

Kingborough



COUNCIL MEETING MINUTES

19 December 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 2022 - 2026



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Clare Glade-Wright



Councillor Aldo Antolli



Councillor David Bain



Councillor Gideon Cordover



Councillor Kaspar Deane



Councillor Flora Fox



Councillor Amanda Midgley



Councillor Mark Richardson



Councillor Christian Street

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MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 19 December 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 C Glade-Wright | ✓ |
| Councillor A Antolli | ✓ |
| Councillor G Cordover | ✓ |
| Councillor K Deane | ✓ |
| Councillor F Fox | ✓ |
| Councillor A Midgley | ✓ |
| Councillor M Richardson | ✓ |
| Councillor C Street | ✓ <i>(joined the meeting at 6.18pm)</i> |

Staff:

- | | |
|--|-----------------------|
| Acting General Manager | Mr Daniel Smee |
| Chief Financial Officer | Mr John Breen |
| Director Environment, Development & Community Services | Dr Samantha Fox |
| Acting Director Governance, Recreation & Property Services | Mr Scott Basham |
| Manager Environmental Services | Ms Liz Quinn |
| Coordinator Environmental Planning | Ms Nikki denExter |
| Coordinator Building & Plumbing | Mr Andy D'Crus |
| Program Manager Transform Kingston | Mr Daniel Kaimatsoglu |
| Media & Communications Advisor | Ms Sam Adams |
| Communications & Engagement Support Officer | Ms Bianca Kleine |
| Executive Assistant | Mrs Amanda Morton |

C486/24-2022

4 APOLOGIES

Councillor D Bain

C487/24-2022**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.23 held on 5 December 2022 be confirmed as a true record.

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

12 December 2022 Lyden Builders: Briefing in relation to the proposed huntingfield House multi-unit development.
Flag Policy: Discussion on the development of a policy referring to the flying of community flags at the Civic Centre

C488/24-2022**7 DECLARATIONS OF INTEREST**

Cr Midgley declared an interest in an item in closed session headed "Tender Assessment - TS2848 Kingston Beach Breakwater rehabilitation".

Cr Glade-Wright declared an interest in the item headed "Annual General Meeting Notice of Motion - Personal Bushfire Shelters".

C489/24-2022**8 TRANSFER OF AGENDA ITEMS**

Moved: Cr Aldo Antolli
Seconded: Cr Kaspar Deane

That the report headed "Annual General Meeting Notice of Motion - Personal Bushfire Shelters" be moved into closed session.

CARRIED**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

There were no questions without notice.

C490/24-2022**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

10.1 Biodiversity Offsets

At the Council meeting on 5 December 2022, **Mr Charles Biggins** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

In the formation of the new Biodiversity Offset Policy, there is reference to consultation with experts in the field. Who are the experts that were consulted with the formation and content of the wording of the policy?

Officer's Response:

The August 2022 review of the Biodiversity Offset Policy involved consultation with technical experts who regularly interact with the policy or threatened species specialists. This included 10 ecological consultancies, 2 government departments and 1 non-government organisation between 3 June 2022 to 1 July 2022. Detailed feedback was provided by the Department of Natural Resources and Environment, scientific experts and the Forest Practices Authority.

Liz Quinn, Manager Environmental Services

10.2 Biodiversity Offset Policy

Mr Charles Biggins submitted the following question on notice:

On Thursday 8 December the Federal Environment Minister announced the formation of a new Environment Protection Agency (EPA) to administer the provisions of the Environment Protection and Biodiversity Conservation Act 1999, amendments and any future Environment legislation.

The ABC reported on Thursday saying that: "The government accepted a recommendation of the Samuel Review — to allow states to take on powers of approval — however, the application of those powers by the states would need to meet national standards, and the new EPA would enforce that requirement.

However, any such devolution of powers would be required to comply with the new stronger national standards.

In addition, all decision-making processes by states must be transparent, and will be overseen by the new EPA."

The ABC had earlier on the Thursday 8th reported that: " While the Samuel Review recommend federal powers of approval be handed to the states in line with a policy long held by the Coalition, Ms Plibersek rejected that recommendation, and instead retained existing arrangements where states could be accredited to take on decision-making powers.

But any such devolution of powers will be required to comply with the new stronger national standards.

In addition, all decision-making processes by states must be transparent, and will be overseen by the new EPA.

At the bottom of the ABC report by Michael Slezak was the following" Editor's note: An earlier version of this story indicated a recommendation of the Samuel Review related to devolving approval powers to the states was rejected, when in fact it was accepted by the Labor government".

My questions on notice are:

- a) *Is the implementation of Kingborough's Biodiversity Offset Policy and the holding of Offset funds in the Kingborough Environment Fund, officially authorised by the Tasmanian State Department of Natural Resources and Environment, if so what is that authorisation?*
- b) *Does the "existing arrangements where states could be accredited to take on decision-making powers" from the Federal Ministry for the Environment, extend to Kingborough*

Council, what Accreditation does Kingborough have to be administering provisions of the Environment Protection and Biodiversity Conservation Act 1999?

