

Kingborough



COUNCIL MEETING MINUTES

6 November 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, 6 November 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 A Midgley	✓
Councillor M Richardson	✓
Councillor C Street	✓

Staff:

General Manager	Mr Gary Arnold
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Manager Environmental Services	Ms Liz Quinn
Manager Development Services	Ms Tasha Tyler-Moore
Senior Strategic Planner	Mr Adriaan Stander
Executive Assistant	Mrs Amanda Morton
Communications & Engagement Support Officer	Ms Bianca Kleine

C337/21-2023

4 APOLOGIES

Councillor F Fox

C338/21-2023

5 CONFIRMATION OF MINUTES

Moved: Cr David Bain
 Seconded: Cr Clare Glade-Wright

That the Minutes of the open session of the Council Meeting No.20 held on 16 October 2023 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
23 October	Playground Strategy	Update provided in relation to the status of the Kingborough Playground Strategy.
30 October	Southern Outlet 5 th Lane	Presentation from representatives of the Department of State Growth on works program for construction of a T3 Transit Lane on the Southern outlet

C339/21-2023

7 DECLARATIONS OF INTEREST

Cr Cordover declared an interest in the item headed 'Kingborough Community Grants'.

C340/21-2023

8 TRANSFER OF AGENDA ITEMS

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

That item 16.1 be brought forward in the agenda to follow on from item 12.

CARRIED

C341/21-2023

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Charles Biggins asked the following questions without notice:

9.1 Trees on Private Land By-Law

How many trees on private land do you think there are in Kingborough? Thousands, hundreds of thousands, millions, 10s of millions?

Manager Environmental Services responds:

I wouldn't like to hazard a guess but I would say it would be in the millions.

Mr Biggins:

How many Council staff compliance officers will Kingborough employ to oversee those millions of trees and that bylaw and at what cost will that be to Kingborough Council?

Director Governance, Recreation and Property Services:

We don't intend to employ any additional compliance staff than our current compliment and there's a team of seven in our compliance unit.

Mr Biggins:

So your compliance unit there, they have other duties apart from trees on bylaw because you don't have a tree bylaw at the moment.

Mayor:

Yes, they do have additional duties in relation to other compliance areas, such as parking infringement.

Mr Biggins:

So I'm imagining that they're employed full time at the moment doing these other things, and this will be an additional workload, correct?

Mayor:

Correct.

Mr Biggins:

How does that work?

Director Governance, Recreation and Property Services:

The provisions of the current by-law are no different to what we've previously had within the by-law that has been administered by both our compliance staff and staff within our environmental services team.

Mr Biggins:

In our recent storm event I attended to wind thrown trees half up rooted across driveways and hung up in other trees. The proposed by-law has no exemption for dangerous trees. How does Council expect this permit system to operate in a storm event?

Manager Environmental Services:

As the bylaw which was very similar as Mr Smee alluded to in the past, in a storm event, those trees, if they've already come down, they don't require a permit so no application will be required.

Mr Biggins:

These trees were not down, they're hung up, they're dangerous trees. There's no exemption in the bylaw. It specifically states for hazardous or dangerous trees. They still need a permit.

Manager Environmental Services:

In the past, obviously, there's been many storm events whilst the previous bylaw was in action and what has happened in the past is common sense, but also a set of guidelines that sit behind the

bylaw that were endorsed by Council during the previous by-law which set out how decisions are made around the bylaw, and that includes the ability for urgent trees to be removed, trees that are hazardous. Council isn't in the business, you can imagine, of making people apply for a permit for something that's already highly damaged or fallen.

9.2 The Role of Council

It's come to my attention that, contrary to the beliefs held by some of the Councillors of this local council is a body corporate and it is described as such in the Local Government Act. When Council sits as the planning authority, they describe themselves as Council acting as the planning authority. When they are sitting for general Council business, they could equally describe themselves as Council, acting as local government. This would be a more accurate description as there is only two tiers of government, State and Federal. Your local council is acting in the role of local government under the Local Government Act, but they remain a body corporate. It is deeply disturbing that the elected directors, councillors, misunderstand what their job is. Their job is, as far as I can tell, to represent the interest of the stakeholders of the body corporate and to direct the Governor General or CEO of the Council body corporate. Please provide evidence that this statement is incorrect?

