



COUNCIL MEETING MINUTES

5 June 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

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MINUTES 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 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 D Bain	✓
Councillor G Cordover	✓
Councillor K Deane	✓
Councillor F Fox	✓
Councillor A Midgley	✓
Councillor M Richardson	✓
Councillor C Street	✓

Staff:

General Manager	Mr Gary Arnold
Director Engineering Services	Mr David Reeve
Director Environment, Development & Community Services	Dr Samantha Fox
Acting Director Governance, Recreation & Property Services	Mr Scott Basham
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

4 APOLOGIES

There were no apologies.

C165/10-2023**5 CONFIRMATION OF MINUTES**

Moved: Cr Clare Glade-Wright

Seconded: Cr David Bain

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

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

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

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

C166/10-2023**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

Mr Charles Biggins asked the following questions without notice:

9.1 Bushfire Mitigation

Kingborough Council receives an annual TFS report regarding the bush fire risk for the municipality. For some reason these reports are not released to the public but a report was released by the State Fire Board after the 2013/2014 Dunalley and Collinsvale fires and it showed that the entire municipality was an extreme fire risk. For the record, what efforts have been made by Council to gain permission from TFS to release to the public the information contained in those annual reports?

General Manager responds:

We will have to take that question on notice so that we can provide a detailed response.

Mr Biggins:

On the total on a total fire Ban Day, a landowner can build a bonfire in their front yard and there is little the fire service can do about it. Only the Council has the authority to issue a fire abatement notice to reduce or remove a fire hazard before it is lit. Kingborough collectively has been building a bonfire since 1967 and emergency services can only work with what they are given on the day. Why has it been allowed to get this bad? Why hasn't the Council exercised its authority to abate this hazard to a level that emergency services can effectively work with?

Mayor:

We will have to take that one on notice as well.

Mr Biggins:

Strategic bushfire mitigation work is critical to the survival of people, property and the environment. Regardless of which map or report you read, we don't have any safe emergency exit paths from this municipality. Creating a bushfire hazard protection zone along the entire length of the road network is exactly the kind of work that Council should be engaged in. For the record, has Council applied for grant funding to restore the municipality's road infrastructure and associated vegetation management to a level that emergency services can operate in?

General Manager:

Council annually applies for grant funds in relation to Council's road network and that also involves, on an annual basis, consideration in Council's budget process in terms of the maintenance that's undertaken on the Council owned roads. You'll be aware that many of the major roads throughout our municipality are in fact State owned and that is a matter that is not one that Council can get involved in.

Mr Biggins:

Your recent roadside vegetation report commissioned from a grant of \$15,000 to Melbourne University which highlighted 35 kilometres of extreme fire risk. I'm assuming that normal budgetary requirements is not going to abate that 35 kilometres? Is Council going to address that 35 kilometres over a period of many years, or is a special grant application to address that, 35 kilometres that was identified in the report that you commissioned?

Mayor:

The General Manager indicates that we will take that on notice.

Mr Biggins:

In 2020 the State Government presented the Bushfire Mitigation Bill to parliament. This Bill would have effectively removed from Council most of the responsibilities I've highlighted this evening and placed it in the hands of a panel chaired by the Fire Commission. The Local Government Association was particularly critical of the 2020 Bill, which led in part to its withdrawal from Parliament. For the record, was Kingborough Council also critical of the State Government Bushfire Mitigation Bill?

Mayor:

I can't recall that but perhaps the General Manager could assist.

General Manager:

I don't recall the Council forming a position on that. But that said, I will take your question on notice just to confirm that.

Mr Biggins:

Leaving early is the new catch phrase being promoted by the National Emergency Management Agency down through the State Emergency Services and through to Sparking Conversations Community programme. For the people of Kingborough living in the state's most fire prone municipality with no safe exit paths leaving earlier and earlier is set to become the new normal. For the record, does Council have the resources to fulfil its responsibilities regarding earlier, more widespread and frequent evacuation events throughout the municipality?

General Manager:

Council is aware of its Emergency Management response role. It is not the prime fighting agency in this State. That is the Tasmanian Fire Service. Council works with the Tasmanian Fire Service to educate and encourage residents of Kingborough, which is a bushfire prone area, to have a fire plan and to take notice of the TFS advice.

Mr Biggins:

In the event of an evacuation, what is the Council's responsibility?

General Manager:

The Council is a recovery agency under the the Emergency Management Act and in the event of a bushfire, would take direction from the Commissioner of the Fire Service.