- c) *As Kingborough's Biodiversity Offset Policy wasn't written in-line with the National EPA's "new stronger national standards", will Kingborough Council be withdrawing it's Biodiversity Offset Policy, and if so when?*

Officer's Response

- a) Council's Biodiversity Offset Policy and the Kingborough Environmental Fund have not been 'authorised' by the Department of Natural Resources and Environment. Council is not aware of a State Government authorisation process for biodiversity offsetting programs. The Department is aware of both instruments and most recently provided a submission during the review of the Biodiversity Offset Policy in July this year. A member of the Department sits on the Kingborough Environmental Fund Steering Committee.
- b) Council is not administering provisions of the *Environment Protection and Biodiversity Conservation Act 1999*. Council's responsibilities in relation to this act extend to ensuring Council activities and those of its contractors are compliant with the act and encouraging proponents of a development where the Act may be triggered to seek advice in relation to this matter. Council has no role in determining whether a referral is required or making a referral a condition of a planning approval.

The 'existing arrangements' that are referred to by Mr Biggins relate to the agreement between the Australian and Tasmanian Government that the State has a role in the assessment of proposed developments that have been referred under the Act where the works may have a significant impact on a matter protected by the Act. Local Government is not part of these arrangements and is not administering provisions under the Act. Planning instruments and council decisions do not need approval under the EPBC Act.

- c) Council will not be withdrawing the Biodiversity Offset Policy as there are no grounds to require this action. On December 8, as referred to in the question, the Australian Government released a Nature Positive Plan which is their response to the Independent Review of the EPBC Act 1999. This plan includes a section on environmental offset reform to 'ensure they (offsets) deliver gains for the environment and reduce delays for developers.'. When the National Environmental Standard is released by the Australian Government, Council will review the Biodiversity Offset Policy to ensure it complies with the new national standard.

Liz Quinn, Manager Environmental Services

10.3 Zoning

Ms Jodi Hansson submitted the following question on notice:

I own property at (...) South Bruny (address redacted for privacy reasons). I believe the zoning will be changed from Rural Residential to Rural. I have worked in the property industry for the past 12+ years and I know for a fact that this will inhibit future use of the property and as such decrease the property value. It will also become an issue if I ever want to sell the property as banks will only lend purchasers a lesser percentage of the purchase price under rural zoning.

Why is this happening? Is it really necessary? I think not. This property has been in my family for generations and you are effectively reducing the value by taking this step which is simply not ok.

Officer's Response:

Questions on specific properties and their zonings are not suitable for the public agenda. However, Council officers will make direct contact with Ms Hanson this week about her questions;

the process; and, how she can make a submission on the Local Provisions Schedule, when it goes on Public Exhibition. Council is awaiting direction from the Tasmanian Planning Commission for consultation to occur and we expect it to be after the first quarter of 2023.

More generally, there are many changes to zones across the municipality proposed to occur when Kingborough transitions to the Tasmanian Planning Scheme, resulting from the need to change the zoning where the current zoning is no longer an available choice in the Tasmanian Planning Scheme. The subject property is an example of that where the current zone 'Rural Resource' (verified on mapping) will no longer exist in the new Planning Scheme (written by the State Government). Therefore, it is proposed to apply the closest zone that is available, 'Rural Zone'.

People who wish to see what the currently proposed draft zoning, should visit the Council website, which has a link to the mapping. Then, to compare the current zoning to the proposed zoning, it is best to look at the correlating zone via iPlan (current scheme – link on our website) and the proposed zones (link on State Government website, or via Council website or PDF documents of each available on Council Website).

People with questions specific to their enquiry can email the Planning team via the 'Incoming Tasmanian Planning Scheme' part of the Council website. If people would like more information about the changes to the Planning Scheme, they can visit the 'Incoming Tasmanian Planning Scheme' part of the website or the State Governments 'Planning Reform' section of their website.

Please be advised, as Kingborough gets closer to the Public Exhibition period, there will be additional information provided, including instructions on how to compare the old to the new, where to find additional Planning Scheme changes you may be interested in, how to make a submission, amongst other information. There will be communication through social and traditional media, online and public information sessions hosted at several locations through the municipality. At this stage, we want to keep the communication simple, until we are closer to the Public Exhibition stage, so it has the best relevance for those interested or affected.

Tasha Tyler-Moore, Manager Development Services

10.4 Workshops

Ms Mel O'Keefe submitted the following question on notice:

Ms Jo Landon asked a question with notice which was included at 10.2 of the meeting pack for the Council's meeting on 7 November. Details as to the topics covered were requested, however not provided. At Council's meeting on 7 November, I noted that these details had been omitted and asked that they be provided and an undertaking was given to provide these, which has been overlooked. Could the topics covered in the workshops noted in the officer's response please be advised.

Officer's Response:

The topics were outlined in the officer's response on page 7 of the Agenda of 21 November ie *"the topics were the new Tasmanian Planning Scheme and the Draft Local Provisions Schedule"*.

Daniel Smee, Acting General Manager

10.5 Landscape Conservation Zone

Ms Mel O'Keefe submitted the following question on notice:

Cr Deane's motion sought written notification be provided to owners of property proposed for LCZ. Cr Glade-Wright put forward an amendment to the motion, seeking instead to have drop-in

sessions. When considering the amendment put forward, Cr Antolli sought clarification that there would still be written notifications issued and was advised yes, with the annual rates notices in July. There was also discussion with regard to having drop-in sessions at different times in order to cater for differing availability of interested community members. The minutes do not reflect Cr Glade-Wright putting forward an amendment to the motion, the intent for multiple drop-in sessions nor the issuing of notices to property owners with the July rates notice.

