

# Kingborough



## COUNCIL MEETING MINUTES

15 April 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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Public Copy

MINUTES of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 15 April 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 A Antolli	✓
Councillor D Bain	✓
Councillor G Cordover	✓
Councillor K Deane	✓
Councillor F Fox	✓
Councillor A Midgley	✓
Councillor M Richardson	✓
Councillor C Street	✓

**Staff:**

Chief Executive Officer	Mr Dave Stewart
Executive Manager	Mr Gary Arnold
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director People & Finance	Mr David Spinks
Director Engineering Services	Mr David Reeve
Director Environment, Development & Community	Ms Deleeze Chetcuti
Media & Communications Advisor	Ms Sam Adams
Manager Development Services	Ms Tasha Tyler-Moore
Acting Executive Assistant	Ms Korrina Lewis

Cr Deane arrived at 5:32pm

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**4 APOLOGIES**

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There were no apologies.

**C91/7-2024**

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**5 CONFIRMATION OF MINUTES**

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

That the Minutes of the open session of the Council Meeting No.6 held on 3 April 2024 be confirmed as a true record.

**CARRIED**

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**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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**7 DECLARATIONS OF INTEREST**

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There were no declarations of interest.

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**8 TRANSFER OF AGENDA ITEMS**

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There were no agenda items transferred.

**C92/7-2024**

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**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**Valeska Winter** asked the following questions without notice:

**9.1 DA/2023-174**

*I'm largely in support of the recent proposal of the recycled water plant and the pipeline but I do have some concerns related to the location and design approval, which my question is around. In relation to DA/2023-174 and the planning officers report that identified that residents did have valid concerns about the visual impact, I wondered, did all Councillors actively refer to the full set of photo montages and/or visit the proposed development site prior to making the vote in order to fully understand the relevant concerns raised by residents?*

**Mayor responds:**

I can't speak for every Councillor, but we have access to all that information that is provided as part of the representations that we are provided. We are given access to every representation from a development application through Dropbox, and also if Councillors wish to, of their own volition, they can visit a site. It is, I'd say, probably unusual for Councillors to visit development application sites unless there's something in particular that they wish to clarify. But, that generally something everyone would do on their own time, not as a collective, given the different time requirements and commitments that people have.

*In relation to the same development number, following Councils approval of this industrial development in the environmental living zone, could you clarify how the approved development compliments and enhances the use of the land or recreational purposes?*

**Development Services Manager:**

Responses to the requirements of the planning scheme were included in the officer's report that was on last fortnights agenda, so the responses are contained in that.

*I guess I'm asking for clarity, because I felt after reading through the hundred pages that, that answer hasn't become quite clear to me?*

**Development Services Manager:**

We're happy to meet with residents if they want to discuss particular elements of the decision, particularly if you believe it's going to form your decision to appeal the decision or not.

*Could the proposal location of the recycled water treatment plant actually be further excavated to further reduce the visual impact of the industrial development?*

**Development Services Manager:**

The decision was made on the planning application presented to us. It's not councils responsibility to find the alternatives. We can have discussions with the applicants during the process if there's elements that we think could be addressed through design detail but I couldn't answer whether it was appropriate or not to relocate it and whether that it'd be fit for purpose of how it actually functions, because it's obviously functional equipment.

*And just to clarify, it wasn't around relocating it, but just even if we were thinking about appealing and if we might want to go down that path. I was just curious, could there be scope to do that, at that site, or is that a blanket no?*

**Development Services Manager:**

What would occur, for those who aren't familiar with an appeal process, the first step is preliminary conference to just work out the nuts and bolts of how the hearings will occur. The second part that is available to people, which we always participate in as the permit authority, is mediation. It is during that mediation process, all parties who are involved, including the applicant and residents, in this example, residents may ask "can we put a little bit over here, or a little bit over there, or can you make it a bit taller", so that it could all form part of that mediation, and matters can be resolved through mediation, in that everyone agrees and there's a consent agreement to prepare, and the tribunal would sign that off to make sure that's compliant. So that is a possibility. If there was no agreement and a particular party was opposed to that or found that to be the main issue, and grant of appeal, you could go to full hearing regarding that matter. With respect to if the parties want to

appeal, we are able to discuss that with residents, even if you're appealing against our decisions, we still offer the service of explaining to residents how it works, what you need to prepare, what it would be like in the hearing, because it can be quite daunting or a lot of people, so that is commonplace for us to that with people. As I said, even if it's against our decision, we'll still offer that and explain how you can present and how you can go about it on those sorts of questions you're asking, and we can give you a bit of guidance. If something is way off chart, you could still bring it up, but we'd probably give you a bit of an idea about how its best to go about that.

