



# COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council  
will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on  
Monday, 5 June 2023 at 5.30pm

# 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**

# QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 10 to be held on Monday, 5 June 2023 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Gary Arnold  
GENERAL MANAGER

Tuesday, 30 May 2023

Public Copy

# Table of Contents

Item	Page No.
<b>Open Session</b>	
1 Audio Recording .....	6
2 Acknowledgement of Traditional custodians .....	6
3 Attendees .....	6
4 Apologies.....	6
5 Confirmation of Minutes .....	6
6 Workshops held since Last Council Meeting.....	6
7 Declarations of Interest .....	7
8 Transfer of Agenda Items .....	7
9 Questions without Notice from the Public.....	7
10 Questions on Notice from the Public .....	7
10.1 Policy Consultation.....	7
10.2 Flag Pole at Alonnah Service Centre.....	17
10.3 Roadwork Completion Delays and Business Hardship .....	17
11 Questions without Notice from Councillors.....	18
12 Questions on Notice from Councillors .....	18
12.1 New Amenity Block, Longley .....	18
13 Petitions still being Actioned .....	18
14 Petitions Received in Last Period.....	18
15 Officers Reports to Council .....	19
15.1 Multicultural Advisory Group.....	19
15.2 Disability Inclusion & Access Advisory Committee Diversity and Inclusion Statement.....	24
15.3 Expansion of Smoke-Free Areas.....	27
15.4 Appendices .....	31
16 Notices of Motion .....	31
17 Confirmation of Items to be Dealt with in Closed Session .....	31
<b>Appendix</b>	
A Mayor's Activities 26 April 2023 – 31 May 2023 .....	34

## **GUIDELINES FOR PUBLIC QUESTIONS**

### **Section 31 of the *Local Government (Meeting Procedures) Regulations 2015***

---

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

#### **Questions on Notice**

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

#### **Questions Without Notice**

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 5 June 2023 at 5.30pm

---

**1 AUDIO RECORDING**

---

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

---

**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

---

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

---

**3 ATTENDEES**

---

**Councillors:**

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

---

**4 APOLOGIES**

---

---

**5 CONFIRMATION OF MINUTES**

---

**RECOMMENDATION**

That the Minutes of the open session of the Council Meeting No. 9 held on 15 May 2023 be confirmed as a true record.

---

**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

---

Date	Topic	Detail
29 May	Budget	To discuss public submissions/feedback.

---

## 7 DECLARATIONS OF INTEREST

---

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

---

## 8 TRANSFER OF AGENDA ITEMS

---

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

---

## 9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

---

---

## 10 QUESTIONS ON NOTICE FROM THE PUBLIC

---

### 10.1 Policy Consultation

**Ms Jo Landon** submitted the following question on notice:

*Please could you clarify whether there was any community consultation ie the opportunity for the community to give feedback or have any input prior to the policy being endorsed by Council for the original or any subsequent version of:*

- a) *the Public Open Space Contribution Policy; and*
- b) *the Biodiversity Offset Policy?*

*Could Council please include a copy of any policy regarding biodiversity offsets that was in operation from 2010 - 2016?*

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


The first incorporation of the offset policy into the planning scheme in 2012 went through the full public exhibition process and provided the opportunity for direct submissions on the key elements of the policy. These elements were included directly in the planning scheme as criteria and included the establishment of offset requirements, offset types (financial offsets, Part 5 Agreements, Rehabilitation etc) and replacement ratios for different priority values. No representations were received.

It should also be noted that previous versions of the two policies formed part of the suite of documents that were introduced as part of the Kingborough Interim Planning Scheme 2015. When the interim planning scheme was introduced, it was exhibited for public comment. The most recent update of the incorporated documents in the planning scheme occurred in 2020 and that scheme amendment included the Kingborough Public Open Space Policy 6.3 (dated May 2019) and the Kingborough Biodiversity Offset Policy 6.1 (dated November 2016 and adopted by Council on 9 January 2017). The exhibition of the 2020 scheme amendment did not attract any public representations.

Attached is the version of the Biodiversity Offset Policy operating during 2010-2016 as well as the version that became effective on 9 January 2017.

*Dr Samantha Fox, Director Environment, Development & Community Services*



	<h2 style="text-align: center;">Biodiversity Offset Policy</h2>		<b>Policy Number 6.10</b>		
<b>POLICY STATEMENT:</b>	1.1 To provide for the consistent and transparent use of biodiversity offsets as a mechanism to mitigate and compensate for the loss of biodiversity values associated with development where a development will go ahead despite the assessed impact.	LAST REVIEW April 2010	NEXT REVIEW April 2012	MINUTE REF ED13/2-10	
<b>OBJECTIVE:</b>	2.1 The objective of the Biodiversity Offset Policy is to: <ul style="list-style-type: none"> <li>• Ensure as a minimum there is no long-term net loss of biodiversity and environmental values, and aim to achieve a net gain, and</li> <li>• Protect, conserve and restore native vegetation parcels of a size, quality and configuration that will enable the current biodiversity values to be viable in the long-term.</li> </ul>				
<b>SCOPE:</b>	3.1 This policy applies to all applications assessed under the Kingborough Planning Scheme or By-Law 4 of 2001, Clause 38				
<b>PROCEDURE: (POLICY DETAIL)</b>	4.1 Biodiversity offsets will be required where a development approved under the Kingborough Planning Scheme 2000 or tree removal approved under By-Law 4 impacts upon significant biodiversity values, including: <ul style="list-style-type: none"> <li>• Priority vegetation listed under Schedule 10 of the Kingborough Planning Scheme</li> <li>• Threatened vegetation listed under Schedule 3A of the <i>Nature Conservation Act 2002</i></li> <li>• Threatened species, listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and/or their habitat</li> <li>• Individual trees of conservation value (as per Table 3)</li> <li>• Native vegetation in good condition that provides key landscape linkages or buffers other significant values</li> <li>• Other significant biodiversity values recognised under Commonwealth, State and local government legislation and policy.</li> </ul> 4.2 Offsets will only be considered where: <ul style="list-style-type: none"> <li>• The proposed development is an appropriate use of the land, as assessed under the Kingborough Planning Scheme 2000</li> <li>• The environmental impact is not unacceptably high</li> <li>• The proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on natural values, including alternative locations or designs for the development</li> <li>• The policy objectives and relevant guidelines have been adequately addressed.</li> </ul>				



