

# Kingborough



## COUNCIL MEETING MINUTES

15 January 2024

*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, 15 January 2024 at 5.30pm

## 1 AUDIO RECORDING

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The Chairperson declared the meeting open, welcomed all in attendance and advised that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson received confirmation that the audio recording had commenced.

## 2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

## 3 ATTENDEES

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### Councillors:

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

### Staff:

Acting General Manager	Mr David Reeve
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Environment, Development & Community Services	Ms Deleeze Chetcuti
Manager Environmental Services	Ms Liz Quinn
Executive Assistant	Mrs Amanda Morton
Communications & Engagement Support Officer	Ms Bianca Kleine

C1/1-2024

## 4 APOLOGIES

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Councillor A Antolli  
Councillor M Richardson

**C2/1-2024****5 CONFIRMATION OF MINUTES**

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Moved: Cr Flora Fox  
Seconded: Cr David Bain

That the Minutes of the open session of the Council Meeting No. 24 held on 18 December 2023 be confirmed as a true record.

**CARRIED**

**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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There were no workshops.

**7 DECLARATIONS OF INTEREST**

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There were no declarations of interest.

**8 TRANSFER OF AGENDA ITEMS**

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There were no agenda items transferred.

**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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There were no questions.

**C3/1-2024****10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**10.1 Greater Hobart Bush Fire Index**

At the Council meeting on 18 December 2023, **Mr Charles Biggins** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

- Kingborough Council's logo appears on the front page of the Bush Fire Index. What was the scope of involvement from Kingborough Council in the federally funded project?*
- The Bush Fire Index identifies 800 Kingborough properties to be at high to extreme risk. Is this assessment consistent with the many other bush fire reports received by Council in the last 10 years?*

**Officer's Response:**

- Kingborough Council were approached by GeoNeon when submitting the application for the grant as the municipality was to be included in the project area. A letter of support for the project was provided. Following the successful allocation of grant funds to GeoNeon, Council's previous Bushfire Management Officer sat on the Steering Group for the project. With the launch of the project and the provision of the data sets, Council officers will work through the data that's been provided. A further report will be presented to Council in due course.

2. With the launch of the project and the provision of the data sets, Council officers will work through the data that's been provided. A further report will be presented to Council in due course that will include a comparison to other bushfire risk data.

*Belinda Loxley, Emergency Management Coordinator*

## **10.2 North West Bay Cemetery**

**Ms Rebecca Lyons** submitted the following question on notice:

1. *Given that Council announced they are doing Natural Burial publicly at that site, I would have thought it was already deemed a suitable site, but I assume that drainage is the issue? What is the process/discussion about it not being suitable? What is the contingency if it is decided it is not suitable, is there another site in that cemetery being considered as a backup?*
2. *Will the council be seeking natural burial consultation on the development of natural burial procedures for the council's natural burial offering?*
3. *The cost to NDAN membership is an initial \$300 total, and it would be a shame from a community point of view, to do this work and then not to have Kingborough included in the NDAN directory and promotion of cemeteries providing natural burial who have the tick of approval.. so will council consider building that into the 2024 budget?'*

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

Council officers have been working to identify locations to set aside exclusively for natural burials, as well to increase the area for traditional burials. Storm water run-off and tree protection zones are just two of the factors requiring consideration.

Council officers will ensure practices are compliant with the requirements of a natural burial, which may include obtaining advice from subject matter experts and consideration of any membership.

*Scott Basham, Acting Director Governance, Recreation & Property Services*

## **10.3 Development Application for Proposed Oyster Processing Use and Development**

**Ms Mandy Coats** submitted the following question on notice:

*I have read through the Zone Translation Table Kingborough Draft Local Provisions Schedule August 2018/9.*

*My question is, why would you approve a commercial enterprise in a Rural Living Zone, such as at Oyster Cove, and not require it to be set up in either a Light Industrial Zone or a Commercial Zone?*

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

The site of the proposed use and development is on land zoned Rural Resource and Environmental Management under the Kingborough Interim Planning Scheme 2015 (the Scheme) and must be assessed against the provisions of this planning scheme. The Zone Translation Table Kingborough Draft Local Provisions Schedule August 2018/9 is not applicable to the assessment of the application.

The use is categorised under the Resource Development and Resource Processing Use Classes as defined in the Scheme. Resource Development is a Permitted use in the Rural Resource Zone and a Discretionary use in the Environmental Management zone. Resource Processing is a Discretionary use in the Rural Resource zone. There is no Resource Processing use proposed within the Environmental Management zone.

The Scheme therefore considers the proposed use and development to be permissible uses within the Oyster Cove area and an application for approval can be made. The application will be assessed against all of the relevant use and development standards of the Scheme in relation to the Rural Resource and Environmental Management zones and any applicable Codes relating to the subject land. Council has the discretion to approve or refuse the application in accordance with the assessment against the planning scheme requirements.