*Could I just clarify further on that, do you mean that, that would be something that we do after we've already made the appeal and then we could do that service, or could that be something we could do before we make that decision?*

**Development Services Manager:**

We can certainly do it before you make the decision to appeal because you need to be mindful of your commitment to the appeal, you do have a fee you need to pay, not to us but the tribunal, so we're happy to do that, but I do remind you that there are time limitations around when you can appeal. If you contact our team, we can organise that.

*In relation to the same DA number, I wondered how is the amount payable for the removal of trees that are classed as high conservation value? How is the fee determined and why does the amount vary between different DA's? For example, we were required to pay \$500.00 for the removal of a White Gum and this development is required to only pay \$250.00.*

**Development Services Manager:**

The amounts are determined under the offset policy which is endorsed by Council and is available on our website. It defines the different types of trees and the number of trees and how it is applied.

*In relation to TasWater as the owner of the land where the recycled water treatment plant development has been approved for, in 2016, as part of TasWater's upgrade at the site, layout of that plant was specifically designed to limit the design of the visual intrusion and keep the project as far from residential properties as possible and was done in consultation with residents in the community. I wondered, why is this intentional planning decision at that time, able to be disregarded and overridden in this, given it is the same parcel of land?*

**Development Services Manager:**

I'm not aware of the 2016 discussion, or how that went. I suspect it was probably a discussion between TasWater and residents, maybe a consultation that may or may not have come through Council. I wasn't here at the time, so I'm not sure. Unless it was tied to the land by way of a planning permit or building permit or a part 5 agreement, or something to that affect, there is no obligation under the legislation we look at, such as land use planning and building that they have to abide by. That is up to them and their business operations about commitments to the public and how they do consultation.

*So that formed part of the DPEMP that they submitted. In retrospect, is it possible for me to view a copy of the development application that was approved at that time, so I could clarify?*

**Development Services Manager:**

Yes, we are able to make the plans available for viewing, but not a copy.

*When TasWater acquired the land of 112 Tinderbox Rd in 2016, they agreed through the same DPEMP document to ensure ongoing recreational access, as it currently occurred. Would you*



*please advise specifically what recreational use is and isn't permitted on this land and whereabouts on this land it can occur?*

**Development Services Manager:**

The access and recreational land is not something that my area looks at. We would need to consider any lease agreements we have on the foreshore around that area and the land ownership that occurs around that, which, sorry is not my area, but I'm sure we could take that on notice and provide the answer.

*Why does the sealed plan of 112 Tinderbox Road not reflect the exact route of the Suncoast Headlands Walking Trail that was represented to the community in the DPMP for the Blackmans Bay Sewage Treatment Plant? That was on page 36. It was a public access map that TasWater produced, and it clearly highlights the reroute of the walking trail was confirmed that it was going to go directly through the location of this new development.*

**Development Services Manager:**

It is possible that they're not kept on the sealed plans, it depends on if the sealed plans were amended. We'd need to look at the detail of the plan and the leases and licences around that and any rerouting which would involve our other departments as well, so we could take that on notice.

*Following on from that, when disposing of that land to TasWater, I wondered, how did Kingborough Council ensure that it would have the right to construct or route the track in the agreed and consulted location?*

**Director Governance, Recreation & Property:**

It formed part of the contract of the sale.

*Following on from that, what consultation or consideration might have been given, if there was any, to how this development would impact the recreational use of the land for the location?*

**Development Services Manager:**

There was not a trigger in the planning scheme for us to consider that. It would be outside the realms of the planning scheme about those access tracks.

**Director Governance, Recreation & Property:**

Councils intent to sell the land was publicly advertised, we received representations in relation to that proposed sale. They were around the walking track and so we included within the conditions of the contract of sale a requirement for TasWater to licence back to council the particular route of that track.

