

# Kingborough



## COUNCIL MEETING MINUTES

17 April 2023

*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**

# Table of Contents

Item		Page No.	
Open Session			
	1	Audio Recording	1
	2	Acknowledgement of Traditional Custodians	1
	3	Attendees	1
C112/7-2023	4	Apologies	1
C113/7-2023	5	Confirmation of Minutes	2
	6	Workshops held since Last Council Meeting	2
	7	Declarations of Interest	2
	8	Transfer of Agenda Items	2
C114/7-2023	9	Questions without Notice from the Public	2
	9.1	Bush Fire Risk Report	2
C115/7-2023	10	Questions on Notice from the Public	3
	10.1	Landscape Conservation Zone	3
	10.2	Industrial Land Supply in Kingborough	4
	10.3	Eucalyptus Trees, Osborne Esplanade	4
	11	Questions without Notice from Councillors	5
C116/7-2023	12	Questions on Notice from Councillors	5
	12.1	Update on the LCZ Review	5
	13	Petitions still being Actioned	5
	14	Petitions Received in Last Period	5
	15	Officers Reports to Council	6
C117/7-2023	15.1	Donation of Land to Hobart Women's Shelter	6
C118/7-2023	15.2	Financial Report - March 2023	6
C119/7-2023	15.3	Development Services Quarterly Report	6
	16	Notices of Motion	6
C120/7-2023	17	Confirmation of Items to be Dealt with In Closed Session	7

**MINUTES of an Ordinary Meeting of Council**  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 17 April 2023 at 5.30pm

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**1 AUDIO RECORDING**

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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.

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**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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The Chairperson acknowledged the traditional custodians of this land, paid respects to elders past and present, and acknowledged today's Tasmanian Aboriginal community.

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**3 ATTENDEES**

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**Councillors:**

Mayor Councillor P Wriedt	✓
Deputy Mayor Councillor C Glade-Wright	✓
Councillor D Bain	✓
Councillor G Cordover	✓
Councillor K Deane	✓
Councillor A Midgley	✓
Councillor M Richardson	✓
Councillor C Street	✓

**Staff:**

Acting General Manager	Mr David Reeve
Chief Financial Officer	Mr John Breen
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Environment, Development & Community Services	Dr Samantha Fox
Manager Development Services	Ms Tasha Tyler-Moore
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

**C112/7-2023**

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**4 APOLOGIES**

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Councillor A Antolli  
Councillor F Fox

**C113/7-2023****5 CONFIRMATION OF MINUTES**

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

That the Minutes of the open session of the Council Meeting No.6 held on 3 April 2023 be confirmed as a true record.

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

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No workshops have been held.

**7 DECLARATIONS OF INTEREST**

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There were no declarations of interest.

**8 TRANSFER OF AGENDA ITEMS**

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There were no agenda items transferred.

**C114/7-2023****9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**Professor Michael Rowan** asked the following questions without notice:

**9.1 Bush Fire Risk Report**

I'd like to thank the Council for the provision of the Bush Fire Risk report and the map on page 112 of the agenda. Every evacuation route by land from Kingborough is classified as extreme risk. While that risk is based upon the risk to property, I assume Council would agree with me that the value of life is at least the same as the value of property, and therefore I ask

1. Does this mean that every evacuation path by land for Kingborough residents is classified as a path of extreme risk?
2. If it is the case that no one in Kingborough will be able to evacuate the municipality by land without traversing a road classified as extreme risk, what percentage of the population of Kingborough can be safely accommodated in the municipalities "nearby, safer places"?
3. Are all Kingborough residents able to evacuate to a "nearby safer place" without travelling along a road in the municipality which is classified as extreme risk?
4. What options for the protection of life does Council recommend for those residents who could not access a nearby safer place without traversing a road classified as extreme risk, or indeed, for any who will not be able to be accommodated safely in their nearby safer place?

**Mayor responds:**

We don't have our Emergency Management Coordinator here this evening so we will take your questions on notice.