Mayor responds:

I'll pass to the General Manager, but can I just indicate I've not heard the term body corporate being used in reference to members of this Council. That's certainly not a view that I hold. We are enshrined under the Local Government Act to operate as a Council and that's where our powers come from. And likewise, the Local Government Act says that we sit as a planning authority, but I'll hand over to the General Manager to provide some additional information.

General Manager:

Mr Biggins, I'll draw your attention to the *Local Government Act 1993* in Tasmania and particularly section 20, which which talks about the powers and functions and role of a Council.

Mr Biggins:

It is described as a body corporate in the act and on the Department of Premier's own website, the function and structure of a Council is a corporate entity and is described as a body corporate, yes or no?

Mayor:

I'll take that on notice, but the I think you're interchanging two terms, body corporate and corporate entity are two different things. Without having the act in front of me I won't confirm that, we'll take that on notice, but if you could reference that other than the General Manager has referenced section 20 of the Local Government Act, which articulates what the powers of Council are, I'd be interested to what section you're referring to.

Mr Biggins:

Section 19.

9.3 Fire Levy

Regarding the fire levy that Councils are paid by the State Government to collect. The more I look at the fire service bill, the more it makes sense. The 34,000 commercial fire levy quoted by the LGAT was for a \$20 million complex in Kingston with an AAV value of \$1.3 million, an average annual rent value of \$1.3 million. They were only paying the equivalent of .19% of AAV value. How much do you think it's worth for the fire service to turn up to one of our busy shopping centres to check on a smoke

alarm? How many call outs to similar complexes do you think our volunteers or retained brigade should be servicing? The reality is Kingborough has very low rates and I was told that the reason Kingston doesn't have any full-time firefighters is that there was resistance to paying the half million dollars that was said to cost to put a day shift crew on at the Kingston station. Why are our our Councillors, directors of this local council body corporate going to the press to advocate for the big end of town, who obviously haven't been pulling their weight?

Mayor responds:

The concept of the draft bill and the fire services levy that the State Government has recently released for public comment is yet to be considered by Kingborough Council. As such, we do not have a formal position as yet. We will be making one in the coming weeks in response to a submission that has been requested by the State Government from all Councils. I believe that we have been granted an extension across local government to be able to provide those responses, but until such time we don't have a formal public position.

C342/21-2023

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Enforcement of Illegal Tree Removal

Vishnu Prahalad submitted the following question on notice:

At the Council meeting on the evening of 16th October 2023, Cr Deane raised the question of alleged illegal tree removal adjacent the boundary of 26 Groningen Road, the tree within 30A Groningen Road. The Meeting Agenda notes that the Councils was "unable to verify who was responsible for the removal of the tree" - what was the nature of the investigation that was conducted, and how was this position reached? As part of the investigation, were the neighbours contacted, or the tenants of the property at 26 Groningen Road contacted, and what effort was made in resolving this case?

Officer's Response:

In 2019 a complaint relating to alleged tree removal was lodged regarding 30A Groningen Rd, Kingston. The landowner was not identified as the person who removed the tree. The matter was also referred to Tasmania Police concerning alleged trespass. Neither Tasmania Police nor Council's investigation identified any person of interest. The Council officer who investigated the matter no longer works at Council.

Scott Basham, Manager Legal & Property

10.2 Stormwater, Earlwood Court

Ms Jo-Anne Kel submitted the following question on notice:

In reference to my letter sent to Mr Arnold 21st September 2023, regarding 12 and 14 Earlwood Court: please provide an update on what Council intends to do in relation to storm water catchment on the road?

Officer's Response:

Council Officers have recently undertaken an onsite assessment and will be providing a response back to the property owner shortly.

David Reeve, Director Engineering Services

C343/21-2023

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Cordover asked the following questions without notice:

11.1 Council Special Committees

How often are the terms of reference for the special committees reviewed, when they're next up for review and the thrust of my question is that, for example, if people wanted to have a new committee, so either to reinstate the Tracks and Trails committee, or perhaps to add a new Biodiversity and Citizen Science Advisory Committee, what would be the process for doing that, either adding new committees or reviewing the current one's?

Director Governance, Recreation & Property Services responds:

There is no prescribed review period in relation to terms of reference. They're reviewed as and when required, when legislation might change or when there's a specific issue that comes up that does require a review or they may be instigated from the committees themselves. They they do get reviewed from time to time, but not in the same prescribed time period as our policies are, for example. In relation to the second-half of your question, establishment of a new committee would be a decision for Council to make and obviously the mechanism for that would be a Notice of Motion or a Council report from staff indicating that there was a requirement to do so.