*These questions are coming from the plan that was in the latest recycled water treatment plant development application, that that doesn't seem to reflect where the walking track actually is, compared to what was proposed to the community back at that time when the land was going to be disposed. As part of the TasWater development in 2016, the development application included the demolition of the old residence at the site and a promise to fully rehabilitate the land to reinstate the existing natural and ecological values of the site. Since the demolition, it looks like the area is still fenced off and hasn't been rehabilitated. Could you please advise when the full rehabilitation of this site will occur by TasWater and what that full rehabilitation will involve?*

**Development Services Manager:**

I'd need to take that on notice to look up the details of that.

*Specifically, in relation to the Suncoast Headlands Walking Trail, where it runs through the land at 112 Tinderbox Road. Could you please advise where council are proposing the track will be rerouted to, given the current location of the track, where we feel it was established with residents input to find the safest path for the trail that didn't run under the White Gum Trees, and also protected residents privacy?*

**Director Governance, Recreation & Property:**

I haven't been involved in the detailed planning of the track, so I'd need to take that on notice.

*What consultation will occur with the community and local residents about the proposed relocation of the trail and the proposed installation of signage and bollards and when might that consultation occur?*

**Director Governance, Recreation & Property:**

I'd also need to take that on notice.

*In relation to the White Gum Trees, we've had two dropped limbs causing significant property damage despite having arborists assess our trees. I wondered how frequently are the White Gum Trees on the TasWater land assessed by an arborist and whose responsibility is it for this to occur?*

**Director Governance, Recreation & Property:**

They're on TasWater land so it is TasWater responsibility to assess them in accordance with their risk management planning for the site.

*Should a serious incident occur if people were walking under there, what entity is potentially liable for personal injury? I assume that would be TasWater?*

**Director Governance, Recreation & Property:**

I wouldn't want to give a definitive answer on that because there may be certain circumstances in which it's not TasWater, but generally speaking the landowner is the owner of the trees and therefore the owner of the liability.

**Charles Biggins** asked the following questions without notice:

**9.2 BUDGET**

*We heard from the Mayor at the last meeting that Council must operate as a business, it must remain solvent. This is true, but Council is neither a business nor is it Government. It is a body corporate entity, you are the directors, the rate payers are the members. We also heard at that meeting that important functions of local council has been bypassed, that the Council debated the options presented to them at several budget workshops. The Mayor sought consensus from the Councillors behind closed doors, and the Councillors participated in an informal vote. Are Councillors aware of how many standards of the Local Government Good Governance Guide they have just broken?*

**Mayor responds:**

I think you're misinterpreting what I said at the last meeting in relation to budget discussion that we've had to date. You are correct in that we are fully aware that we are not permitted to make decisions at Council workshops, however what we did determine was the consultation process going forward because we needed a starting point. At no time did we take a final vote on the budget because what we were discussing was a range of options and then talking about what the starting point is, so that we go to out consultation. We have several more budget workshops to come. We have one next week on the 22<sup>nd</sup> then after the consultation closes, we have another one on the 13<sup>th</sup> May and at the one on the 13<sup>th</sup> May, we will be able to look through the feedback that we have been provided with from the community and make any alterations to the budget that we deem necessary at that point, and then two weeks later, on the 3<sup>rd</sup> June, the budget will come before the Council for its final deliberations and then the vote.

*The Local Government Meetings Procedures Act is very clear about what must be included in agendas and minutes and stipulates that there must be public access to those documents. Because the draft budget decisions were made in a workshop, none of it is on public record. The information that was discussed and the decisions that were agreed upon by Councillors are critical to the future direction of this municipality and of the utmost public interest to the ratepayers, the Body Corporate Membership. Why was a Councillor debate and decision making on such an important matter allowed to occur at a closed information gathering workshop?*