	<p>4.3 The impact of the proposal will be assessed to determine the scale, scope and suitability of offset options in accordance with the objectives and guidelines of this policy.</p> <p>4.4 Offset options must be in accordance with Table 1 and Table 2.</p> <p>4.5 A replacement ratio consistent with Table 3 is required for offsets to ensure the impacts of a development are adequately offset and the objectives of the policy are achieved, where:</p> <ul style="list-style-type: none"> <li>• The result is a reduction in the area of bushland within the municipal area</li> <li>• Restoring ecological communities (due to its complexity and time lags)</li> </ul> <p>The replacement ratio applied must be consistent with the policy and guidelines and depends on the condition/significance of the values being lost and whether or not there are additional offset o required.</p> <p>4.6 The suite of offset mechanisms appropriate for a particular development and the replacement ratio applied must be to the satisfaction of Council.</p> <p>4.7 Biodiversity offsets involving protection, restoration or revegetation must be accompanied by an "offsetting plan" that is consistent with this policy and outlines the ameliorating measures proposed, and cover a 5 year period at a minimum.</p> <p>4.8 As a result of implementing the "offsetting plan" the site must become "secure conservation land" that is effectively and permanently managed for conservation (eg covenanted, reserved or transferred to public ownership).</p> <p>4.9 Management costs for the first 5 years (eg fencing, weed control) will be met by the offset proposal and after this by the land owner or manager. Council will monitor the management of sites to ensure covenant conditions are undertaken.</p> <p>4.10 Where possible, recipient land is to be of comparable value to that being impacted, such as being the same ecological community or habitat type within the same catchment. Offsetting one ecological community with another or having recipient land outside of the municipal area will only be considered where it is demonstrated that this achieves the best possible conservation outcome.</p> <p>4.11 Council will assess each offset on a case-by-case basis to ensure a diverse range of ecological community and habitat types is conserved across the municipal area and that the best possible conservation outcome is achieved. Council may reject a proposal where it considers the proposal does not provide the best possible outcomes.</p> <p>4.12 This policy should be reviewed on the basis of the recommendations from and outcomes of the Regional Biodiversity Offset Guidelines project, in conjunction with the outcomes of the Regional Planning Project and the review of Kingborough's Planning Scheme.</p>
--	--

**GUIDELINES:****Table 1: Offsetting Options**


Option	Description
In situ conservation covenant or Part V Agreement	Covenanted or protecting in perpetuity remaining areas on the subject land with comparable values.
Ex-situ conservation covenant or Part V Agreement	Covenanted or protecting in perpetuity an area of sufficient size and with comparable values to those being lost, but off-site.
Restoration	Restoration of areas on or off site with similar values but in poorer condition to improve their condition and increase their long-term viability. Note this option should be used in conjunction with other offsetting options.
Rehabilitation	Revegetation and rehabilitation of degraded areas on or off site with the aim of restoring values equivalent to those being lost. Note this option should be used in conjunction with other offsetting options.
Survey/mapping	Surveying and mapping of significant values to inform their ongoing strategic management and conservation. Note this option should be used in conjunction with other offsetting options.
Financial offsets	Financial offsets at a rate of \$10 000/ha or up to \$500/tree of high conservation significance paid into Council's Tree Preservation Fund, to be held in trust to enable the value being lost to be protected or re-established elsewhere when a suitable offset is found.

*Note: offsets may include one or more of the above options and may require the replacement ratio to be applied.*

**Table 2: Conservation Value of Individual Trees**

Species (> 10m height)	Characteristics	Rationale	Conservation Value
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >40cm and/or canopy spread >6m	Swift parrot foraging habitat	Very high
<i>E. viminalis</i>	Within or directly adjacent to a known forty-spotted pardalote colony	Forty-spotted pardalote habitat	Very high
Native trees with known or potential nesting hollows	DBH > 70cm and/or hollows present	Habitat for hollow dependent species	Very high
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH <40cm and canopy spread <6m	Swift parrot foraging habitat	High
<i>E. viminalis</i>	Within 3,000m of a known forty-spotted pardalote colony or within forty-spotted pardalote habitat	Forty-spotted pardalote habitat	High
Dominant species in priority or threatened vegetation community	-	Key component of Schedule 10 and/or threatened vegetation community	Moderate

	Table 3: Replacement Ratios for Offsets			
	Value	Multiplier		
		Good condition	Moderate Condition	Poor Condition
	High priority vegetation under KPS or threatened vegetation under NCA	5	4	3
	Medium priority vegetation under KPS or bioregionally threatened vegetation	4	3	2
	Known threatened species habitat	5	4	3
	Potential threatened species habitat	4	3	2
	Native vegetation providing key landscape linkages or buffering significant values	1	1	-
<b>COMMUNICATION:</b>	Councillors Council staff Applicants Botanical Consultants Regional Planning Project team Biodiversity Offsets Working Group			
<b>LEGISLATION:</b>	Kingborough Planning Scheme 2000 Health and Environmental Services By-Law Forest Practices Regulations and Forest Practices Amendment Regulations 2009 <i>Nature Conservation Act 2002</i> <i>Threatened Species Protection Act 1995</i> <i>Environment Protection and Biodiversity Conservation Act 1999</i>			
<b>DEFINITIONS:</b>	<i>Ecological vegetation community</i> – refers to the vegetation community descriptions, codes and mapping units used in the TASVEG statewide vegetation map and Kingborough Priority Plant Community mapping  <i>High conservation value trees</i> - trees which provide habitat for threatened species and/or form an important component of a threatened or priority vegetation community.  <i>Recipient land</i> – refers to the land upon which an offset is implemented.			
<b>RELATED DOCUMENTS:</b>	Report on the Interim Biodiversity Offset Policy			
<b>AUDIENCE</b>	Kingborough Council staff Applicants Botanical Consultants Tasmanian Planning Commission State and Commonwealth agencies			