Would Council please confirm whether:

- a) *It will be having multiple drop-in sessions in order to reach a great portion of the community during January and/or February 2022?*
- b) *That notices will be issued to landowners with the July 2022 rates notice?*

Officer's Response:

Two drop-in sessions will be held (at different times on different days) in February 2023.

Information will be also sent out with July 2023 rates notices that outlines the process and timeframes for transitioning to the Tasmanian Planning Scheme, and how further information can be obtained.

Dr Samantha Fox, Director Environment, Development & Community Services

10.6 Staffing

Professor Michael Rowan submitted the following question on notice:

I refer to the Manager, People and Safety's reply to my question on notice concerning the information on Council staffing provided in the Annual Report. In view of the responsibilities for staff and services of the elected members of Council under the Local Government Act 1993 s. 28(2)(b)(iii) and (f), I ask:

- 1 *Given that the Tasmanian State Service Annual Report for 2021-22 (pp 29 & 30) shows that 1,961 permanent employees left the service out of a total headcount of permanent and officer employees of 28,482, or 7.9%, what is the source of the Manager's information that Kingborough Council's rate of staff turnover at 19% for the same period is 'comparable with the state public service for most professions'?*
- 2 *If Kingborough's rate of staff turnover is higher than the State public service but comparable to other Tasmanian local governments, does this show that Kingborough does not have a problem retaining staff, or that the problem is common to Tasmanian councils? And if the latter, what action is needed to deal with the problem?*
- 3 *What action has been taken in relation to departing staff concerns about*
 - a. *high workload levels 'particularly in the professional areas – e.g. Statutory Planning',*
 - b. *'conflict with other employees'*
 - c. *'conflict with customers', and*
 - d. *'stress associated with public contact roles'?*
- 4 *What data did the Manager, People and Safety rely upon to conclude that the 'staff turnover rate does not appear to be impacting Council's ability to provide efficient and effective service to the community? Does Council, for example, record instances where an applicant for a development in the municipality needs to deal with more than one officer responsible for considering their application in consequence of a staff separation? Does Council have in*

place a knowledge management system to ensure that replacement staff do not need to seek information from 'customers', including applicants for planning approval, that has been provided to the previous staff member? Or is a planning application under consideration treated ab initio by every new staff member as has been reported to me?

- 5 *I note that in answer to my question concerning the gender balance of manager positions in the Council administration the Manager People and Safety asserted that Council positions are filled on the basis of merit, directing me to the Australian Public Service web site on recruitment according to the merit principle. Is Council aware that the recruitment advice on the APS web site also provides their gender equality strategy - <https://www.apsc.gov.au/publication/australian-public-service-gender-equality-strategy-2021-26> - noting, among other things, that 50% of the APS senior executive service are now women, and that the 'benefits of gender equality are clear: respectful and safe work environments, improved employee engagement and wellbeing, and increased innovation and productivity.' Given that the rate of Council administration staff turnover suggests an issue with employee engagement, and the departing staffs' expressed concern with conflict in the workplace, will the planned audit of HR policies include detailed consideration of the APS's successful strategies for overcoming gender discrimination in the workplace?*

Officer's Response:

The small size of Council's workforce (particularly when compared to the number of State Government employees) is such that staff turnover rates can be skewed by movement within specific professions of the local government sector. The statement that rates are comparable with the State Service is observational and takes into account the high turnover rate within areas of Council for which there is a nation-wide skill shortage and considerable movement of staff experienced amongst all Councils. This issue needs to be tackled on a number of levels, including the Local Government Association of Tasmania, professional bodies and educational providers. At a Council level, it is being addressed through cadetships, active succession planning, mentorship and maximising flexibility within the workplace to make employment with Kingborough as attractive as possible.

In recent years, Council has employed additional staff to address concerns associated with high workloads, including the employment of technical staff to enable professional officers to focus on their statutory functions. Staff have been offered opportunities to undertake training in conflict resolution, dealing with difficult customers, effective working relationships and positive mental health. The availability of Council's Employee Assistance Provider (Newport & Wildman) is regularly promoted to staff. Council has in place systems to capture all information pertaining to a development application and track the progress of the same through the approval process. In the event that a development application is assessed by more than one planner as a result of staff departure, the process does not recommence. The planned HR audit in 2023 will include detailed consideration of the APS' successful strategies for overcoming gender discrimination in the workplace.

Angie Everingham, Manager People & Safety

10.7 Public Open Space Contribution Policy

AJ Kingston submitted the following question on notice:

1. *When the policy was revised in November 2021 substantial changes were made to the guidelines for when land or cash-in-lieu is to be required in a subdivision, and to the guidelines for the expenditure of the public open space funds. Credits were also introduced. How does "a credit may be applied where a proposed lot(s) will not create demand for public open space" work?*

2. *Council and the community often acknowledge the importance of providing the necessary linkages for active transport, the benefits of incorporating open space and the natural environment into residential areas, and the need to invest in the critical upgrades of our playgrounds. Given the community interest in public open space provision why was there no public consultation when the policy was revised?*
3. *Council officers make decisions that will impact the lives of the subdivisions' future residents eg to require cash instead of providing any public open space, or to acquire - subject to compensation - additional public open space. One of the changes made to the policy is that money received from a subdivision in one local area is no longer reserved to be expended within the same area. In the interests of ensuring equity and transparency, please could Council provide details of the public open space decisions relating to the Spring Farm subdivision eg any additional land acquisition and details of the required compensation, funding of shared paths, playgrounds and any other public open space projects etc?*
4. *The policy states that all money received will be reserved in a separate account, with expenditure subject to a report to Council for consideration. Could Council please provide details of the expenditure decisions made and provide the relevant reports?*
5. *Going forward, is Council able to include the transactions of the Public Open Space account (not just the balance) in the quarterly financial reports?*