Mr Biggins:

What affect has Kingborough Council's protection code overlays, its biodiversity offset policy set to exceed \$81,000 per hectare, the restrictive rezoning of 20,000 hectares of private land as land conservation and the proposed introduction of trees on private by-law has had and will have on the build up of heavy vegetation fuel loads across the municipality. For the record, what will Council's defence be at an inquiry when land owners who believe that planning decisions that prioritise environment above people has contributed to their losses?

General Manager:

We will take your question on notice.

C167/10-2023

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

	Biodiversity Offset Policy	Policy Number 6.10		
		LAST REVIEW April 2010	NEXT REVIEW April 2012	MINUTE REF ED13/2-10
POLICY STATEMENT:	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.			
OBJECTIVE:	2.1 The objective of the Biodiversity Offset Policy is to: <ul style="list-style-type: none"> • Ensure as a minimum there is no long-term net loss of biodiversity and environmental values, and aim to achieve a net gain, and • 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. 			
SCOPE:	3.1 This policy applies to all applications assessed under the Kingborough Planning Scheme or By-Law 4 of 2001, Clause 38			
PROCEDURE: (POLICY DETAIL)	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"> • Priority vegetation listed under Schedule 10 of the Kingborough Planning Scheme • Threatened vegetation listed under Schedule 3A of the <i>Nature Conservation Act 2002</i> • 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 • Individual trees of conservation value (as per Table 3) • Native vegetation in good condition that provides key landscape linkages or buffers other significant values • Other significant biodiversity values recognised under Commonwealth, State and local government legislation and policy. 4.2 Offsets will only be considered where: <ul style="list-style-type: none"> • The proposed development is an appropriate use of the land, as assessed under the Kingborough Planning Scheme 2000 • The environmental impact is not unacceptably high • 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 • The policy objectives and relevant guidelines have been adequately addressed. 			

	<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"> • The result is a reduction in the area of bushland within the municipal area • Restoring ecological communities (due to its complexity and time lags) <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>
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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	-
COMMUNICATION:	Councillors Council staff Applicants Botanical Consultants Regional Planning Project team Biodiversity Offsets Working Group			
LEGISLATION:	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>			
DEFINITIONS:	<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.			
RELATED DOCUMENTS:	Report on the Interim Biodiversity Offset Policy			
AUDIENCE	Kingborough Council staff Applicants Botanical Consultants Tasmanian Planning Commission State and Commonwealth agencies			

 Kingborough	Biodiversity Offset Policy	(Policy No. 6.10)			
		LAST REVIEW November 2016	NEXT REVIEW November 2021	MINUTE REF C10/1-17	
POLICY STATEMENT:	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).				
OBJECTIVE:	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.				
SCOPE:	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.				
PROCEDURE: (POLICY DETAIL)	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>
GUIDELINES:	<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	Covenanted 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	Covenanted 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"> • up to \$500 per tree of very high conservation value and up to \$250 for high conservation value as identified in Table 2; or, • \$12,000 per hectare of high and moderate biodiversity values as identified and subject to the replacement ratios in Table 3. 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				
	Value	Definition	Replacement ratio*	
	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">Kingborough Planning Scheme 2000Kingborough Interim Planning Scheme 2015Health and Environmental Services By-Law 3 of 2011<i>Land Use Planning and Approvals Act 1993</i><i>Nature Conservation Act 2002</i><i>Threatened Species Protection Act 1995</i><i>Environment Protection and Biodiversity Conservation Act 1999</i>			

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"> (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, (ii) provides potential or significant habitat for a threatened species listed in either of those acts and, (iii) is as specified in Table 2. <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"> (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; (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; (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 (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.
RELATED DOCUMENTS:	<p>Pitt & 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"> • Kingborough Council Councillors • Kingborough Council staff • Applicants • Ecological Consultants • Tasmanian Planning Commission • State and Commonwealth agencies • Community

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

C168/10-2023

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Antolli asked the following question without notice:

11.1 Line Marking, Auburn Road

With regards to the double yellow lines or the yellow line markings on Auburn Road on the corner to stop cars from parking, locals have approached me to say that apparently after hours, some of the more cheeky locals are parking there in the dark. I have to admit I almost came a cropper with a car while trying to dodge a little pademelon that was parked on that spot. What would be the normal procedure for locals that were concerned about that, what should they do about it?

Director Engineering Services responds:

If it's after hours, the best thing is to call the police so they can go down and check. If it continues it would be something that we would like to know about anyway, because we can potentially do some of our own checks as well or write further correspondence out to the residents, if it is the residents that are parking there.