	<b>Biodiversity Offset Policy</b>		<b>(Policy No. 6.10)</b>		
<b>POLICY STATEMENT:</b>	1.1 Kingborough Council recognises that ‘biodiversity offsets’ are an important mechanism to mitigate and compensate for the loss of biodiversity values where it has been established that all opportunities to avoid and mitigate impacts have been exhausted and the impacts will not significantly affect the conservation status of biodiversity value(s).		LAST REVIEW November 2016	NEXT REVIEW November 2021	MINUTE REF C10/1-17
<b>OBJECTIVE:</b>	2.1 The objectives of the Biodiversity Offset Policy are to ensure biodiversity offsets within Kingborough:  2.1.1 achieve a net gain in the extent and quality of biodiversity that is securely protected and effectively managed; and,  2.1.2 are implemented in a transparent and consistent manner.				
<b>SCOPE:</b>	3.1 This policy applies to all applications assessed under the:  3.1.1 Health and Environmental Services By-Law 3 of 2011, Clause 25;  3.1.2 Kingborough Planning Scheme 2000, the Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme declared under the <i>Land Use Planning and Approvals Act 1993</i> and applicable in the Kingborough municipal area.				
<b>PROCEDURE: (POLICY DETAIL)</b>	4.1 Biodiversity offsets are required where there are impacts upon priority biodiversity values, including:  4.1.1 priority biodiversity values identified in Table E10.1 of the Kingborough Interim Planning Scheme 2015;  4.1.2 priority vegetation listed under Schedule 10 of the Kingborough Planning Scheme 2000;  4.1.3 priority vegetation identified in any subsequent planning scheme declared under the <i>Land Use Planning and Approvals Act 1993</i> and applicable in the Kingborough municipal area; and  4.1.4 individual trees of high conservation value (as per Table 2).  4.2 All offsets must be consistent with:  4.2.1 this Policy;  4.2.2 the Guidelines for the Use of Biodiversity Offsets in the local planning approval process (Pitt & Sherry 2011) (referred to as the Regional Offset Guidelines); and  4.2.3 the General Offset Principles for offsets under the Resource Management and Planning System (RMPS) (Appendix 4 of the Guidelines for Natural Values Surveys, Natural and Cultural Heritage Division, 2015) (referred to as the RMPS Offset Principles).  4.3 To the extent that there is any conflict or difference between these documents, this Policy prevails.  4.4 Offsets will only be considered where:  4.4.1 ‘special circumstances’ can be demonstrated;  4.4.2 the clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development; and,  4.4.3 the proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on natural values, including alternative locations or designs for the development.				



	<p>4.5 Council will assess each offset proposal on a case-by-case basis in accordance with this Policy, the Regional Offset Guidelines and the RMPS Offset Principles. Council has the discretion to reject a proposal where it has not been demonstrated that the scale, scope and suitability of the offset delivers a new benefit for biodiversity conservation.</p> <p>4.6 This policy should be reviewed within 5 years or following any changes to planning instruments, by-laws, state policies or regional policies relating to offsets, whichever is the sooner.</p>
<b>GUIDELINES:</b>	<p>5.1 A biodiversity offset proposal must include one or more of the offset measures in Table 1 and must include at least one of options (a), (b) or (c).</p> <p>5.2 All offset proposals must be consistent with the replacement ratios in Table 3.</p> <p>5.3 Where demonstrating 'special circumstances' relies upon 'special circumstances (iii)', then a substantial proportion of the offset must be achieved via option (a) to the extent practicable, with any residual loss offset via options (b)-(e).</p> <p>5.4 Where demonstrating 'special circumstances' relies upon 'special circumstances (iv)' and the development is located in the Low Density Residential, Rural Living or Environmental Living Zone, then a substantial proportion of the offset must be achieved via option (a) to the extent practicable, with any residual loss offset via options (b)-(e).</p> <p>5.5 A biodiversity offset proposal only involving either option (a), (b) or (c) in isolation may be considered where it can be demonstrated it is consistent with the objectives and provisions of this Policy.</p> <p>5.6 A biodiversity offset proposal involving (a), (b), (d) or (e) must be accompanied by an offsetting plan for the 'recipient land' that is consistent with this Policy, outlines the offset options proposed and contains the relevant land owner consents.</p> <p>5.7 As a result of implementing an offsetting plan, the 'recipient land' must become 'secure conservation land'.</p> <p>5.8 Upon approval of an offsetting plan, the 'recipient land' must be subject to a conservation management plan. Management costs for the first 5 years of implementing the conservation management plan must be met by the applicant and after this by the land owner or manager.</p> <p>5.9 Council has a responsibility to monitor the management of 'secure conservation land' to ensure compliance with the offsetting plan and conservation management plan.</p> <p>5.10 All offsets must aim to be like for like and contain equivalent biodiversity values in equal or better condition than those being impacted. Offsets that are not like for like will only be considered where it is demonstrated that this achieves a significantly enhanced conservation outcome and has been subject to third party validation by the State or another peer review body nominated by Council.</p> <p>5.11 Financial offsets are only appropriate where the loss is small relative to the biodiversity value being impacted, there is no meaningful opportunity for on-site offsets and a more strategic outcome can be achieved by pooling resources. The appropriateness of a financial offset is determined on merits by Council on a case-by-case basis.</p> <p>5.12 The financial offset charge must be paid into the Kingborough Environmental Fund established by Council for this purpose.</p> <p>5.13 All expenditure of financial offsets must be in accordance with Councils endorsed Guidelines for Expenditure of the Kingborough Environmental Fund.</p>

Table 1: Offsetting Options

Option	Description
(a) In situ conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral to public ownership	Covenanting or protecting in perpetuity remaining areas on the subject land with comparable values.
(b) Ex-situ conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral to public ownership	Covenanting or protecting in perpetuity an area of sufficient size and with comparable values to those being lost, but off-site.
(c) Financial offsets	Financial offsets calculated at a rate of: <ul style="list-style-type: none"> <li>• up to \$500 per tree of very high conservation value and up to \$250 for high conservation value as identified in Table 2; or,</li> <li>• \$12,000 per hectare of high and moderate biodiversity values as identified and subject to the replacement ratios in Table 3.</li> </ul> These financial offsets are inclusive of a 20% administration fee.
(d) Restoration	Restoration of areas on or off site with similar values but in poorer condition to improve their condition and increase their long-term viability. Note this option must be used in conjunction with offsetting options (a), (b) and/or (c).
(e) Revegetation	Revegetation and rehabilitation of degraded areas on or off site with the aim of restoring values equivalent to those being lost. Note this option must be used in conjunction with offsetting options (a), (b) and/or (c).
(f) Recovery actions	Implementation of recovery actions, including surveying and mapping of significant values to inform their ongoing strategic management and conservation. Note this option must be used in conjunction with other offsetting options (a), (b) and/or (c).