Officer's Response:

1. Clause 5.1 of the Public Open Space Policy allows for the application of credits for when a subdivision will not create a demand for additional public open space. For example – if a subdivision is for three (3) lots and one of the lots will contain an existing dwelling (it will not create an additional demand for open space), a credit could be applied to that lot. Therefore, the public open space contribution will only apply to two(2) lots.
2. The revised policy was not subject to public consultation as it is not significantly different from the previous version and the changes that were introduced were done in a manner to align with the Kingborough Open Space Strategy of 2019. The changes that were introduced in the policy were made to provide improved transparency in relation to operational procedures that were already in place with the previous versions of the policy and focus of the changes was to ensure that the policy provides community benefit consistent with the outcomes sought by the Open Space Strategy.
3. The Spring Farm subdivision was approved by Council on 21 October 2014. The subdivision permit was issued for 290 lots and eight (8) public open space lots that were proposed to be transferred to Council ownership. The public open space lots mostly form the riparian reserve for Whitewater Creek and were split into separate lots to facilitate the staging of the subdivision. The public open space areas also contain the Aboriginal heritage sites to be retained and protected. All of the land that was taken as open space in the original subdivision was taken as Public Open Space to meet the planning scheme requirements and therefore no need to provide any contributions towards funding of any public open space projects over and above the planning scheme requirement. There have been a number of subsequent subdivisions of some of the larger lots in Spring Farm and each of these has been required to pay a cash-in-lieu contribution (equivalent to 5% of the unimproved value of the land) in lieu of public open space accordance with the Public Open Space Contribution Policy. There were no additional land acquisition transactions or compensations beyond the 5% monetary contribution of the Public Open Space Contribution Policy. There is a Council contribution in Capital Works budget (22/23) of \$269K to go towards the \$305k Public Open Space contribution for the Spring Farm Shared Path.

Adriaan Stander, Strategic Planner

4. Given the complexity of the information requested, it will take some time to collate the data and will be provided to a future Council Agenda.
5. Council is currently developing a policy on Reserves, which will cover the public open space reserve. As part of the Policy, the issue of reporting will be considered. The Policy will be reviewed by Council early in 2023.

John Breen, Chief Financial Officer

10.8 Planning Scheme Amendment

Ms Jo Landon submitted the following question on notice:

On 21 November Council resolved to initiate an amendment to the Kingborough Interim Planning Scheme 2015.

1. *Has the planning scheme amendment request been submitted to the Tasmanian Planning Commission?*
2. *If so, has the Tasmanian Planning Commission made a decision regarding Council's request to dispense with the public exhibition period?*
3. *If the planning scheme amendment will be subject to public exhibition how will Council communicate this to the public?*

Officer's Response:

The Planning Scheme Amendment (PSA) being referred to is PSA-2022-3 'Amendment to the Kingborough Interim Planning Scheme 2015 to update the Incorporated Document'. The answers are numbered to match the questions.

1. Yes, on 1 December 2022 the initiated amendment was forwarded to the Tasmanian Planning Commission (TPC).
2. No, we have had no response from the Tasmanian Planning Commission regarding the submission including whether they will allow advertising to be dispensed.
3. If public exhibition is required for the Planning Scheme Amendment, we will need to satisfy the statutory obligation of advertising the notice on at least two separate occasions in a daily newspaper circulating generally in the area covered (The Mercury). However, in addition to the statutory requirement, we would provide notice of the amendment on the Council website and display it on the Civic Centre notice board in the Planning Section.

Tasha Tyler-Moore, Manager Development Services

C491/24-2022

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Glade-Wright asked the following question without notice:

11.1 LGBTIQA+ Strategic Plan

I understand that following the last Council meeting held on 5 December 2022, that a representative from the LGBTIQA+ community, who was present at the meeting, was upset by some comments made during the debate of the LGBTIQA+ Strategic Plan. Would the Mayor like to comments on this?

Mayor responds:

Thank you for the question. You are correct in saying that there has been some concern expressed directly to me about some comments that were made at the last Council meeting held on 5 December and that took place during the debate that we had on the LGBTQIA+ Strategic Plan. In response to that, I have met with a resident last week to understand these concerns. Tonight, on behalf of Council, I would sincerely like to apologise to members of the LGBTQIA+ community who were offended by some of these remarks during the course of the debate. The strategy that we were debating is a really valuable piece of work and I hope that it will ensure that, as a community and as a Council, we can foster a more inclusive, caring and understanding environment for everyone who lives here, who works here and who comes to visit our municipality. So, on behalf of Council, I would offer my sincere apologies to members of the community for any distress caused and I do hope that we can move forward with implementing this strategy but I think really importantly, that we can work together now in a more inclusive and positive and caring way.