*Deleeze Chetcuti, Director Environment, Development & Community Services*

#### **10.4 Development Application at Benbows Road, Oyster Cove**

**Mr Nicholas Cree** submitted the following question on notice:

1. *What risk management protocol has Kingborough Council considered, in relation to potential damage from the expanded 'works'?*
2. *What precedent is this DA establishing, in this development in a special Environmental/Rural zone?*
3. *What consultation has the council made, with stake-holder groups such as Tasmanian Aboriginal Land Council, Tourism Tasmania and the Channel Historical Society? What has been the response?*
4. *Has council measured the decibels in relation to the existing (unauthorised) works- taking into consideration wind effects?*

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

1. Council is required to assess any application under the provisions of the Kingborough Interim Planning Scheme 2015 and the relevant Use and Development Standards. These do not specifically provide for any particular "risk management protocol", however they address matters relating to environmental and amenity impacts and include assessment which considers the following objectives;
  - the proposed use and development does not unreasonably confine or restrain the agricultural use of agricultural land;
  - to minimise land use conflict and fettering of use of rural land from residential use;
  - to maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management, and;
  - that the location and appearance of buildings and works minimises adverse impact on the rural landscape.
2. The subject land is zoned Rural Resource and Environmental Management under the Kingborough Interim Planning Scheme 2015. The use is categorised under the Resource Development and Resource Processing Use Classes as defined in the Scheme. Resource Development is a Permitted use in the Rural Resource Zone and a Discretionary use in the Environmental Management zone. Resource Processing is a Discretionary use in the Rural Resource zone. There is no Resource Processing use proposed within the Environmental Management zone.

The Scheme therefore considers the proposed use and development to be permissible uses within this area and an application for a Planning Permit can be made. The application will be assessed against all of the relevant use and development standards of the Scheme in relation to the Rural Resource and Environmental Management zones and any applicable Codes relating to the subject land. The Council has the discretion to approve or refuse the application

in accordance with the assessment against the planning scheme requirements. Any application is assessed on its merits against the relevant requirements of the planning scheme.

3. Council has advertised the application and undertaken statutory referrals in accordance with the requirements of the *Land Use Planning and Approvals Act 1993*.
4. The Council is currently reviewing the documentation submitted in support of the application and the public representations made during the advertising period and is assessing the application.

*Deleeze Chetcuti, Director Environment, Development & Community Services*

## 10.5 Local Provisions Schedule

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

1. *Please could Council describe the purpose of the transitional provisions under Schedule 6, Clause 8 of the Land Use Planning and Approvals Act?*
2. *Which planning provisions from the Kingborough Interim Planning Scheme (2015) have been approved to automatically transition to Kingborough's Local Provisions Schedule (LPS) under the Schedule 6, Clause 8 provisions?*
3. *When the planning authority or the Tasmanian Planning Commission considers a landowner's representation in objection to a provision having been applied to their property, what difference would it make if the provision was subject to the Schedule 6, Clause 8 transitional provisions?*
4. *Does Council plan to seek approval for the provisions of the Biodiversity Offset Policy to be protected as transitional provisions? If so, how are those provisions proposed to be included in the LPS?*
5. *When the planning authority or the Tasmanian Planning Commission considers a landowner's representation in objection to Landscape Conservation Zoning, what difference would it make if the Scenic Protection Area overlay had also been applied to their property?*

### Officer's Response:

1. It is understood that the purpose of Clause 8 of Schedule 6 of the *Land Use Planning and Approvals Act 1993* is to ensure that any existing Specific Area Plans, Particular Purpose Zones, and Site Specific Qualifications in an existing interim planning scheme are transitioned to the new planning scheme through the LPS. However the Minister has the power to declare that this provision does not apply to a particular Specific Area Plan, Particular Purpose Zone, and/or Site Specific Qualification.
2. There are no planning provisions from the Interim Scheme that have been approved to automatically transition to the LPS under Schedule 6, Clause 8 as the LPS has not been approved.
3. Every representation would be considered on its merit taking into account the specific circumstances.
4. No, the Biodiversity Offset Policy is not being transitioned through these provisions.
5. Every representation would be considered on its merit taking into account the specific circumstances, however it should be noted that the zones and the codes are dealing with different issues and have different objectives so they are not necessarily directly linked.