**Mayor:**

Council has workshops nearly every second Monday and they cover a range of topics. Workshops are an opportunity for staff to brief Councillors on issues that are of either just purely information. For example, it might be all of the things of emergency management as a Council because that is not something, if you're new to council having just been elected, you might not be aware of that. We also sometimes have workshops where people external to Council will come and provide information on something, it could be a range of topics. For example, the University of Tasmania came to see us before they lodged their development application for the IMAS facility at Taroona, to provide us with information around it. Or, it could be discussions on future policy positions that Council takes, or if we are updating a policy and it's quite complex, we might have a workshop to work through that, so that everybody understands the proposed changes. It's an opportunity for us to provide any feedback to staff at that time, if for example, if at a workshop like that, a majority of people didn't agree with something that the staff were going to put forward, that's an opportunity to have a frank and open discussion about that. So, workshops occur in closed session, because sometimes there is information that is not appropriate to put into the public arena. Workshops are commonplace in Local Governments all around Tasmania, and workshops are permitted under the Local Government Act, so we have not breached anything in relation to inappropriate decision making behind closed doors, or whatever shadow you want to cast on that. We have followed appropriate procedures in terms of having discussions then being able to go out to the community with a starting point for the budget discussion.

*The Local Government Good Governance Guide clearly states that workshops are to inform Councillors of the subject matter, but debate and decision making is to be done in open meetings, so that the ratepayers, the body corporate membership, can follow the decision making process. This is not parliament; you are not ministers and the workshops are not cabinet meetings. The public interest has already prejudiced by these actions. Will Council please publish a full transcript of the budget workshops so the ratepayers can be informed of Councils underlying financial predicament, and the community consultation period be extended accordingly?*

**Mayor:**

Unfortunately, we are not in the position to extend the public consultation period because then we can't meet the timeframes of being able to have a workshop then pass the budget on the anticipated date of the 3<sup>rd</sup> June. That is the timetable that we do need to stick to. In relation to the first part of your question, I stress again, we have not made any decisions, as you put it, under the shadows of darkness, or whatever thing you're trying to imply here. We are fully aware as Councillors that we are not sitting here as cabinet ministers, I've been there and done that and that's not something I ever want to return to. We have an opportunity where we get to ask questions of staff and make sure that we understand things and go through the minute details of things. Workshops are an accepted practice of councils all around Tasmania and elsewhere, and you can make out that they are some sort of hidden cloak and dagger thing, but Mr Biggins, that is not the case.

*Council discussed and agreed upon a 12% rate rise?*

**Mayor:**

No that is not that case, Mr Biggins. That is not true. What you were saying just then is incorrect. It factually incorrect and you are not listening to what I've already said. What I've already said is that we did not make a decision in relation to the budget. We made a decision of a starting point of going out to consultation. We did not make a decision as we are not allowed to vote at workshops. We had a long discussion, as we will be having further discussions. What we did decide was the timeframe of the consultation, the form that the consultation would take to clarify the process moving forward, so please don't put words into my mouth.

*We heard from the General Manager when questioned by Cr Street in February that Council was only being made aware of significant depreciation losses as older assets are replaced or upgraded. Doesn't this point to serious anomalies in Councils counting practices? In Business, if I want a loan, I need to provide the bank with financial statements from my accountant. If I were to ask my accountant to adjust those figures so the bank would look more favourably upon my application, that would be an act of fraud. Has Council ever relied upon their own accounting records for financial loans or grants?*

**Mayor:**

I wholeheartedly reject any assertion that what Council is doing in relation to any aspect of our financial management relates to fraud. That is a very strong word to be using. We have an audit committee which has external parties on it that meets six or seven times a year, we have the Auditor General, who audits Kingborough Council, as well as the other 28 Councils in the state, and we have a group of staff who are highly skilled in financial management and accounting with the technical skills required. So, any suggestion by you that we have been engaging in some sort of fraud is highly inappropriate and highly offensive. Every month, we publish our financial reports that are available for everyone in the community to see, they are comprehensive, there is one in this agenda for this evening and that clearly shows across all the different areas, the different expenditures, the overall depreciation, and the reports go into details explanations as to why certain things have happened. In relation to the depreciation that you're talking about, you know very well I hope, that the issue has come about because of the re-evaluation of our assets, in particular, our stormwater assets, which has resulted in increased depreciation costs, which have been a significant impost on council and continue to be. Our asset base has continued to grow, and it's magnificent that we have \$850 million worth of assets, as costs have increased, our assets have increased, but the replacement value over the life of the assets have also increased, and what we are now having to do is ensure that we can keep up with that so we are not leaving a legacy in 20 or 30 years' time, which is aged assets which are no longer fit for purpose, that council has no money to replace.