Cr Richardson asked the following questions without notice:

11.2 Works on Sproules Road

I've had a couple of emails during the week concerning the condition of the road and the residents are saying that a normal maintenance schedule would be okay, but for the last couple of years, there has been a succession of Council trucks going up the road attending to something on a property further up the road which has caused additional damage. Further to that, today I have been informed that there has been a grader there today which is wonderful, but is there an opportunity to look at a tar and chip solution for Sproules Road in Snug?

Mayor responds:

I think we will take your question on notice as Mr Reeve is not here this evening.

11.3 Hard Rubbish

What is the Council's policy or process with hard rubbish?

Mayor responds:

This is a question that arises every now and then, particularly from somebody who perhaps have moved into the area where they have come from Clarence which are one of the few Councils that still have a hard rubbish collection. I can't ever remember Kingborough Council having a hard rubbish collection in the time that I've lived here which has been since 1990. One of the biggest impediments to it is there are a range of issues with hard waste collection these days. One of it is the cost. It is around \$400,000 a year for the Clarence Council to operate their hard waste collection, but over and above that, there are some WHS concerns because effectively the items are out on the footpath for about 4 or so weeks by the time the collections take place right around the municipality and they are blocking footpaths. You also then have very sharp and dangerous items that children could play with. It's quite a complicated issue. I know there is a preference for some people when they are used to that to be able to have a hard waste collection, but at this point it is not something that we are able to offer. You can drop things off to the tip shop and things that can be re-purposed which can sometimes be perhaps a better option than just wanting to dispose. There is certainly not a simple answer to it and I know that Clarence Council have tried several times to actually halt it, but they met with strong community resistance.

11.4 Tender Process

In the tendering process, when we look at the assessment of those tenders, there is a matrix and some weightings that are posted to those. Is there an opportunity to look at adding a local ownership weighting to the tender so that we are giving some weight to locally owned businesses and giving them a bit of a leg up.

Acting General Manager responds:

That issue has been discussed previously. It doesn't currently form part of our tendering policy. There is reference to it in our tendering policy but there is not a specific weighting given. That would need to be considered as part of the review of that policy.

Cr Cordover asked the following question without notice:

11.5 Road Line Markings

Since the last Council meeting I have been contacted by a constituent raising the issue of the following roads in Blackmans Bay that also have faded line markings, potentially causing a safety concern – Roslyn, Burwood, Illawarra, Opal, Diamond Drive, Suncoast Drive and Wells Parade. Last time we heard about the responsibility falling to the State Government and essentially we submit roads that need doing to the State Government and then the answer came back that there is always a paucity of resources and funds available for the number of roads that we need marked up. Have we ever lobbied the State Government to more adequately fund line marking on the imperative of road safety and perhaps advocating for the inclusion of better road safety line markings as an inclusion towards zero strategy and action plan which has a focus on road safety efforts over the next decade?

Mayor responds:

We don't have Mr Reeve here this evening so we will take it on notice.

Cr Midgley asked the following questions without notice:

11.6 Auburn Road

I'm not sure if other Councillors received a letter regarding Auburn Road but I've been written by a local resident regarding a potentially fatal situation, and they are referring to Auburn Road in Kingston where cars park on both sides of the street. Three quarters park from Hutchins Street side, cars are parking on the left side of the road, near the crest of the road as well as before the crest and after the crest. The resident believes that it is a traffic hazard as motorists can't see safely ahead around the crest and they feel that it is very dangerous and could lead to crash and injuries. It has resulted in motorists driving on the wrong side of the road to avoid parked cars and oncoming traffic. They noted that school buses and Metro buses use this road which is another concern. There is no room to pass and it is very tight and horrendous. Embarking and disembarking passengers are fraught with unacceptable risks when traffic is so congested. Could Council investigate how to best solve this potentially dangerous situation?

Mayor responds:

Once again, we will ask Mr Reeve to address that on notice, but I do know that he is aware of the issue as I have had a discussion with him about Auburn Road. Auburn Road is in our forward program for a major upgrade I think maybe for next year because certainly it is well overdue and I know there have been representations from other residents from that area about concerns about where the cars are parking and the difficulties there. I do know that Mr Reeve is looking at it but I will let him provide you with some details on notice.

11.7 Electric Vehicle Charging Station

Is this available for public use and how will it work?

Mayor responds:

It will be available for public use. It's not fully installed as yet and is located in our car park. It's been a long slow process because, as you are aware, we ordered this over two years ago and the parts didn't come from overseas. As soon as it is commissioned then we will certainly make available some information to members of the community via our social media and the Chronicle etc so that they know where it is located and how they can access it.

11.8 Speed Limit on Channel Highway

As regards the Channel Highway Corridor report, it was to lower the speed limit for a very short time from 90 to 80 and many residents are concerned, and it's all over the local social media pages, it was a small action. We have written to the Minister and I don't see much cost in regards to putting an 80km/h sign there. What do we need to do? If we are meeting with any of our Ministers, that would be a very good one to raise.

Mayor responds:

I'm happy to write to the Minister for Infrastructure again about that. I've raised it in the past and the longer term plan is to have a roundabout there or some other way of being able to enter more effectively into that area and there are concerns about the site distances etc

11.9 Council Committees

Can all Councillors receive the agendas for committees and can Councillors attend if they wish and perhaps seek advice from the Chair to attend Council committees as an observer?

Acting General Manager responds:

Yes, certainly the protocol would be to seek the permission of the Chair, but there is nothing precluding a Councillor from attending a committee meeting. You obviously couldn't participate in any vote or debate but attendance is not a problem.