*Deleeze Chetcuti, Director Environment, Development & Community Services*



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**C4/1-2024****11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**Cr Cordover** asked the following question without notice:

**11.1 Ramp Access, Local Links and Footpaths**

*Recently I raised the issue of a particular area in Kingborough where one of the local link footpaths had a few steps which were impeding access to people who required mobility aids or who have prams. Does Council have plans to try and upgrade those steps to ramps everywhere throughout the municipality, or is there a set of criteria or a strategy around making the local links more accessible?*

**Mayor responds:**

I'll ask Mr Reeve to address that, but in doing so, it is something that has been discussed in the past at the Access Committee that I chair and some of the issues with those local links would be the gradient of those track where they are linking particularly steep sections of roads, so they would be unsuitable to have access ramps in them because you couldn't get them at the gradient. They would in fact be dangerous for people with mobility devices to use, but I'll ask Mr Reeve if he could provide some more information.

**Acting General Manager:**

Yes, that's correct. Due to the topography or the steepness of the grade or the fact that it's constrained, so quite often right of ways between streets are quite constrained in their width, and that means is that if you're actually trying to get a ramp in, in accordance with the Australian Standards, it's just not possible, or if it is, it's very difficult to do without acquisitions or compromising the use for the for the rest of the people accessing that. For any new installations that we put in place, we look at the various Australian Standards and the first thing you try and do is make sure that all paths are accessible, where they can be, but the Mayor is correct, we also don't want to put in facilities that end up being unsafe for people to use.

**Cr Deane** asked the following questions without notice:

**11.2 AFL High Performance Centre**

*In relation to the comparison table that Kingborough Council released and those that would have read it probably would have made the assumption that I did that ours was a better bid. Given that the comparison was out there and those in the community would have seen it and probably felt like Kingborough's was a stronger bid, what the feedback was as to why Kingborough lost out to Clarence?*

**Mayor responds:**

It's fair to say that there was a great deal of disappointment when we received the news on 22 December that we weren't successful with the High Performance Centre. We read it in the Mercury on that Friday like everybody else. I did receive a phone call the evening prior to that from Minister Street informing me that we weren't successful. I was advised that we did put in a very, very thorough bid and a very high standard bid and I think I've placed on record previously my appreciation to our staff who worked on that because I do believe that we ticked all of the boxes. My understanding from my conversation with the Minister is that the main criteria that we didn't satisfy is that we weren't close enough to the airport. The airport wasn't actually specifically named in the 15 criteria. It talked about access to transport and other infrastructure, and it's my understanding, from having read the media commentary that the close proximity of Rosny to the airport combined with the proximity to Eastlands was appealing for the selection process. We have asked for some formal feedback to be provided from the assessment panel and we are hoping to receive that in the coming week, because I was a little concerned that there were some comments made about the process that suggested

that it was necessary to have some competitive tension in the process and that's why it was great we put in a bid. My response to that would be that I'd hate to think that we were used as a bargaining tool with the Clarence City Council, and I would hope that our very, very good submission was given the consideration that it deserved.

**Cr Deane:**

I note that in that article from 22 December in the Mercury that the Minister did acknowledge the calibre of our bid and he's quoted as saying that he looks forward to continuing discussions with our Council regarding future opportunities at the Kingborough Sports Precinct. I feel like that's a fairly strong acknowledgement of our work and I'm wondering what the community can expect of any future commitments coming from the government, given that we've come second best?

**Mayor:**

Certainly in the discussions leading up to the announcement and then when I was given the news by the Minister about us being unsuccessful, I did continue to push the case that Kingborough has some significant issues when it comes to the crowding of our existing facilities, both in terms of the availability of ovals for cricket and football, but also the difficulties that we're having with overcrowding at the Kingborough Sports Centre and the fact that we've been putting up that project in particular for many, many years now to successive elections, both State and Federal, and we haven't been able to secure any funding. That's very frustrating indeed. I would like to think that there is some recognition now from the State Government that we are in fact a regional sports hub here at the Kingborough Sports Centre and that they will enter into some serious discussions with us about how we can expand the offerings up in that area. I think we all know we've outgrown it, the demand has is going to continue to outstrip the capacity of the Sports Centre and the ovals, so I would hope that this does provide us with an opportunity to open up that dialogue. Certainly in a brief discussion that I had with Minister Street at our awards ceremony last Saturday a week ago, I did say to him that I was very keen to start those discussions, so hopefully when he returns from leave we'll have a meeting to try and progress what it is that we would like to see.

**Cr Deane:**

If you read Clarence's proposal, as you obviously did, because you pointed out quite clearly there was some fairly major hurdles that their proposal had, were there any discussions with the Minister, about if they unable to meet the 24 month deadline, which is obviously a fairly tight deadline, whether we would be considered as a second option or a backup option if it does prove too difficult, and whether we would then take that on further down the track if we were to be considered as a backup?