Cr Cordover:

Has there ever been any kind of review into within the terms of reference to to put in some kind of 360 process where we could test whether or not the committee members are getting out of it what they want, the community is getting out of it what they want, and the Council's getting out of it what they want in terms of metrics for success or KPI's or or anything like that?

Mayor:

Not that we've done in recent years, but you may be aware that we used to have a different committee structure within Council and that was changed back in about 2014 where we then just had special advisory committees, with short term ones set up as required, such as the Sport and Recreation Working Group, the Multicultural Advisory Group and so on for specific purposes. I find that most of the committees themselves tend to look at what they're doing, what they're achieving, how they could do better, and that's really up to the Chair of each of those committees to initiate that. Certainly with the Disability Access Inclusion Advisory Committee that I've been chair of for the last 10 years, we will take stock at the end of the year, look at what we've achieved, look at any gaps that we have in terms of skills of the committee members and set ourselves an agenda for the following year as to what we hope to achieve, and I'm sure other committees do the same and I even know that the the Kimbrough Community Forum, for example, have been having that discussion amongst themselves. I think these things don't necessarily always have to be Mandated but can still operate effectively within some leadership from the chairs of each of those.

11.2 Illegal Tree Removal Investigations

When allegations of illegal tree removal are raised with Council, how frequently are investigated matters left unresolved? How often is it that we'll just get an unsolved mystery of an illegal tree?

Mayor responds:

It's probably fairly common because it's very difficult without hard evidence. I know from speaking to Council staff in the past that it's very difficult to get a conviction in relation to that and I can think of numerous cases we've had over the years where, for example, down at Kettering where there were some trees that had copper nails put in them and they subsequently died. I don't think we ever caught

the perpetrators of that. It generally does tend to happen in coastal areas where perhaps somebody's view is being blocked unfortunately, and they take it upon themselves to take matters into their own hands. I don't know if we've got data on the sort of clear up rate. Ms Quinn, can you add anything?

Manager Environmental Services:

I don't have data to hand. We could certainly get it, but the Mayor is exactly right that whilst these are investigated, it is very difficult. When we do have success, it's generally a member of the community has video footage or was there at the time and does a stat dec. We need of course to have full proof of evidence to be able to move these things forward and that is where the difficulty is, is being able to get that evidence.

Cr Cordover:

Is Council aware of any practises in other jurisdictions where illegal tree removal has been successfully reduced through either education campaigns, incentives for tree maintenance or harsher penalties?

Manager Environmental Services:

I think Kingborough is quite at the forefront in Tasmania at least with our unauthorised vegetation removal signage that we do put up where vegetation's been removed illegally on public land. Other councils have since taken up that. On the mainland, there are definitely much stronger and higher fines than there are in Tasmania.

Cr Cordover:

One of Australia's most comprehensive tree protection laws is on the books in the ACT, it's the *ACT Tree Protection Act 2005* and it states that its objectives are to protect individual trees and the urban forest and to promote community appreciation of trees. Has our Council considered advocating for some state based tree protections?

Manager Environmental Services:

Over the years we absolutely have. When we first looked at the Biodiversity Offset Policy we worked with the State Government and then decided then to work regionally within local government. We worked closely with the State Government and its the State Government who ultimately determine the planning schemes. But compared to on the mainland, the theme is that state governments do have stronger vegetation controls than there are in Tasmania.

11.3 Street Tree Strategy

May I please have an update on the Kingborough Council's plans regarding a street tree strategy?

Manager Environmental Services responds:

We've just recently received a tree canopy mapping that a consultant, Geo Neon, has completed for Kingborough Council. That provides the data that we require to complete the strategy. The strategy is being scoped by an internal working group and it will go to a consultant and it's due for completion at the end of the financial year.

Cr Midgley asked the following questions without notice:

11.4 Woodbridge Hill Road Speed Reduction.

Can I have an update on the Woodbridge Hill Road speed reduction?

Director Engineering Services responds:

It's certainly with the Transport Commission. I have yet to officially hear anything but bearing in mind that they recommend that we put in the lower speed limit of 60 kms an hour, so I'm not expecting there to be any issues.