Mayor:

An in relation to being provided the agenda, can we just add them into Dropbox for when those agendas are circulated.

Acting General Manager:

Yes, that would be the way to go.

Cr Deane asked the following questions without notice:

11.10 Support of Local Charities

I'm interested in what Council does, whether it's financial or facility or other support, for local charities in Kingborough?

Mayor responds:

Through the Mayoral donations programs, we quite often receive letters from various charities to request assistance and we consider those and making sure that they are appropriate. Probably the biggest thing that we can all do as individual Councillors is to assist some of those charities by buying a toy and putting it under the Kingborough Helping Hands tree or making a donation of some way and encouraging others in the community who are able to, to do the same. Generally speaking, the financial support is through mainly donations, it might be grants at other times of the year. I know speaking to Edna Pennicott the other day, they had a very successful fundraising event where they raised around \$18,500 and she said no sooner had they raised it that they spent that same amount on food and toys for families that couldn't afford it. Any amount of help is greatly appreciated and I know that there are quite a few Councillors around this table who have been very good in assisting with Helping Hands and with other charities and certainly I would continue to encourage them.

11.11 Workshops

In our Workshop Policy it states that we include a summary of workshops that were held previous to the current meeting. I note that our neighbouring Council in Hobart does provide at least a few paragraphs describing what was discussed and general focuses of discussion, but in our agendas we only really give a one line subject of what the topic is. In today's agenda the subject line is "Lyden Builders and Flag Policy". I'm wondering whether it is in our interests or the public's interest that we give a little bit more information and given it is in our Policy to give a summary?

Mayor responds:

Certainly we are in adherence with the meeting procedure regulations because they indicate at 8.2 what the agenda should comprise of and it says the date and purpose of any Council workshop held since the last meeting. But I agree with you that in the interests of transparency and good governance that we could do a little bit more so that the community have an understanding of what it is that we are discussing. It may be the case that it is not always possible to go into much details, depending on what the subject of the workshop is because on occasions we may workshop something that will later be held in closed session.

C492/24-2022**12 QUESTIONS ON NOTICE FROM COUNCILLORS****12.1 Plastic Milk Bottles**

At the Council meeting held on 5 December 2022, **Cr Fox** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I was told over the weekend that plastic milk bottles are no longer being used in the recycling system because people aren't washing them, and if they aren't washed the bacteria becomes so putrid in them that they contaminate the furniture that is made with the plastic and the odour is so bad that it doesn't disappear, even when they have been melted and made into furniture. Therefore, the recycling people are no longer collecting them. Is that an urban myth or is it a reality?

Officer's Response:

Milk containers continue to be recycled and are washed as part of the shredding process. The preference is the lids are removed as any containers with unknown liquids are sent to landfill. The containers are sorted and baled at the recycling facility at Lutana and then exported

to the mainland for further processing and then used for items such as play equipment, fencing and kerbside bins.

David Reeve, Director Engineering Services

12.2 Public Transport, Spring Farm & Whitewater Park Estates

At the Council meeting held on 5 December 2022, **Cr Bain** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Several meetings ago I think you spoke about a conversation you had with Minister Ferguson about the lack of public transport service in these areas and Minister Ferguson requested that you send through details of how many people reside in these sub-divisions. I'm just wondering if that letter has been sent or not?

Can we also add that there are no State Government contracted school buses servicing the area and there are a lot of families there?

Officer's Response:

Details of the number of residents within these sub-divisions has now been obtained and correspondence will be sent to the Minister shortly.

Daniel Smee, Acting General Manager

12.3 Huntingfield Park and Ride

At the Council meeting held on 5 December 2022, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I was informed that the bicycle area had been locked and I checked on two occasions and it was locked. Do we know any details about why it has been locked and if not, can we please follow up?

Officer's Response:

The Department of State Growth have advised that the door should not be locked. The door is quite heavy and was recently changed which means it now opens in the inwards direction only.

David Reeve, Director Engineering Services

12.4 Youth Action Kingborough

At the Council meeting held on 5 December 2022, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Do we have any updates as regards to if this group is still occurring and how it's going?

Officer's Response:

Youth Action Kingborough (YAK) consists of young people aged 14-20 years. Its primary role is to advocate on issues affecting youth. YAK also plays an important role in organising

events and supporting the community, as well as providing the opportunity for young people to meet and work together. While YAK was meeting monthly, staff shortages in 2022 have meant regular meetings have not been held. We anticipate reconvening YAK in 2023.

Kingborough Council coordinates a range of activities to engage our young people. This includes:

- Council convenes a weekly BBQ on the basketball courts at Kingston Park for our young people (BBQ and Beats). It is free, with support services available from Mission Australia. During the summer holidays, BBQ and Beats runs for a longer duration and extra activities are provided at Kingston Beach.
- Council's school holiday program occurs every school holiday and includes a range of interesting and varied activities. The barista courses are very popular, as is the get-ready-for-work program. We ensure there is an 'intergenerational' activity each school holiday, where young people practice their coffee making skills and serve our seniors through a pop-up café, with guest speakers.
- During Youth Week, Council holds a showcase for young people to run market stalls, share artwork and music.
- Council has secured a grant to run additional after-school activities, for free or at discounted rates, in 2023.