**C115/7-2023****10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**10.1 Landscape Conservation Zone**

**Ms Jill Winter** submitted the following question on notice:

*From reading the Kingborough Land Use Strategy, the Supporting Document for the LPS, and the details of the various zones and codes in the new planning scheme, it seems to me that the overall aim/vision is to increase the density within the townsites, Kingston, Margate, Snug and to a lesser extent Woodbridge and Kettering, and use the surrounding more rural areas as what you could call a "Green Belt" in order to prevent greater urban sprawl and yet retain as much as possible of the natural scenery/ambience of the area. To this end the zone of Landscape Conservation has been quite widely applied. My question is: Could you not achieve essentially the same result by utilising the Rural Living Zone more widely and applying any or all applicable/corresponding Codes such as Natural Assets Code, Scenic Protection Code, Bushfire Prone areas Code, Landslip Hazard Code, Flood Prone Hazard Code and/or Coastal Erosion/Inundation Codes and in so doing, allay many ratepayers' anxieties re this LC zoning? If not, please explain in detail, why not.*

**Officer's Response:**

The Kingborough Land Use Strategy 2019 aims to prepare the Kingborough community for future changes as a result of anticipated population growth. The land use and settlement pattern that is being proposed in the strategy identifies the need to address issues associated with population growth and that includes the growing need for housing, infrastructure and service provisions, local employment, traffic congestion, climate change, energy efficiency, and the ageing of the population. The guiding principles of the strategy broadly outline the strategic approach for the settlement pattern anticipated for Kingborough. The objective is that:

- the amenity and individual characteristics of the existing settlements should be protected and enhanced wherever possible;
- the local area's natural setting and cultural assets should be protected from inappropriate development; and
- compact urban centres are favoured over continued outward urban expansion in order to protect rural and coastal landscapes – and so the identity and separateness of existing settlements should be enhanced.

The broad application of the new zones available under the Tasmanian Planning Scheme had regard to the above objectives to ensure the new scheme generally aligns with long-term growth strategies for Kingborough. The application of the Landscape Conservation Zone in Kingborough could potentially assist in achieving the settlement objectives as outlined above, however it is acknowledged that the Rural Living Zone (and potentially other zones available under the Tasmanian Planning Scheme) together with code application, could also achieve similar outcomes in some locations of the municipality.

Even though the Rural Living Zone appears as an obvious alternative to the Landscape Conservation Zone, it may not be appropriate to apply that zone in some areas of Kingborough due to the broader landscape qualities that exist in an area. The Rural Living Zone has the potential to introduce a broader range of land uses in some localities of the municipality (particular in areas where the Environmental Living Zone current exists) and may also result in the fragmentation of land,

particularly in areas where larger lots are currently predominant. Not only will this put the settlement strategies for Kingborough at risk, but it could also change the character and amenity of areas significantly.

Council and the TPC are currently undertaking a review of the Landscape Conservation Zone in Kingborough, having regard to the underlying intent of the Landscape Conservation Zone as well as the objectives of the Kingborough Land Use Strategy. A likely outcome of the review is that the Rural Living Zone could be applied more broadly in some localities of the municipality where the zone together with the codes could achieve a similar outcome in relation to the settlement pattern and environmental qualities. There will be areas in the municipality where the Landscape Conservation Zone will be preferred over other zones to protect the landscape qualities that exist in an area. However, it should be noted that once Council is allowed to proceed with public consultation on the new planning scheme, people will be able to make representations if they don't agree with the zoning application regardless of the findings of the review.

*Adriaan Stander, Strategic Planner*

## 10.2 Industrial Land Supply in Kingborough

At the Council meeting on Monday, 3 April 2023, **Mr Charles Biggens** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*Since 2013 has the total area of land zoned for industry in Kingborough reduced or expanded?*

### Officer's Response:

The information was not available at the close of this Agenda, however it will be made available in the next Council Agenda.

*Adriaan Stander, Strategic Planner*

## 10.3 Eucalyptus Trees, Osborne Esplanade

**Mr Roger Tonge** submitted the following question on notice:

*During the night of 2nd/3rd April 2023, two large healthy branches were shed from an apparently healthy eucalypt on Osborne Esplanade. The evening was calm and temperature in the low teens. Had the event taken place during the daytime it is possible that pedestrians on the Esplanade could have been seriously injured. The two branches that were shed were both healthy with large canopies. Can Council advise on the following:*