Table 2: Conservation Value of Individual Trees

Species	Characteristics	Rationale	Conservation Value
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >70cm	Swift parrot foraging habitat	Very high
<i>E. viminalis</i>	DBH >25cm and within or directly adjacent to significant forty-spotted pardalote habitat	Forty-spotted pardalote habitat	Very high
Native trees with known or potential nesting hollows	Hollows present; and/or, DBH > 70cm in dry forests or cleared settings; or, DBH >100cm in wet forests	Habitat for hollow dependent species	Very high
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >40cm and <70cm	Swift parrot foraging habitat	High
<i>E. viminalis</i>	DBH >25cm and within 3,000m of significant forty-spotted pardalote	Forty-spotted pardalote habitat	High

		habitat or within potential forty-spotted pardalote habitat		
	A species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999 (C'th)</i>	N/A	Listed threatened species	High
Table 3: Replacement Ratios for Offsets				
	<b>Value</b>	<b>Definition</b>	<b>Replacement ratio*</b>	
	High priority biodiversity values	As per Table E10.1 of the Kingborough Interim Planning Scheme 2015  As per Table s10.2 of the Kingborough Planning Scheme 2000  Priority vegetation identified in any subsequent planning scheme declared under the <i>Land Use Planning and Approvals Act 1993</i> and applicable in the Kingborough municipal area	5:1	
	Moderate priority biodiversity values	As per Table E10.1 of the Kingborough Interim Planning Scheme 2015  As per Table s10.2 of the Kingborough Planning Scheme 2000	3:1	
	Low priority biodiversity values	As per Table E10.1 of the Kingborough Interim Planning Scheme 2015	1:1	
	Individual trees of very high conservation value	As per Table 3	5:1 for replanting	
	Individual trees of high conservation value	As per Table 3	3:1 for replanting	
	<p>* When determining whether a proposed offset involving option (a) and/or (b) will achieve a net benefit for conservation and satisfy the required replacement ratios, the condition of the biodiversity value(s) potentially impacted and the condition of any biodiversity value(s) proposed to be protected or enhanced must be considered using the Vegetation Condition Assessment method.</p> <p>* Where there is a high risk of failing to return a net benefit over time, the required replacement ratio may be increased at the discretion of Council.</p> <p>* Where the area being impacted contains multiple values, the offset ratio may be increased at the discretion of Council.</p> <p>* Where the 'recipient land' contains additional values to the area being impacted, the offset ratio may be reduced at the discretion of Council.</p>			
COMMUNICATION:	6.1 This policy will be made available to the general public on the Council website and at the Customer Services counter.  6.2 The following stakeholders have a direct interest in this Policy and should be notified of any amendments through direct communications:  6.2.1 Council staff;  6.2.2 Regular applicants;  6.2.3 Ecological consultants.			
LEGISLATION:	<ul style="list-style-type: none"><li>Kingborough Planning Scheme 2000</li><li>Kingborough Interim Planning Scheme 2015</li><li>Health and Environmental Services By-Law 3 of 2011</li><li><i>Land Use Planning and Approvals Act 1993</i></li><li><i>Nature Conservation Act 2002</i></li><li><i>Threatened Species Protection Act 1995</i></li><li><i>Environment Protection and Biodiversity Conservation Act 1999</i></li></ul>			



DEFINITIONS:	<p>Biodiversity offsets mean measures that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social or environmental reasons for the action to proceed.</p> <p>High conservation value tree means a tree that:</p> <ul style="list-style-type: none"> <li>(i) is of a species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (C'th); and/or,</li> <li>(ii) provides potential or significant habitat for a threatened species listed in either of those acts and,</li> <li>(iii) is as specified in Table 2.</li> </ul> <p>Recipient land means the land upon which an offset is implemented.</p> <p>Secure conservation land means land that is effectively and permanently managed for conservation under a conservation covenant under the <i>Nature Conservation Act 2002</i>, an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferred to public ownership.</p> <p>Special circumstances means particular circumstances associated with the proposed use or development that may justify reduction in biodiversity. Special circumstances are considered to exist if one or more of the following apply:</p> <ul style="list-style-type: none"> <li>(i) the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location or design;</li> <li>(ii) ongoing management cannot ensure the survival of the biodiversity values on the site and there is little potential for recruitment or for long term persistence;</li> <li>(iii) The extent of proposed removal of the biodiversity values on the site is insignificant relative to the extent of the values elsewhere on site; and/or</li> <li>(iv) the development is located on an existing title within the Inner Residential, General Residential, Low Density Residential, Rural Living or Environmental Living Zone and is for a single dwelling and/or associated outbuilding.</li> </ul>
RELATED DOCUMENTS:	<p>Pitt &amp; Sherry with North Barker and Associates (2011). <i>Guidelines for the Use of Biodiversity Offsets</i>, Southern Tasmanian Councils Authority, Hobart.</p> <p>Natural and Cultural Heritage Division, 2015. <u>Appendix 4: General Offset Principles for offsets under the Resource Management and Planning System</u>, in <i>Guidelines for Natural Values Surveys – Terrestrial Development Proposals</i>. Department of Primary Industries, Parks, Water and Environment.</p>
AUDIENCE:	<ul style="list-style-type: none"> <li>• Kingborough Council Councillors</li> <li>• Kingborough Council staff</li> <li>• Applicants</li> <li>• Ecological Consultants</li> <li>• Tasmanian Planning Commission</li> <li>• State and Commonwealth agencies</li> <li>• Community</li> </ul>

## 10.2 Flag Pole at Alonnah Service Centre

**Ms Tammy Price** on behalf of the Bruny Island Community Association submitted the following question on notice:

*A request from members of the Bruny Island Community has been received to reinstate the flag pole at the Bruny Island Service Centre. The flagpole was removed when the Bruny Island Council amalgamated with Kingborough Council. The Australian flag was flown every day the office was open, and it is requested that this be instated.*

*Under the Australian Flags protocol, when only one flag pole is present – the Australian National Flag takes preference. Under the Kingborough Councils Flagpole Policy (6.14), this protocol would align with the policy.*

*On behalf of BICA, we would like to ask for the flagpole at the Alonnah Service Centre be re-instated.*

### Officer's Response:

Council currently only maintains flagpoles and flags at its primary site, the Civic Centre in Kingston. There are currently no plans to install a flagpole at the Alonnah Service Centre, or any other Council hall or facility. Installing a flagpole at the Alonnah Service Centre would require funds to be allocated under Council's capital and operational budgets in future years. The Bruny Island Community Association is encouraged to make a submission to the 2024/25 budget process. In determining whether to allocate funds in future budgets to installing and maintaining a flagpole and flag at the Alonnah Service Centre, Council will need to consider other competing priorities for capital and operational expenditure.