Dr Samantha Fox, Director Environment, Development & Community Services

12.5 Development of the LGBTIQ+ Action Plan 2023-25

At the Council meeting on 5 December 2022, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

At the Council meeting on 5 December, during discussions on the LGBTIQ+ Plan, Cr Antolli suggested that officers had crafted the report prior to receiving all of the survey feedback. Officers and the working group strongly dispute that suggestion. Could the process and timings undertaken be clarified for the record?

Officer's Response:

The Kingborough *LGBTIQ+ Action Plan 2023-25* was drafted after the receipt of feedback from the survey.

The process for developing the *LGBTIQ+ Action Plan 2023-25* was as follows:

- 7 February 2022 – Working it Out conducted *Being LGBTQI+ Inclusive* training for staff involved in the LGBTIQ+ engagement process.
- 30 March 2022 - Working it Out conducted *Being LGBTQI+ Inclusive* training for 15 to 20 people from Council, including elected representatives, management and staff.
- March 2022 - Expressions of Interest were sought for members of the LGBTIQ+ Working Group. The aims of the Working Group were to support engagement with the LGBTIQ+ communities in Kingborough, to identify issues and actions that Council could take to support improved outcomes for these community members. The Working Group included two Councillors as Chair and Deputy Chair plus eight members of the LGBTIQ+ community.
- 18 May 2022 - LGBTIQ+ Working Group met for first time to discuss Terms of Reference.

- 8 June 2022 – LGBTIQ+ Working Group met to consider the communication plan and engagement process.
- June 2022 - A brief online survey was conducted using Survey Monkey to ascertain the preferred option of engagement. There were 46 responses to this survey, unanimously calling for an anonymous survey.
- 29 June 2022 – LGBTIQ+ Working Group met to discuss the detailed design of the survey.
- 13 July 2022 – LGBTIQ+ survey launched utilising Survey Monkey.
- July 2022 - The survey was promoted on Kingborough Council’s website, social media (6000 members), via a media release and paid advertisements. Advertisements and article were printed in *The Kingborough Chronicle* (p2 and p4, 26 July 2022) and *Kingston Classifieds* (p3, 21 July 2022).
- Emails were sent to:
 - Kingborough High Schools, Primary Schools, and Hobart College;
 - Community Services email lists including community, youth, arts, volunteers and positive ageing email lists;
 - All Kingborough Council Staff;
 - Sports Ground Users and Sporting Clubs email list;
 - Kingborough Sports Centre Gymnastics and Kingborough Sports Centre users email list;
 - Bushcare/Landcare email list;
 - Kingborough Community Organisation email list – 48 members Tarooma to Gordon and Bruny Island;
 - LGBTIQ+ groups, allies and friends via the Working it Out contact list;
 - Multicultural Council of Tasmania and SETAC.
- Posters were put up at the Kingborough Community Hub; Kingborough Civic Centre and Staff Lunch Room; Kingston Beach Hall; Channel Court; Adult Education; Blackmans Bay Hall, Dean Winter’s Office, Nic Street’s Office, Kingston Library and Coffee Hole.
- A display was set up at the Kingston Library entry with hard copy surveys for people who did not have access to Survey Monkey.
- Cr Amanda Midgley was interviewed on ABC Breakfast Radio with Ryk Goddard on 21 July 2022.
- 27 July 2022 – LGBTIQ+ Working Group met to consider the uptake of the survey, some preliminary results, and the potential for focus groups.
- 12 August 2022 - Survey closed. Immediately following this, officers commenced collating the feedback from Survey Monkey and the hardcopy results from Kingston Library.
- 16 August 2022 – LGBTIQ+ Working Group received a summary of the survey data.
- 6 September 2022 - The first draft of the Action Plan, dated 31 August, was forwarded to the Working Group, in advance of their meeting on 7 September.
- 7 September 2022 – LGBTIQ+ Working Group provided feedback on wording of draft Action Plan, including separating actions into immediate and future actions.

- 10 October 2022 – The draft Action Plan was distributed to the stakeholder groups such as schools, police, health service providers, community centres, library, sporting clubs, LGBTIQ+ and other diverse advocacy groups and business representatives for comment. The draft Action Plan was also posted on the Council website and social media, a media release distributed, and an article plus advertisement appeared in The Kingborough Chronicle (p3, 18 October 2022) and Kingston Classifieds (p1, 20 October 2022).
- 28 October 2022 – Consultation on the draft Action Plan closed.
- Minor amendments were made to the Engagement Report and Action Plan (including separating these into two documents), prior to submitting them for Council consideration at the 5 December 2022 Council meeting.

Dr Samantha Fox, Director Environment, Development & Community Services

13 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

14 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

15 OFFICERS REPORTS TO COUNCIL

C493/24-2022

15.1 ANNUAL BUDGET MID-YEAR REVIEW

Moved: Cr Clare Glade-Wright
Seconded: Cr Gideon Cordover

That Council

- (a) Notes the progress on the operational budget for 2022/23;
- (b) Notes the progress made with the delivery of the Capital Program; and
- (c) Endorses the reallocation of approximately \$1.21M of works associated with deferral of the Gormley Drive sealing works and part deferral of the Blowhole Road reconstruction as follows:
 - Balancing of current over expenditure with the Capital budget, \$437K
 - Van Morey Road resheeting from Petterd Road to end, \$250K
 - Undertake work on several landslips, \$100K
 - Gemalla Road Stage 2 reconstruction, \$203K
 - Meath Avenue reconstruction, \$220K

CARRIED

Cr Street joined the meeting at 6.18pm

15.2 ANNUAL GENERAL MEETING NOTICE OF MOTION - PERSONAL BUSHFIRE SHELTERS

This item was moved to closed session.

