zone

The main difference between the two zones are the zone objectives.

- The primary purpose of the Environmental Living Zone is for rural living development in areas characterised by native vegetation cover and other landscape values.
- The main purpose of the new Landscape Conservation Zone is for the protection of landscape values, with a range of allowable uses and developments in support of the zone

purpose. This includes a single house on a lot, alterations and extensions to existing houses, short-stay accommodation (or visitor accommodation), tourist operations, small-scale food service (cafes/restaurants), and shops.

The requirements for development in the Environmental Living Zone are comparable to those in the new Landscape Conservation Zone. The restrictions in the development standards in the Environmental Living Zone meant that most new developments (including dwellings) were assessed under the Discretionary pathway, even when the use was listed as Permitted in the Use Table. The Landscape Conservation Zone now list dwellings as a Discretionary Use and the Land Use Table. In short, there is a perception in the public that the Landscape Conservation Zone will make things harder for people if they want to construct dwellings, however in practice and for most people, the process will be the same.

As a general comment, it should be noted that our situation is vastly different from what is happening in the Huon Valley. They did not have that many properties in the Environmental Living Zone and for them the changes are likely to be more significant than in Kingborough.

Further Information

Our [LPS page](#) provides more information about the incoming Tasmanian Planning Scheme. It includes a fact sheet from the TPC about the Landscape Conservation Zone with a comparison with other zones. At the bottom of the page, there is an online form for people to fill out and ask questions if they want to know more about the zone and what it means for them. Most people felt more comfortable with the proposed changes, once staff had spoken to them and explained the situation. In addition, there will be plenty of opportunity to ask questions when approval is given from the TPC to undertake public consultation. People will have the opportunity to indicate support or object (and propose an alternative zone if they want to).

Adriaan Stander, Strategic Planner

12.6 Dog Poo Bag Dispensers, Bruny Island

Cr Bastone submitted the following question on notice:

When will council install dog poo bag dispensers on Bruny Island. BICA will undertake to keep the dispensers filled?

Officer's Response:

Once the current bin emptying contract concludes this can be pursued further. The delay is associated with the delivery of the new vehicles to be used for the collection service by Kingborough Waste Services but is now envisaged to occur February/March 2023.

David Reeve, Director Engineering Services

12.7 Hall Maintenance, Bruny Island

Cr Bastone submitted the following question on notice:

When will the Council undertake urgent works on the halls on Bruny especially regarding the cleaning of gutters. This work was requested some time ago and now the water is backing up, entering the ceiling and pouring down through the light fittings - especially at the Alonnah Hall.

Officer's Response:

The Building Maintenance unit continues to provide routine building inspections and preventative maintenance programme across all Council buildings. This includes testing and maintenance of essential building safety features, maintaining electrical infrastructure, waste systems, door hardware and security, roof & gutter systems, lighting, heating, ventilation ...etc;

Whilst we are unaware of any roof & gutter failure at the Alonnah Hall, we have identified a defective roof section at Lunawanna Hall that has resulted in some long standing ceiling damage.

Temporary repairs have been made whilst we develop plans to replace a poorly constructed section of roofing and reinstate the affected ceilings.

An RFQ has been issued to procure local building services to remedy the issue. A site inspection has been scheduled for 13 October, to confirm the extent and scope of work. Quotations will then be evaluated and we anticipate the remedial works to commence by November 2022.

Tony Millhouse, Building Maintenance Supervisor

12.8 Road Grading, Bruny Island

Cr Bastone submitted the following question on notice:

Could the access road on to the football oval/ sports ground on North Bruny (Dennes Point) be graded, the road is in a poor state. There are now 17 children living permanently on North Bruny who regularly use the area. The committee is applying for a community grant for some bush playground equipment for the area and would like some support.

Officer's Response:

A service request has been raised to investigate and action any works required in this area.

David Reeve, Director Engineering Services

12.9 Fenced Dog Park, Bruny Island

Cr Bastone submitted the following question on notice:

Has consideration been given to having an area set aside for a fenced dog park on Bruny Island?

Officer's Response:

A dog park on Bruny has not been considered but could be as part of the review of Council's Dog Management Policy in 2023.

Daniel Smee, Director Governance, Recreation & Property Services

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DA-2022-43 - DEVELOPMENT APPLICATION FOR FOUR MULTIPLE DWELLINGS (1 EXISTING) AT 54 VAN MOREY ROAD, MARGATE.

Report withdrawn.

14 PETITIONS STILL BEING ACTIONED

Nil.

15 PETITIONS RECEIVED IN LAST PERIOD

Nil.

C409/20-2022

16 OFFICERS REPORTS TO COUNCIL

16.1 NEW LEASE - SILVERWATER PARK WOODBRIDGE

Moved: Cr Sue Bastone
Seconded: Cr David Grace

That Council resolve to authorise the General Manager to sign a lease over Crown land at Silverwater Park in Woodbridge for a term of ten years (plus options), at a peppercorn rental.

CARRIED

C410/20-2022**16.2 BRUNY ISLAND TENNIS CLUB - TRANSFER OF ASSETS TO COUNCIL**

Moved: Cr David Grace
Seconded: Cr Sue Bastone

That Council resolves to:

- (a) Accept the transfer of the Bruny Island Tennis Club improvements to Kingborough Council;
- (b) Undertake a condition assessment of the asset to determine if it can be safely used by the community; and
- (c) Work with the local community to ascertain the future of the facility, including potential management options.

CARRIED

C411/20-2022**16.3 RATE REBATE - CONSERVATION COVENANT**

Moved: Cr Flora Fox
Seconded: Cr Steve Wass

That a total remission for this property of \$150.00 per annum of the General Rate applicable to the following properties be granted in accordance with Council Policy 3.9.

PID 7339656 – 241B Lighthouse Road, South Bruny TAS 7150

CARRIED

C412/20-2022**16.4 ADVISORY COMMITTEES - TERMS OF REFERENCE AMENDMENTS**

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

That Council endorses the amended terms of reference for DIAAC, KCSC and KBAC, as attached to this report.

*Cr Grace left the room at 6.34pm
Cr Grace returned at 6.37pm*

CARRIED**C413/20-2022****16.5 FINANCIAL REPORT - SEPTEMBER 2022**

Moved: Cr Jo Westwood
Seconded: Cr Clare Glade-Wright

That Council endorses the attached Financial Report as at 30 September 2022.

CARRIED**17 NOTICES OF MOTION**

There were no Notices of Motion received.

C414/20-2022**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

Moved: Cr Jo Westwood
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*

General Manager's Performance Review

Regulation 15(2)(a) *personnel matters, including complaints against an employee of the council and industrial relations matters.*

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY

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

Open Session of Council adjourned at 7.23pm

Public Copy

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7.42pm

C415/20-2022

Moved: Cr David Grace
 Seconded: Cr Jo Westwood

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 |
| General Manager's Performance Review | Endorsed |

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.43pm

.....
 (Confirmed)

.....
 (Date)