*Dr Samantha Fox, Director Environment, Development & Community Services*

## 10.3 Roadwork Completion Delays and Business Hardship

**Mr Nik Linnell** submitted the following questions on notice:

- 1. Could you please provide details on the specific measures the Kingborough Council intends to implement in order to promptly provide financial compensation to the businesses impacted by the road works?*
- 2. Considering that many businesses, particularly food outlets, operate on a narrow profit margin and may not meet the current 40% revenue loss threshold for compensation, how does the Council plan to support these establishments during this challenging period?*
- 3. We understand that the Council has initiated a rate relief program. Could you please provide us with an update on the program's progress and clarify how the Council aims to ensure that the relief directly benefits tenants, thereby easing their rent or mortgage stress?*
- 4. Given the severity of the financial losses incurred by local businesses, we kindly request the Council to reconsider its budget priorities for the upcoming 2024 budget. Would it be possible for the Council to reallocate resources towards immediate financial support, prioritizing the needs of the affected businesses over secondary projects, such as the construction of new toilet blocks?*
- 5. What clauses in the contract exist between the construction company responsible for delivering the roadworks and the Kingsborough Council that address significant delays in delivering the final outcome?*

**Officer's Response:**

The matter of support for businesses impacted by the current works on Channel Highway, Kingston has been previously considered by Council in closed session. Council is in ongoing discussions with impacted businesses.

There have been no significant delays in delivering the construction project, however, there are contractual means of managing agreed extensions of time and/or other significant non-delivery of target timeframes. Council remains committed to minimising inconvenience to businesses and delivering a fantastic new space for businesses to operate within.

*Gary Arnold, General Manager*

---

**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

---

---

**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

---

**12.1 New Amenity Block, Longley**

At the Council meeting held on 15 May 2023, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*I've had a request from a community member whether there can be power points suitable for e-bikes, noting that it is a popular e-bike route in that area?*

**Officer's Response:**

The new toilet does have power to the site but power points do not form part of the finished product. There is a reasonable risk that availability of power points will encourage inappropriate use. It is considered less likely taking into account typical e-bike battery life that a dedicated e-bike charging point would be well patronised. If the need becomes more evident, future consideration can be given to providing power for other uses such as e-bikes.

*David Reeve, Director Engineering Services*

---

**13 PETITIONS STILL BEING ACTIONED**

---

There are no petitions still being actioned.

---

**14 PETITIONS RECEIVED IN LAST PERIOD**

---

At the time the Agenda was compiled no Petitions had been received.

---

## 15 OFFICERS REPORTS TO COUNCIL

---

### 15.1 MULTICULTURAL ADVISORY GROUP

**File Number:** 6.9

**Author:** Dr Samantha Fox, Director Environment, Development & Community Services

**Authoriser:** Gary Arnold, General Manager

#### Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.1 A Council that engages with and enables its community.

#### 1. PURPOSE

- 1.1 The purpose of this report is to appoint two Councillors to be the Chair and Deputy Chair of the Multicultural Advisory Group, which will be convened to develop a Multicultural Strategy.

#### 2. BACKGROUND

- 2.1 On 5 December 2022, at the Annual General Meeting of Council, the following Notice of Motion was moved by Sajini Sumar and seconded by David Grace:

*Council initiate a consultation to establish a voice with the rapidly growing number of multicultural communities and people in Kingborough.*

- 2.2 In response, on 19 December 2022, Council approved a Multicultural Advisory Group being convened to engage with the community and develop a Multicultural Strategy that will be returned to Council for endorsement.

#### 3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements that relate to this matter.

#### 4. DISCUSSION

- 4.1 Terms of Reference for the Multicultural Advisory Group have been drafted (Attachment A). The Multicultural Advisory Group will oversee the development of a Multicultural Strategy for Kingborough, through community engagement and consultation as appropriate. One of the initial tasks for the Advisory Group will be to confirm the Terms of Reference. The Advisory Group will have a finite life and disband at the completion of the Strategy.
- 4.2 The Advisory Group will have up to twelve members, be chaired and deputy chaired by Councillors, with other members being culturally diverse people from Kingborough or those delivering services to our multicultural community.
- 4.3 Expressions of interest are currently being sought from members of the community. Councillors are asked to nominate and decide the Chair and Deputy Chair for the Advisory Group.

## **5. FINANCE**

- 5.1 As membership of the Advisory Group is voluntary, the Advisory Group will be convened, community consultation undertaken, and the Multicultural Strategy drafted using existing resources.
- 5.2 Actions included in the Multicultural Strategy once endorsed, that are unable to be implemented using existing resources, will be subject to future Council budget processes.

## **6. ENVIRONMENT**

- 6.1 There are no environmental implications.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 The Advisory Group will include multicultural community stakeholders and Councillors.
- 7.2 Community consultation and engagement will be undertaken to inform development of the Strategy, in accordance with Kingborough Council's Communications and Engagement Policy.

## **8. RISK**

- 8.1 There is no identified risk. The development and implementation of a Multicultural Strategy should assist to improve Council's engagement, promotion, and representation of our multicultural community.

## **9. CONCLUSION**

- 9.1 It is recommended that Councillors determine the Chair and Deputy Chair of the Multicultural Advisory Group, which will shortly be convened to develop a Multicultural Strategy.

## **10. RECOMMENDATION**

That:

- (a) Councillor \_\_\_\_\_ be appointed as Chair of the Multicultural Advisory Group.
- (b) Councillor \_\_\_\_\_ be appointed as the Deputy Chair to the Multicultural Advisory Group.

## **ATTACHMENTS**

### **1. Multicultural Advisory Group Draft Terms of Reference**



## Multicultural Advisory Group

*Terms of Reference 16 May 2023*

### 1. Background

- 1.1 Kingborough Council is committed to creating a safe, positive and inclusive community.
- 1.2 Key priorities for Kingborough Council, as outlined in the Strategic Plan 2020-25, include:
  - A Council that engages with and enables its community.
  - An inclusive community that has a strong sense of pride and local identity.
  - Service provision that meets the current and future requirements of residents and visitors.
  - Community facilities that are safe, accessible and meet contemporary standards.
- 1.3 Council has an ongoing commitment to facilitating inclusiveness, respect and equality for culturally diverse people in Kingborough through advocacy, support services and policy.
- 1.4 Council would like to build a better understanding of Kingborough's culturally diverse communities, their issues and concerns and identify ways that Council can engage and support our culturally diverse communities, within the scope of our role.
- 1.5 On 19 December 2022, Council approved a Multicultural Advisory Group being convened to engage with the community and develop a Multicultural Strategy that will be returned to Council for endorsement.