C494/24-2022**15.3 ANNUAL GENERAL MEETING NOTICE OF MOTION - CONTINUOUS IMPROVEMENT POLICY**

Moved: Cr Clare Glade-Wright
Seconded: Cr Gideon Cordover

That Council:

- (a) Notes the motion carried at the Councils Annual General Meeting held on the 3 December 2022;
- (b) Notes that officers will draft a Continuous Improvement Policy and return the policy to Council for endorsement; and
- (c) Notifies the mover of the motion of this decision.

CARRIED

C495/24-2022**15.4 ANNUAL GENERAL MEETING NOTICE OF MOTION - BIODIVERSITY OFFSET FUNDS**

Moved: Cr Amanda Midgley
Seconded: Cr Flora Fox

That Council

- a) Notes the motion carried at the Council's Annual General Meeting held on 3 December 2022;
- b) Continues to operate the Kingborough Environmental Fund in its current format; and
- c) Forwards the suggestion to the Audit Panel so that they may consider conducting an audit of the KEF in their 2023/24 Audit Plan.

CARRIED

C496/24-2022**15.5 ANNUAL GENERAL MEETING NOTICE OF MOTION - BIODIVERSITY OFFSET CREDIT**

Moved: Cr Gideon Cordover
Seconded: Cr Amanda Midgley

That Council:

- (a) Notes the motions carried at the Council's Annual General Meeting held on the 3 December 2022;

- (b) Notes that balancing bushfire mitigation and biodiversity outcomes is important and the way this is achieved is determined by the provisions of the planning scheme and any other regulations in effect at the time;
- (c) Notes that, in relation to motion (a), there are existing exemptions which enable the implementation of appropriate and reasonable bushfire hazard management measures without requiring an offset and there is no ability to, or merit in, introducing additional exemptions;
- (d) Notes that, in relation to motion (b), there is no existing mechanism for introducing biodiversity credits for bushfire mitigation, and assigning biodiversity credits for expenses incurred for bushfire hazard management is not appropriate; and
- (e) Notifies the mover of the motion of this decision.

In Favour: Crs Paula Wriedt, Clare Glade-Wright, Gideon Cordover, Kaspar Deane, Flora Fox, Amanda Midgley, Mark Richardson and Christian Street

Against: Cr Aldo Antolli

CARRIED 8/1

C497/24-2022

15.6 ANNUAL GENERAL MEETING NOTICE OF MOTION - KINGSTON PARK

Moved: Cr Christian Street
 Seconded: Cr Gideon Cordover

That Council:

- (a) Notes the motion carried at the Councils Annual General Meeting held on the 3 December 2022;
- (b) Continues to exclude greenhouse gas emissions from concrete used in Council construction projects in the corporate emissions inventory; and
- (c) Notifies the mover of the motion of this decision.

CARRIED

C498/24-2022

15.7 ANNUAL GENERAL MEETING NOTICE OF MOTION - A VOICE FOR MULTICULTURAL COMMUNITIES IN KINGBOROUGH

Moved: Cr Gideon Cordover
 Seconded: Cr Aldo Antolli

That Council:

- (a) Note the motion carried at the Council's Annual General Meeting on 3 December 2022;
- (b) Approve a Multicultural Advisory Group being convened to engage with the community and develop a Multicultural Strategy that will be returned to Council for endorsement; and

(c) Note the mover of the motion be notified of this decision.

CARRIED

*Meeting adjourned at 7.28pm
Meeting resumed at 7.40pm*

C499/24-2022

15.8 COUNCIL MEETINGS AND COUNCILLOR WORKSHOPS AUDIO RECORDING GUIDELINE POLICY

Moved: Cr Christian Street
Seconded: Cr Gideon Cordover

That the Council Meetings and Councillor Workshops Audio Recording Guidelines Policy 1.10 be approved.

CARRIED

C500/24-2022

15.9 FINANCIAL REPORT - NOVEMBER 2022

Moved: Cr Clare Glade-Wright
Seconded: Cr Gideon Cordover

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

CARRIED

16 NOTICES OF MOTION

There were no Notices of Motion received.

C501/24-2022

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Clare Glade-Wright
Seconded: Cr Aldo Antolli

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 - TS2848 Kingston Beach Breakwater rehabilitation

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.*

Tender Assessment - AB2212 Channel Highway Reconstruction, Kingston

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

Annual General Meeting Notice of Motion - Personal Bushfire Shelters

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

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY

Public Copy

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 8pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 9.12pm

C502/24-2022

Moved: Cr Christian Street
 Seconded: Cr Clare Glade-Wright

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 - TS2848 Kingston Beach Breakwater rehabilitation	Tender awarded to TasMarine construction for \$280,855 excl GST
Tender Assessment - AB2212 Channel Highway Reconstruction, Kingston	Tender awarded in principle to BlackCap up to \$4,086,310
Annual General Meeting Notice of Motion - Personal Bushfire Shelters	Recommendation approved

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 9.13pm

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(Confirmed)

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(Date)