Cr Antolli:

Is it worth their while to maybe taking a photo of the vehicles rego and sending that to council to follow up on?

Director Engineering Services responds:

Absolutely.

Cr Cordover asked the following questions without notice:

11.2 Arts and Culture, Kingston Park

The recent talent show was a huge success. Will that continue and how are we thinking about employing some of that talent among the young people of Kingborough, throughout other in the municipality? Would Council consider employing young artists to entertain? What kind of things are we doing to activate the Kingston Park space with arts and culture and hopefully engaging young talent that we have in the municipality,

Mayor responds:

I totally agree. Kingborough's Got Talent was incredible and they were the group of young people that were chosen out of so many that auditioned. There could have been twice or three times as many who were on the programme, but they had to select, I think it was 18 in total, to represent the

municipality. Certainly it is something that I would like to see us repeat. I think it would be challenging for the staff to run it as an annual event because there was so much work involved in terms of doing auditions, not just here in Kingston, but as far away as Woodbridge, and then having rehearsals and then the production on the night. So I think probably every second year might be a more appropriate time frame for the event. But I'm sure Dr Fox can assist with some further information in relation to Kingston.

Director Environment, Development & Community Services:

It was a fantastic event and it was very well run and the talent was phenomenal. I've had a good chat to the staff around it and we think every second year would probably be more viable than every year to enable the talent to get ready for the next event, but also in terms of the staff, resources and time involved in setting it up. In terms of using some of the performers in other events and activities, that's certainly on our minds and we're looking out now for what we can start to engage those performers in. We are currently seeking expressions of interest from performers and contractors for Council activities and events and trying to open that up and to make sure we're giving equal opportunities to people in the community to have a go, particularly where there's payment involved. We want to make sure that everyone has a chance to put their name forward and put their company name forward for those activities. In terms of activation of of the Kingston Park space and around the Hub, this is high on our priority list. Of course, we are limited in terms of the resources that we have, but that's the passion of the team over there as you know. So happy to continue to look at opportunities there and to see how we can evolve those young people in those opportunities.

Cr Glade-Wright asked the following question without notice:

11.3 Hot Showers

We have a number of cold water swimmers in our municipality and some of them approached me the other day asking about hot showers. Apparently at the Long Beach facilities they have hot showers there. Are we aware of how they manage those hot showers and how much it might cost?

Director Engineering Services responds:

I'm happy to make contact with Hobart to see how they have set that up. There's obviously a cost that goes with putting those types of facilities in and it would be interesting to see whether it's on the lower cost or the higher cost side as to whether or not we want to consider that as a future project for Kingborough.

Cr Bain asked the following questions without notice:

11.4 Margate Main Road

Council received quite a lot of feedback as part of the draft budget survey about the need for better pedestrian crossing facilities in the centre of Margate. Can we get some clarification about how the ownership of main roads such as this work, which parts are Council's responsibility, which is State Government, and I think this one is particularly relevant given that the State Government made an election commitment to install pedestrian crossing at Margate. It would be good to get an update of any discussions we've had with the State Government on this?

Director Engineering Services responds:

It can be get a little bit complicated with the State highways. Most of them are in the built out areas, which is the same as Margate yet governed by the Roads and Jetties Act, which basically says that Councils look at the ends of it so they curb back to the property boundary, on both sides of the road. We also take an interest in terms of pedestrian crossings as well so there's a number

of them that we have put in, for example along Channel Highway in Taroom. Having said that, State Growth has also put in some as well, including the lights at Taroom. It's not completely clear exactly who gets involved but we do have a fairly close relationship with State Growth as regards these types of issues. The one in Margate we have been talking with State Growth only recently as to what some potential options may be along that stretch of road and obviously there is some consideration in next year's budget for some town planning exercise for Margate. I think there is an area where we know we're likely to move to, to try and improve the pedestrian movements in that area.

11.5 Spring Farm and Whitewater Creek

I've had quite a few enquiries from Spring Farm and what Water Park residents about how things are progressing with the Spring Farm playground and also the two walking tracks that are included in this year's 22/23 capital works budget. Could I have an update on those two projects?

Director Engineering Services responds:

The one up near Corlacus Drive, the design is completed on that and that will be tendered very shortly, hopefully next week. The substantive one which was handed back to the developer will probably be tendered at around the same time and for the playground, we have finished the consultation and just need to finalise some design on that as well, which also be tendered similarly to those time frames, so sometime in the next two to three weeks.