### 2. Aims & Purpose

- 2.1 The aims of the Advisory Group will be to support engagement with culturally diverse communities in Kingborough, and to guide the development of a Multicultural Strategy that outlines actions Council can take to support improved outcomes for these community members.
- 2.2 The following activities will be guided by the experience and connections of the members of the Advisory Group:
  - Input on the design of engagement with our culturally diverse communities, to inform development of the Strategy.
  - Analysis of data coming from engagement and identification of ongoing and emerging issues and gaps in services that may need to be addressed.
  - Input into the development of actions for Council to be considered for inclusion in a Multicultural Strategy that will outline Council's approach to supporting cultural diversity and inclusion.
  - Adherence to all National Human Rights and State Anti-discrimination legislation that protects the rights of individuals.
  - Maintaining a local Kingborough focus on supporting culturally diverse communities, while being informed by conversations and issues at the Tasmanian and National levels.

### 3. Membership

- 3.1 The Advisory Group will comprise no more than 12 members. There will be two Councillors (Chair and Deputy Chair), with the remaining members to be from Kingborough's culturally diverse community and relevant service and advocacy organisations. Membership will be determined following an expression of interest process.

### 4. Meetings

- 4.1 Meetings will be chaired by a Councillor. In their absence, Deputy Chair will chair the meeting.
- 4.2 Members will receive a Meeting Agenda prior to the meeting.
- 4.3 Decisions will be made by consensus. If consensus cannot be reached, decisions will be made by a majority vote of members.
- 4.4 Decisions made by the Advisory Group are not binding on Council. They are only advisory in nature.
- 4.5 Secretariat support, including the preparation of Meeting Agendas and Minutes will be provided by Council officers from within the Environment, Development and Community Directorate.
- 4.6 It is anticipated that there will be at least 6 meetings this year. Dates and times will be confirmed with members.
- 4.7 Subcommittees may be formed if required, at the discretion of the Chair.
- 4.8 Due to the short-term nature of the Advisory Group, if a member leaves, their position will not be replaced.

### 5. Roles and Responsibilities

- 5.1 To achieve the above goals, the membership of the Advisory Group will commit to:
- Attending all scheduled meetings. The Chair will make contact with any member who misses 3 meetings to discuss their ongoing role on the working group.
  - Creating a safe and inclusive space for all its members through engaging in proper behaviour and attitudes.
  - Actively and constructively participating in meeting discussions and community consultations and fostering collaboration through open, honest and respectful conversations.
  - Contributing their skills, knowledge and experience where possible.
  - Providing advice, feedback and identifying gaps and opportunities to improve outcomes.

### 6. Behaviour Conduct

- 6.1 Some discussions held within the group may include information that is disclosed in confidence. Unless in agreement with other members of the Advisory Group, these discussions are not to be shared outside of the meeting. General issues raised within the group can be discussed as long as they are de-identified and any personally sensitive information is removed.
- 6.2 Email addresses will remain confidential.
- 6.3 Members are clear about their needs.
- 6.4 Space is given to the quieter voices in the room.
- 6.5 Space and time are given for reflection and feedback.



- 6.6 Violence or intimidation towards other group members will not be tolerated and no group member will be humiliated or abused in any way.
- 6.7 Space will be provided for any member of the working group who needs to step out of the room. Support from Council staff will be available, if required or other support sought at the request of the Advisory Group member.
- 6.8 Any instance where an Advisory Group member has a personal, financial or other interest in matters under consideration, is deemed a conflict of interest. This must be disclosed to the Chair for consideration. For example, a member might have a financial interest for themselves, family or friends in advice about funding a specific service.
- 6.9 Group members cannot participate in the group under the influence of alcohol or other drugs.
- 6.10 Failure to comply with any of these points may result in dismissal from the group.

## **7. Term**

- 7.1 This 'terms of reference' is effective from 30 June 2023 and continues until the Multicultural Strategy has been finalised for consideration by Council, unless terminated by agreement between the parties. It may be amended after consultation with Advisory Group members.
- 7.2 Note, this Advisory Group has a defined purpose and does not constitute an ongoing advisory group to Council.

Public Copy

## 15.2 DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE DIVERSITY AND INCLUSION STATEMENT

**File Number:** 5.539

**Author:** Julie Alderfox, Community Development Officer

**Authoriser:** Dr Samantha Fox, Director Environment, Development & Community Services

### Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.2 An inclusive community that has a strong sense of pride and local identity.

### 1. PURPOSE

- 1.1 The purpose of this report is to recommend that the Diversity and Inclusion Statement developed by the Disability Inclusion and Access Advisory Committee be adopted and promoted on the Council website.

### 2. BACKGROUND

- 2.1 In 2022, a subcommittee of the Disability Inclusion and Access Advisory Committee formed to consider how Council may better recognise and support the needs of people in the community who are neurodiverse, to address any potential discrimination.
- 2.2 The subcommittee comprised Mayor Paula Wriedt, Don Hempton, Di Carter and David McQuillan and met on three occasions – 20 February 2023, 6 March 2023 and 3 April 2023. Council officers attended the March and April meetings.

### 3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements related to this report.

### 4. DISCUSSION

- 4.1 A neurodivergent person has one or more ways in which their brain functions outside the “typical” way. For example, neurodivergent people may be diagnosed with autism, ADHD, OCD, dyspraxia, dyslexia and dyscalculia. The Australian Institute of Health and Welfare has found that more than 20% of the population hear and see things differently from the rest of the population.
- 4.2 Kingborough Council is committed to creating a safe, welcoming, and inclusive community. To that end, the subcommittee and Council officers developed a Diversity and Inclusion Statement, which has subsequently been endorsed by the Disability Inclusion and Access Advisory Committee (Attachment A). The Statement refers to diversity of thought and background, including diversity of cultures, sexualities, beliefs, abilities, genders and ages.
- 4.3 It is now proposed that the Diversity and Inclusion Statement is endorsed by Council and promoted to raise awareness of neurodiversity amongst staff and the broader community, and to encourage inclusivity and reduce discrimination.
- 4.4 Discussion has also taken place between the subcommittee and senior Council staff to consider how to best support Council employees who identify as neurodiverse. This

may include providing workplace accommodations, providing senior staff with specific training on identifying and working positively with employees who are neurodiverse, and putting greater emphasis on diversity during the recruitment and induction processes.