**Mayor:**

I wish Clarence all the best now, and I do hope that they are able to fulfil what they have set out to achieve, but I do think that there are some obstacles that are ahead of them in terms of rezoning as well as actually then the construction. I think they also still have the issue of the vote was only seven to five in favour of the facility being built there. Over the Christmas break, I've been approached by quite a few people who live on the Eastern Shore, who are very, very against it, and who are very concerned about it, including relatives of Charles Hand Park, who were never informed or asked for any opinion about what they thought about it being there. So I think there are some hurdles, but certainly, given the high quality of facilities that we have here, it would be remiss of us not to say that our door is still open if it falls over at Clarence. But as I said, I hope that isn't the case but there are some challenges ahead for them. We are certainly not taking our bat and ball and going home. We would certainly be open to it. I do note with some interest and this did take me by surprise that the timelines that we had been provided with by the Department of State Growth suggested that the facility needed to be up and running by September/October 2025, and I note in the media article, it seems that the Clarence Council have put in a submission which suggests that it will be ready in March 2026. The goal posts shifted, which is somewhat alarming, and I don't know what's going to happen to the VFL teams where they will train in the meantime, but it seems the goal posts shifted in that respect. We could have certainly met the time frames. Clearly Clarence couldn't and they needed that additional time.

**C5/1-2024****12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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**12.1 Road Safety, Van Morey Road**

At the Council meeting held on 18 December 2023, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*A constituent has raised with me a possible road safety issues on Van Morey Road, south of Petit Road between poles 51 and 53, there is a corner that is apparently unsafe and I'm led to understand that bus drivers have made a complaint to Council about that corner. Is there any road widening, visibility improvements or other construction or remediation work planned for that corner?*

**Officer's Response:**

This section of road was recently re-sheeted which included adjusting the drain to provide safer access through this area. We will monitor how this performs first and then re-examine options if required.

*David Reeve, Director Engineering Services*

**12.2 Climate Action**

**Cr Cordover** submitted the following question on notice:

*On what basis is Kingborough Council confident that our resource allocation invested in climate action is sufficient to actually reach the goals and targets we have announced in our business plans and strategy?*

*What is the Council doing to ensure we are not greenwashing, including monitoring progress towards our climate action goals? How will Council respond if we are not on track to meet our targets?*

**Officer's Response:**

A newly approved role of Climate Change Innovation Officer will be commencing with Council in 2024 within Environmental Services. The key function of this role will be to develop and implement action plans to achieve Council's climate targets. Modern and accepted energy and emissions accounting methodologies will be utilised to inform the plans and a performance monitoring and reporting system will be put in place. Ongoing resourcing for Climate Change at the Council will be incorporated as part of the annual budget process which is regularly reviewed on reported to Council members and the public.

In July 2023, the ACCC issued the *Environmental and Sustainability Claims – Draft guidance for Business*. The draft guidelines will assist Council to ensure that the communication of and publishing Council Climate Policy and associated targets represents good practice.

*Deleeze Chetcuti, Director Environment, Development & Community Services*

**13 OFFICERS REPORTS TO PLANNING AUTHORITY**

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**13.1 PLANNING APPLICATION TO CONSTRUCT A 1.8M WALL (FENCE) ON SOME EXTERNAL BOUNDARIES AT 13 CHRISTOPHERS WAY, KINGSTON BEACH**

Report withdrawn.

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**14 PETITIONS STILL BEING ACTIONED**

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A report on the Snug to Coningham Shared Pathway will be presented to Council in the near future.

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**15 PETITIONS RECEIVED IN LAST PERIOD**

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

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**16 OFFICERS REPORTS TO COUNCIL**

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**C6/1-2024****16.1 POLICY 4.13 ESTABLISHMENT OF BUSHFIRE HAZARD MANAGEMENT AREAS ON COUNCIL LAND**

Moved: Cr Amanda Midgley  
Seconded: Cr Gideon Cordover

That Council:

- (a) endorse the attached Policy on the Establishment of Bushfire Hazard Management Areas on Council Land.
- (b) review the Policy in two years to ensure it remains relevant and consistent with statutory requirements for best practice building in bushfire prone areas.

**CARRIED**

**C7/1-2024****16.2 APPENDICES**

Moved: Cr Christian Street  
Seconded: Cr Kaspar Deane

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

**CARRIED**

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**17 NOTICES OF MOTION**

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There were no Notices of Motion.

**C8/1-2024**

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**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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Moved: Cr Amanda Midgley  
Seconded: Cr David Bain

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

**Confirmation of Minutes**

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

**Applications for Leave of Absence**

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

**CARRIED**

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 6.20pm

**OPEN SESSION ADJOURNS**

**OPEN SESSION RESUMES**

Open Session of Council resumed at 6.23pm

**C9/1-2024**

Moved: Cr Flora Fox  
 Seconded: Cr Amanda Midgley

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Approved

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 6.24pm

.....  
 (Confirmed)

.....  
 (Date)