Cr Deane asked the following question without notice:

11.6 Meeting with Minister Street

On page 47 of the Agenda, on 3 May, you met with the General Manager and Minister Street regarding Bruny Island issues, so I'm just wondering if you could perhaps give us an update on exactly what the issues were that you discussed and if there are any outcomes of those?

Mayor responds:

That meeting was at the request of Minister Street who had actually spent a day on Bruny Island in company with the Bruny Island Community Association representatives. Both himself and Liberal Member for Franklin Dean Young had spent a day on the island looking at various things. The couple of issues that they wanted to raise, and we had quite a lengthy discussion, about the rubbish issues and overflowing rubbish bins and the impact of tourism on those. There was an agreement out of that, that I would write to Minister Jaensch. Whilst waste on Bruny Island is a Council responsibility, given the unique nature of the impact of the tourism footprint on the island, that it was something that would be ideal, perhaps for a project for the new Statewide Waste Authority to deal with. I have written with that suggestion and I understand Minister Jaensch did get back to us fairly quickly to say that obviously it was up to the new waste board to decide how they spent the money, but that has been passed along. We did have a couple of other discussions in relation to unsealed roads that residents would like to see sealed where we've done some traffic counts recently and that data will be provided to continue the discussion there and we had some other discussions about the retaining wall area at Alonnah where apparently there's a need for some steps down to the beach.

Cr Midgley asked the following question without notice:

11.7 Multicultural Issues

Also in your diary the meeting on 1 May with Sajini Sumari regarding multicultural issues in Kingborough. Could we have an update on that please?

Mayor responds:

That was just a general catch up. As you know, Sajini is very active within the Kingborough community and involved with the Multicultural Women's Council of Tasmania, so we meet regularly to talk about their activities. They had just, about six weeks before, had their International Women's Day event here, so we chatted about the success of that. We also talked about the fact that I share Sajini's passion for, at some time in the future, Kingborough being host to a large scale multicultural festival. I think that would be a wonderful addition to the events that we have at the Community Hub and that's probably something that the forthcoming advisory group on the multicultural strategy might be able to consider as part of the mix.

C169/10-2023**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

No Petitions had been received.

15 OFFICERS REPORTS TO COUNCIL

C170/10-2023**15.1 MULTICULTURAL ADVISORY GROUP**

Moved: Cr Amanda Midgley

Seconded: Cr David Bain

That the matter be discussed.

CARRIED

Cr Richardson left the room at 6.11pm

Moved: Cr Amanda Midgley

Seconded: Cr David Bain

That:

- (a) Councillor Wriedt be appointed as Chair of the Multicultural Advisory Group.
- (b) Councillors Antolli and Dean be appointed as the Deputy Chairs to the Multicultural Advisory Group.
- (c) That the ballot papers be destroyed

CARRIED

C171/10-2023**15.2 DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE DIVERSITY AND INCLUSION STATEMENT**

Moved: Cr Amanda Midgley

Seconded: Cr Gideon Cordover

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

Cr Richardson returned to the room at 6.13pm

CARRIED

C172/10-2023**15.3 EXPANSION OF SMOKE-FREE AREAS**

Moved: Cr Gideon Cordover

Seconded: Cr Flora Fox

That Council:

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

CARRIED

C173/10-2023**15.4 APPENDICES**

Moved: Cr Kaspar Deane
Seconded: Cr Amanda Midgley

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

CARRIED

16 NOTICES OF MOTION

There were no Notices of Motion received.

Cr Antolli left the room at 6.29pm

C174/10-2023**17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

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.*

Pybus Quarry, 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.*

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY

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

Open Session of Council adjourned at 6.29pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.58pm

C175/10-2023

Moved: Cr Amanda Midgley

Seconded: Cr Christian Street

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil
Local Government Association of Tasmania - 2023 Elections	Nominees determined
Tender Assessment - AB2302 Browns Road Stage 2 Reconstruction	Tender awarded to Duggans Pty Ltd in the amount of \$1,486,761 excl GST
Bruny Island	Endorsed
Current Court Matters	Noted
Notice of Motion - Channel Highway Business Owners Compensation	<p>That Council approves a one-time compensation payment to be directly provided to the business owners along the Channel Hwy. The compensation will be granted upon submission of independently verified turnover information, demonstrating a 15% or more downturn in revenue for the period of 1 March 2023 to 31 May 2023, compared to the preceding three months of 1 December 2022 to 28 February 2023.</p> <p>The compensation payment will amount to \$5,000, based on the approximate average annual rates amount across the premises identified by the Council for compensation.</p>

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.59pm

.....
(Confirmed)

.....
(Date)