- 1) *Bearing in mind that the Eucalyptus on Osborne Esplanade are known to "shed":*
  - (a) *Would individual Councillors be liable for prosecution in the event of injury or death to a pedestrian? or*
  - (b) *Does Council have a corporate responsibility ?*
- 2) *Can Council advise what if any steps can be taken to protect the public from future similar events.*

### Officer's Response:

The trees adjacent to Osborne Esplanade are proactively inspected every three months and based on the last inspection there was no indication that the tree in question presented an increased level of risk to the public. Council has a responsibility to manage all of its assets whether they are built or natural assets such as trees. However, Council is not legally obliged to ensure that every tree within

its municipality will remain viable throughout the duration of its life span. Trees are subject to numerous variables such as age, weather conditions, and soil conditions which can influence their health and structural integrity at any stage. The fact trees can shed limbs at any time does not automatically mean that Council is liable for any damage and/or injury/death as a result. In terms of liability for prosecution, it is worthwhile noting that Councils have no responsibility for operational decision and are exempt as outlined in the Local Government Act. Additionally, Council officers are covered by Council's liability insurance for their actions.

The Eucalypts on Kingston Beach Esplanade are actively monitored by an arborist and the trees are also passively monitored by Parks and Reserves staff. An arborist assessment has been undertaken following the recent limb failure and any maintenance requirements coming from this report will be attended to in a timely manner.

Council does not endeavour to 'protect' the community from tree or limb failure, rather we use a risk management approach to manage risk within a tolerable range. We cannot eliminate the risk but have a duty of care to be reasonable, proportionate, and reasonably practical when managing tree risk.

*David Reeve, Acting General Manager*

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## **11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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There were no questions without notice.

**C116/7-2023**

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## **12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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### **12.1 Update on the LCZ Review**

At the Council meeting held on Monday, 3 April 2023, **Cr Antolli** asked the following question without notice to the Acting General Manager, with a response that the question would be taken on notice:

*Could council update us as to where we are in the review of the LCZ properties and how many currently have been rezoned out of LCZ?*

#### **Officer's Response:**

The process to review the LCZ is taking longer than expected, and as a general indication I can advise that we are still in the early stages of this project. The amount of properties Council officers will recommend to another zone, is not available at the closing of this Agenda, but will be made available for the next Council Agenda.

*Adriaan Stander, Strategic Planner*

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## **13 PETITIONS STILL BEING ACTIONED**

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There are no petitions still being actioned.

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## **14 PETITIONS RECEIVED IN LAST PERIOD**

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No Petitions had been received.



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**15 OFFICERS REPORTS TO COUNCIL**

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**C117/7-2023****15.1 DONATION OF LAND TO HOBART WOMEN'S SHELTER**

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

That Council agrees to the donation of ~4,500m<sup>2</sup> of land in Gormley Drive Kingston to the Hobart Women's Shelter subject to the following:

- (a) The land being successfully subdivided from the Kingborough Sports Precinct title;
- (b) A legally binding agreement requiring that the land revert to Council ownership if it is not developed or used for the specific purpose of providing long term housing for women and children;
- (c) Costs associated with the subdivision and transfer being met by the Hobart Women's Shelter; and
- (d) Full rates to apply to all homes constructed on the land as a condition of the land transfer.

**CARRIED**

**C118/7-2023****15.2 FINANCIAL REPORT - MARCH 2023**

Moved: Cr Christian Street  
Seconded: Cr David Bain

That Council endorses the attached Financial Report as at 31 March 2023.

**CARRIED**

**C119/7-2023****15.3 DEVELOPMENT SERVICES QUARTERLY REPORT**

Moved: Cr Amanda Midgley  
Seconded: Cr Gideon Cordover

That the report be noted.

**CARRIED**

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**16 NOTICES OF MOTION**

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There were no Notices of Motion received.

**C120/7-2023****17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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Moved: Cr David Bain  
Seconded: Cr Amanda Midgley

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*

**CARRIED BY ABSOLUTE MAJORITY**

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

Open Session of Council adjourned at 6.06pm

**OPEN SESSION ADJOURNS**

**OPEN SESSION RESUMES**

Open Session of Council resumed at 6.09pm

**C121/7-2023**

Moved: Cr Amanda Midgley  
 Seconded: Cr David Bain

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

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 6.10pm

.....  
 (Confirmed)

.....  
 (Date)