*According to Kingston Park Implementation Report July 2022, Kingborough Council had at the time spent \$28 million on the Kingston Park re-development. Between the years 2012 and 2022, Council received \$4.5 million in Government grants, borrowed \$11.7 million in low and no interest loans, received \$2.5 million from land sales during this ten-year period. Even with all the grants, loans and sales, there still an excess of \$9 million shortfall. Was this shortfall in revenue taken out of Councils own cash reserves, reserves that had previously been put aside for a rainy day?*

**Director People & Finance:**

Yes, it's correct to say that the Kingston Park project was funded from a variety of sources – borrowings, grants and other things – and to the extent that those other sources didn't fund the entirety of the project, the remainder came from Councils internal resources, that's correct.

*For the last 12 years, Council has been sinking so much public money into Kingston Park. Isn't this the real underlying reason Council has recorded a "operating losses for 10 out of the past 12 years" and the real reason why the asset replacement account is so depleted? Council is recording a \$2.3 million-dollar operating loss this year and forecasted a \$2.9 million loss next year. Aren't these the same years that the \$6 million, in short term interest free loans matures? Isn't the 23/24 and the 24/25 financial years, the years when these loans for Kingston Park are due to be repaid to the State Government in full?*

**Mayor:**

There are some loans in relation to Kingston Park that are now accruing interest, that were originally interest free. That has had an impact on our bottom line, the interest is around \$600,000 per year. It has initially been anticipated when we entered into the agreement with the developers for Kingston Park that it would have been completed by now and we could have been recouping all of the money from the majority of the stages, which would have meant that the initial strategy was that we would not need to trigger the interest payments on those loans when the interest became due after the interest free period expired. However, unfortunately in the time, there has been a range of factors including the pandemic which effectively halted a lot of work, and then of course has been a significant upturn in building and construction costs, and Council and developers are not immune to that and so the continued development of Kingston Park has been delayed as it's not the climate at the moment for the developers to be able to make it a profitable investment for them. We are continuing to have discussions with them, because obviously we want to see the land developed and the project completed, and we are also of course keen to see the remainder of the money flow to us because, as the way that the contact with the developers was framed is that we would get a percentage of the land sales as and when the properties settle. Because there are two apartment buildings and one commercial building that have not been commenced as yet, that money is delayed in flowing through to us and that is impacting on us. That is a factor based on economic climate of developers right around Tasmania and indeed right around the Country, these same developers are also doing a range of projects interstate and it is exactly the same in New South Wales, Queensland, Victoria and other places. Unfortunately, the timing of those sort of things created the most imperfect storm and have added to the situation that we're now in.

*I totally get that business is a gamble and it often doesn't work out the way you planned, but this is a body corporate, and the membership will have no sympathy for a Council that cannot look at their own high risk business like decisions and accept that some of it didn't work out. Time for Council to cut its losses. Kingborough Waste Services, Kingborough Sports Centre and Traders in Purple are all wholly owned Council businesses, are they not? Didn't anyone at the budget workshops consider the options of selling one or more of the Councils wholly owned business enterprises in order to balance its books, pay off its loans and replenish its asset renewal account before holding its hand out for more rates from the body corporate membership in a cost-of-living crisis?*

**Mayor:**

The Kingborough Sports Centre is not a separate business that we own, they are a department of Kingborough Council just as our Planning Department is or any other department, so it does not operate as a separate business, its financial situation is part of our books and certainly it has been operating very well and above expectations in recent years. I can assure you that when looking at our financial situation, we have looked at a range of different scenarios, we have done modelling, and we continue to look under every stone and make sure that nothing is left unchecked. It's not as simple as deciding to sell off Kingborough Waste Services, which is also performing very well which returns occasional dividends to us, which provides an opportunity for us and we have an interest to ensure that Kingborough Waste Services continues to operate in a way that is acceptable. It appears to be a model that even people who, when it was first established 15 or so years ago, doubted its capabilities and its capacity and it is now performing very well indeed, so we're not looking at having a fire sale of any of our departments or our investment in Kingborough Waste Services, but I appreciate the suggestion. Traders in Purple are a separate business, they are a developer that we entered into a partnership development agreement with, so we are not an owner of Traders in Purple. Traders in Purple are a stand alone property developer that we entered into a partnership with.