## **5. FINANCE**

- 5.1 Accommodations, specific training for senior staff and changes to recruitment and induction processes will be funded from within existing budgets.

## **6. ENVIRONMENT**

- 6.1 There are no environmental implications related to this report.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 The Diversity and Inclusion Statement has been developed collaboratively between Council staff and the Disability Inclusion and Access Advisory Committee.
- 7.2 If endorsed by Council, the Statement will be published on Council's website and used to promote Council's approach to diversity and inclusivity in Council's recruitment and induction process.

## **8. RISK**

- 8.1 If Council fails to increase awareness of diversity in the workplace and in the broader community, there is a risk that misunderstandings or discrimination will occur.

## **9. CONCLUSION**

- 9.1 In accordance with Council's commitment to encouraging inclusivity and diversity, it is recommended that Council adopt and promote the Diversity and Inclusion Statement attached. Council's Executive team will implement actions within Council to promote inclusivity and diversity in accordance with the Statement.

## **10. RECOMMENDATION**

That Council adopts and promotes the attached Diversity and Inclusion Statement to demonstrate its commitment to creating an inclusive and welcoming community.

## **ATTACHMENTS**

1. **Diversity and Inclusion Statement**

## **DIVERSITY AND INCLUSION STATEMENT**

*Prepared by the Disability Inclusion and Access Advisory Subcommittee and endorsed by the Disability Inclusion and Access Advisory Committee.*

Kingborough Council strives to be the model of an inclusive culture where diversity of thought and background is valued.

We acknowledge, value and respect people of all cultures, sexualities, beliefs, abilities, genders and ages, and support their rights of equal access, equity and participation.

We believe diversity of thought and background, together with an inclusive work environment are critical to support every person and team to excel. We want to enable innovation for continuous improvement of service delivery.

We strive for an environment where people feel they belong, are valued as an individual, and are respected with a shared sense of fairness.

Public Copy

### 15.3 EXPANSION OF SMOKE-FREE AREAS

**File Number:** 8.121

**Author:** Tara Eschler, Coordinator Environmental Health

**Authoriser:** Dr Samantha Fox, Director Environment, Development & Community Services

#### Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

#### 1. PURPOSE

- 1.1 The report recommends Council commence community engagement to identify potential smoke-free areas in Kingborough, to improve public health, air quality and amenity, and to reduce litter.

#### 2. BACKGROUND

- 2.1 There is increasing evidence of the benefits of declaring areas smoke-free, including in terms of public health, amenity and reducing litter. In July 2022, the Tasmanian Government published the *2022-2026 Tasmanian Tobacco Action Plan* which identified smoking as being the number one cause of preventable illness and death for Tasmanians. The most recent data from the Keep Australia Beautiful National Litter Index indicates that cigarette butts are the most littered item in Tasmania.
- 2.2 According to the National Tobacco Strategy, declaring areas as smoke-free is intended to 'de-normalise' smoking and should be focussed on areas 'where people gather or are in close proximity'.
- 2.3 Tasmanian legislation designates smoke-free areas across the State, including in public places and workplaces; within 3m of an entrance or exit to a building; within 10m of a children's playground; on patrolled beaches; in outdoor dining areas; and pedestrian and bus malls.
- 2.4 In addition, several Tasmanian Councils have declared smoke-free areas, including the City of Hobart, Clarence City Council and City of Launceston.
- 2.5 In 2019 and 2022 respectively, Council declared the Council-owned Kingston Community Hub and Kingston Park playground, smoke-free.
- 2.6 Kingborough Council does not currently have a strategic approach for the identification and declaration of smoke-free areas. Areas identified through internal discussions Council for potential declaration as smoke-free include:
- Dru Point (informally declared prior to Tasmanian Regulations, with signage erected in 2009)
  - Kingborough Sports Precinct
  - Channel Highway, Kingston CBD
  - Hutchins Street.

2.7 Other potential areas within the municipality that warrant further consideration include:

- Council's high-use swimming beaches (in addition to already declared patrolled areas)
- Civic Centre front lawns
- green space around Council-owned children's playgrounds (noting that children's playgrounds are already declared smoke-free)
- enclosed dog exercise areas
- Council barbeque areas
- land surrounding Council halls and sports grounds
- areas around schools during drop-off/pick-up times (e.g. Freeman Street, Sherburd Street and Hutchins Street).

### 3. STATUTORY REQUIREMENTS

3.1 Under S20 (1) (a) of the *Local Government Act 1993* a function of Council is "to provide for the health, safety and welfare of the community".

3.2 Smoke-free areas are regulated under the *Public Health Act 1997* and *Public Health (Smoke-free areas) Regulations 2014*. Under the provisions of section 67B (1) of the *Public Health Act 1997*, legislated smoke-free areas in Tasmania include but are not limited to:

- Enclosed public places and workplaces
- Within 3m of an entrance or exit to a building
- Within 10m of a children's playground
- On patrolled beaches
- Outdoor dining areas
- 20 metres of sports competition or seating areas
- Pedestrian and bus malls
- Designated public events.

3.3 Under section 67B(1)(c) of the *Public Health Act 1997* any area, including a public street, that is not within private premises may be designated by the occupier of the area as a smoke-free area. It is this clause that provides Council statutory power to declare smoke-free areas.

3.4 Of note, vaping is included in the definition of smoking and a smoking product under the *Public Health Act*.

### 4. DISCUSSION

4.1 It is proposed that Council undertake community engagement to determine which Council-owned areas within the municipality our community would value being declared

smoke-free. This will allow for an informed strategic approach to identifying and declaring smoke-free spaces. Community engagement would be undertaken via a survey, advertised through traditional, digital and social media, with results discussed with local businesses and stakeholders, before recommendations for declaration are returned to Council for consideration.

- 4.2 Prior to deciding to declare a smoke-free area, it is important to consider Council's ability to regulate and undertake the necessary public education to make smoke-free areas a success.
- 4.3 The City of Hobart currently employs an education and enforcement officer to actively monitor declared smoke-free areas and provide education to community members around these areas. This has been highly successful in reducing rates of smoking within those areas.
- 4.4 Kingborough Council's Environmental Health team does not currently have capacity to undertake community education and enforcement in smoke-free areas. Declaring areas in Kingborough as smoke-free, without any investment in enforcement and community education, will significantly limit their success.
- 4.5 Previously declared smoke free areas around Kingston Park have been left to self-regulate which has had some success. However, this space is unique in that it was a new project without existing smoking habits in this space established. It is also a predominantly family-use site which has less acceptance of smoking behaviours. Declaring of spaces such as central business areas is expected to require ongoing monitoring to establish new smoke-free behaviours.