11.5 Private Bin Collection for Unit Sub-Divisions

It's come to my awareness that people who are living in townhouse subdivisions or perhaps a unit subdivision are having to get a private bin collection service because evidently, Veolia, can't pick the number of bins up that end up on the road. I'm just wanting some clarification in regards to that?

Manager Development Services responds:

Without knowing which property you're referring to, I can't provide a specific answer. There are some developments that require private waste collection because of the limitations of road frontage for the bins to be collected and the issues that arise from that and also sometimes from commercial mixed-use developments that might have private waste collection as well. So it depends on the nature of the development and the constraints of the site as to whether it's private or not. Typically there would be a Part 5 Agreement placed on that property so that it's very transparent for people to be aware of the obligations that will occur should they purchase the property.

Cr Midgley:

We would love a 100% uptake of Fogo, the limitations I guess in regards to implementing that Fogo service to these types of developments.

Director Engineering Services responds:

Bearing in mind there is a Council resolution, which is basically an opt-in resolution on the books, that's probably the biggest barrier to getting 100% take up. We do get a good take up in Kingborough in terms of Fogo, but getting to 100% is unlikely without changing the criteria we use. Certainly, when it comes to particular developments, there is that problem in terms of real estate outside the front of properties. When you get units with multiple bins, it can make it very difficult for access on the days that the garbage or fogo or recycling are being picked up and that's one of the reasons why we look at private services for those particular developments.

Cr Midgley:

If people living in those, could they organise a private service for Fogo as well?

Mayor:

They can.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

There were no questions on notice from Councillors.

The next item has been brought forward in the agenda as per the resolution in item 8.

16 OFFICERS REPORTS TO COUNCIL

C344/21-2023**16.1 MODIFICATION TO BIODIVERSITY OFFSET POLICY**

Moved: Cr Mark Richardson

Seconded: Cr Aldo Antolli

That this matter be discussed.

In Favour: Crs Paula Wriedt, Aldo Antolli, David Bain, Kaspar Deane, Mark Richardson and Christian Street

Against: Crs Clare Glade-Wright, Gideon Cordover and Amanda Midgley

CARRIED 6/3

Moved: Cr Clare Glade-Wright

Seconded: Cr Amanda Midgley

That the Council:

- (a) Notes the recommendations of the Tasmanian Planning Commission in their letter of 11 October 2023; and
- (b) Approve and provide the updated Biodiversity Offset Policy in Attachment 2 to the Tasmanian Planning Commission.

CARRIED*Meeting adjourned at 7.33pm**Meeting resumed at 7.40pm*

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 7.40pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C345/21-2023

13.1 PSA-2022-3 - AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 TO UPDATE THE INCORPORATED DOCUMENTS

Moved: Cr Clare Glade-Wright

Seconded: Cr Amanda Midgley

That the Planning Authority:

- a) Notes the directions of the Tasmanian Planning Commission in their letter of 11 October 2023; and
- b) Provide the modifications to the Planning Scheme Amendment in Attachment 2 to the Tasmanian Planning Commission for finalisation.

CARRIED

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session resumed at 7.49pm

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

16 OFFICERS REPORTS TO COUNCIL

Cr Cordover left the room at 7.49pm

C346/21-2023

16.2 KINGBOROUGH COMMUNITY GRANTS

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

That the matter be discussed.

CARRIED

Cr Antolli left the room at 8.14pm
Cr Antolli returned at 8.18pm

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

That Council approve the allocation of \$12,196.50 in grant funding under the Community Grants Program, as outlined in Attachment 2, plus an amount of \$3,000 to the Blackmans Bay Primary School for their mural project.

CARRIED

Cr Cordover returned to the room at 8.21pm

C347/21-2023

16.3 APPENDICES

Moved: Cr Clare Glade-Wright
Seconded: Cr David Bain

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

Cr Richardson left the meeting at 8.25pm
Cr Richardson returned at 8.26pm

CARRIED

17 NOTICES OF MOTION

There were no Notices of Motion.

C348/21-2023

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Aldo Antolli
Seconded: Cr Amanda Midgley

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

Tender Assessment - TS3245 Kingborough Sports Centre Toilet Upgrades

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.*

CARRIED 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 8.32pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.54pm

C349/21-2023

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

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil
Tender Assessment - TS3245 Kingborough Sports Centre Toilet Upgrades	Tender awarded to Macquarie Builders Pty Ltd for \$343,203.50 excl GST

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.55pm

.....
 (Confirmed)

.....
 (Date)