*That's not an interest that council can sell?*

**Mayor:**

No, they are a commercial developer like any commercial developer. We put out expressions of interests for different entities to develop on the land at Kingston Park and they were the ones that were selected after a rigorous selection process.

**Natalie Kingston** asked the following questions without notice:

**9.3 DA/2023-174**

*My questions are in relation to DA/2023-174, the recycled water treatment plant. My first question in relation to the use of the area and the existing sewage treatment plant traffic. On page 20 of the ordinary council meeting number 6 on the 3<sup>rd</sup> April, I quote "the proposed variation can be supported, pursuant to this performance criteria of the zone following these reasons", and one of the dot points "the use of land in the open space zone is for access to the site only. The access is already used to access the existing sewage treatment plant". This is actually incorrect. I live in close proximity to this area as do others that I have spoken with, there is no traffic that uses the road. It is a road that was used by the residence that used to be in existence, that was knocked down, and no one has used that road, no one has lived in that house since. My question is, were you aware in the decision-making process that this was incorrect information?*

**Development Services Manager:**

The access through the site was assessed by our Development Engineers and our Planners, based on the information provided to us by the applicant, so whether we're talking about the same access road or not, is difficult to ascertain but I'm happy to take a question on it and get back to you directly, or I can take a question on notice, because the note in the decision has been made on that application.

**Mayor:**

We'll take that one on notice.

*In the last ordinary council meeting number 6 for the 3<sup>rd</sup> April, on pages 16, 17 & 18, in particular page 18 states from the document “the cut and fill is located a minimum of 40 metres from adjoining properties and will be screened by landscaping and retained vegetation, therefore there will be no unreasonable impact on privacy”. Section 2.5.1 addressing the representation states: “requires redirection to the correct alignment of the walking track”. I have extensive information, collaboration through several community engagement officers at TasWater, extensive emails about the final location. When you were deciding on the decision of the application in question, was the question about privacy, was there a consideration of the privacy of residents of the impact of the positioning and location based around the fact the rerouting would affect the privacy of the residents?*

**Development Services Manager:**

The matter of the rerouting of the walking track itself is outside the parameters of the planning application. Yes, it's noted in there and it's raised by the residents, and it was discovered through that, that it's not in the correct alignment, so another team, such as our Tracks and Trails Team and our Property Services will be looking at that. The assessment of the development application was really about the recycle plant, so it does sit outside of it, so Council will need to address that, but it will be through Property Services or our Parks and Trails Team.

*My next question is, there is recommendation of page 35 of the Environmental Assessment Report that was dated February 2024 – one of the attachments in the lot of documents that we all received – from the document, a place called CAS suggested that the proponent confirm where there any trees to be removed, may affect or impact the masked owl and if they were present, and that CAS should be contacted for further advice if there was potential for tree removal to impact the masked owl or any other threatened species and a recommendation for a report. I've read all the documentation back and whilst it addressed a lot of other stuff, it did not address the recommendation from CAS or give us any information about whether that was taken into consideration when making a decision about approving that application.*

**Development Services Manager:**

I'd need to take a detailed question about a report within the decision on notice.

*It would be a reasonable assumption that the proponent was fairly confident in proceeding with the pipeline given the extensive associated costs in drilling a pipeline that if there wasn't a pump station it would be null and void. It could be reasonable to assume that they were confident in this application. Given the statement in the last meeting “we have the pipeline that we have already approved and it would seem incredible to refuse the use of water. We have approved a pipeline to supply to the other side of the river”. Whilst I also don't oppose the use of recycled water through a pipeline, I do oppose the location and its impact on myself and other residents. Can you without doubt based on this information, really say there is no bias in the decision making process given this information and an email from the pipeline residents group, saying that clearly the site has been chosen for its financial benefits and relative flatness of the site and proximity to the existing plant?*

**Development Services Manager:**

To answer the first part, this is confidence, and cost of development is not a consideration of ours at all. It makes no difference to us whether they make any money or not as a planning authority, we're just obliged to consider the requirements of the planning scheme and I say with confidence that it was not bias in the assessment. The assessment is very transparent in the details of the assessments against this scheme. If it was considered that there was error in making that decision, or non-compliance in making those decisions, and that was to go before the tribunal, then that would be tested and I'm confident that there is simply no bias.