## **5. FINANCE**

- 5.1 Initial community engagement about priorities for smoke-free areas, as well as advertising, signage and promotion of new smoke-free areas, could be undertaken using existing resources allocated under the Draft 2023/24 Council Budget. Signage, additional bins and advertising would cost around \$10,000 per smoke-free area.
- 5.2 To maximise the likelihood of success of smoke-free areas, it is proposed that an additional enforcement and education officer be considered in future budgets.

## **6. ENVIRONMENT**

- 6.1 Implementing smoke-free areas should translate to an improvement in air quality and reduced volumes of cigarette butts entering the litter stream from these locations. This aligns with Council's Strategic Plan and the outcomes stated in the Tasmanian Tobacco Action Plan 2022-2026.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 The following initial engagement approach is proposed:
  - a community survey, seeking views on preferred smoke-free areas, advertised through traditional, digital and social media
  - consultation with the Tasmanian Government Tobacco Control Unit, Director of Public Health, and Tasmanian Police
  - engagement with internal Council stakeholders including Property, Compliance, Community Engagement, Communications and Works Department staff.



- 7.2 Following initial engagement and identification of proposed smoke-free areas, engagement will be undertaken with relevant local stakeholders, businesses and groups fronting, or with other interest in, those areas to determine the approach to maximising compliance with a smoke-free declaration.

## **8. RISK**

- 8.1 Kingborough Council will be responsible for ongoing monitoring of any declared smoke-free areas, with limited support from the Tobacco Control Unit. Enforcement will be limited to the provision of advice and raising awareness through signage and a physical presence. Without a dedicated and suitably trained education and enforcement officer, compliance within declared smoke-free areas is expected to be limited.
- 8.2 Insufficient monitoring of any new declared smoke-free spaces could result in the increase in community complaints to be investigated by Council's Environmental Health or Compliance team. Due to current staffing levels within these teams, any additional complaints may not be able to be actioned in a timely manner and/or may result in existing statutory workloads not being able to be maintained.

## **9. CONCLUSION**

- 9.1 Smoking (and second-hand smoking) has significant negative impacts on human health, air quality and amenity, with cigarettes also creating litter issues. While parts of Kingborough are already smoke-free under Tasmanian legislation, Council has legislative powers to declare additional Council-owned areas as smoke-free.
- 9.2 Undertaking engagement to identify potential Council-owned land to declare smoke-free will create community buy-in and enable Council to develop a strategic approach to the declaration of future smoke-free areas.
- 9.3 Prior to proceeding with declaration of any new smoke-free areas identified, consideration needs to be given to how they will be regulated, including education and enforcement.

## **10. RECOMMENDATION**

That Council:

- (a) Approves commencement of community engagement to identify priorities for Council-owned areas to be declared smoke-free; and
- (b) Notes that a further report will be provided to Council following community engagement.

## **ATTACHMENTS**

Nil

## 15.4 APPENDICES

### RECOMMENDATION

That the Appendices attached to the Agenda be received and noted.

## 16 NOTICES OF MOTION

---

At the time the Agenda was compiled there were no Notices of Motion received.

## 17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

---

### RECOMMENDATION

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*

#### Local Government Association of Tasmania - 2023 Elections

Regulation 15(2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

#### Tender Assessment - AB2302 Browns Road Stage 2 Reconstruction

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.*

#### Bruny Island

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

#### Current Court Matters

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.*

#### Notice of Motion - Channel Highway Business Owners Compensation

Regulation 15(2)(c)(i), and (2)(j) *commercial information of a confidential nature, that if disclosed, is likely to prejudice the commercial position of the person who supplied it, and the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.*

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

**OPEN SESSION ADJOURNS**

## OPEN SESSION RESUMES

### RECOMMENDATION

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	
Applications for Leave of Absence	
Local Government Association of Tasmania - 2023 Elections	
Tender Assessment - AB2302 Browns Road Stage 2 Reconstruction	
Bruny Island	
Current Court Matters	
Notice of Motion - Channel Highway Business Owners Compensation	

### CLOSURE

---

# APPENDIX

A Mayor's Activities 26 April 2023 – 31 May 2023

Public Copy

**A MAYOR'S ACTIVITIES 26 APRIL 2023 – 31 MAY 2023**

DATE	LOCATION	ITEM
26 April	Hobart	Attended Greater Hobart Mayors Forum
	Civic Centre	Chaired workshop briefing by Tipalea Partners in relation to new development “the wedge”.
28 April	Civic Centre	Met with Andrew Lyden, Lyden Builders, accompanied by the General Manager.
29 April	Kingston	Attended Kingborough’s Got Talent at Kingborough Performing Arts Centre
1 May	Civic Centre	Site visit to start of Huntingfield/Channel Highway roundabout & slip lane works by DCS Civil, accompanied by Mr David Reeve.
	Civic Centre	Meeting with Sajini Sumar re multicultural issues in Kingborough.
	Civic Centre	Chaired Council meeting
3 May	Civic Centre	Meeting with Minister Nic Street re Bruny Island issues, accompanied by the General Manager.
	Civic Centre	Hosted visit by Grade 3 and 4 students from Calvin Christian School, accompanied by the Deputy Mayor.
	Kingston	Citizenship Ceremony at Kingborough Community Hub
	Online	Attended LGAT Forum for Presidential Candidates
	Online	Briefing by Local Government Review Board on Stage 2 of the review.
4 May	Online	Attended meeting of Governance Group for Councillor Learning and Development
5 – 17 May		Leave of absence – Deputy Mayor Glade-Wright was Acting Mayor.
19 May	Online	Online session for Mayors and Deputy Mayors re Councillor learning packages.
24 May	Hobart	Attended Greater Hobart Mayors Forum
29 May	Kingston	Attended celebration of life for former Environmental Services Manager, Jon Doole
	Civic Centre	Prize draw for Kingston Eat Local competition
	Civic Centre	Chaired Budget workshop
31 May	Civic Centre	Hosted visit by Calvin Christian School students, accompanied by the Deputy Mayor.
	Kingston	Meeting with Bill Blaik, Centre Manager, Channel Court Shopping Centre