*Lastly, given all of the points made so far, given that there is and I received the same documents as the final decision makers being the people that we voted in for us, our elected Councillors, I have presented that there is missing information in the decision making process about a particular Masked Owl, misinformation and lack of information around the impact on the walking track and there is incorrect, in my view and those in the close proximity, about the information on the use of the road. Given these three statements, I'm asking, could there be due consideration to having a re-assessment of this, so that those that are involved in the decision making process can include the holistic information because the only other right of way that someone like myself has is the appeal process, that has a financial cost and with the cost of living, I don't think it is fair or reasonable that I should have to find additional funds, when there are clearly flaws in this process.*

**Development Services Manager:**

It would be up to the Councillors whether they wanted to review it or not as they sat as the planning authority. It was a report recommendation from our department, but in simple terms, the decision has been made by the planning authority under LUPA, so the decision has been made and they can't undo the decision, unless there is a cancellation of permit, but it wouldn't really qualify for that. But it would be up to the councillors to decide what they'd like to do sitting as a permit authority.

**James King** asked the following questions without notice:

**9.4 DA/2023-174**

*The questions I'll be asking tonight will be around DA/2023-174. The first thing I'd like to say is tonight we have heard a lot about there is no need to consult that is outside of this area, there is no need for that. I'd just like to remind the members in the public and maybe the people watching at home that on your webpage it says for community engagement, Kingborough Council values the community's input on projects, strategies and policies and acknowledge the effective communication engagement are essential to building a strong community by promoting an active exchange of information and ideas, council aims to support a safe and healthy connected community. So that being said, we've had a number of statements that people have brought up that I believe also relate to community engagement.*

**Mayor:**

Some questions that have been asked have been asked in relation to the planning process and the planning process is very clearly set down under a specific act and that tells councillors or planning authorities specifically what they can and cannot do. So when we are going through the process when we're sitting as a planning authority, we're sitting at a different capacity as we do, as we are at the moment as Councillors, and when our planning staff are making assessments, they have to follow exactly the assessment process as outlined in the act and sometimes unfortunately the way that the act is drafted and the planning scheme is drafted, there are some things that one would expect be in there, like loss of amenity of view or something like that, and they are not covered by that. There are things that we cannot do, we have to assess every project in the same way, otherwise we open ourselves up to appeal processes through the Tas Cat, so we have a responsibility to follow very clearly the way assess those processes.

*Does council have a local area objective and desired future character statement for the environmental living zone and the open space zone effected in that development?*



**Development Services Manager:**

It may come as a surprise I don't recall the entirety of the planning scheme, certainly if there was one, it would have been captured in the report. There are local area objectives for a number of out areas, but it's important to understand that the local area objectives have limited weighting in its decision making, and I can tell you from experience that the matter we've dealt with to be very disappointed doesn't get given as much weight as it possibly should, so I can look that detail up, but it doesn't have a lot of weighting because you must look at the relevant zones and codes and the acceptable solutions and correlating performance criteria in that.

*The visual impact – it says in the statement that there is reasonable expectation that land in the coastal proximity of environmental living zone will retain a scenic natural state and is understood by the applicant that the industrial development will disrupt the existing scenic conditions. Use of this space then becomes discretionary through approval by councillors on commanded advice and processes. Does council believe this development meets 14.1.1.2, 14.1.1.3, 14.1.1.4 and 14.1.1.6?*

**Development Services Manager:**

The assessment is included in the report including the attachment at the back which provides the response to each and every relevant and applicable provision of the planning scheme and of the zones and underlays, so the report resulted in that it did comply with either the acceptable solutions or the performance criteria.

*Clause 19.3.5 discretionary use of an open space, discretionary use must implement and enhance the use of the land for recreational purposes by providing facilities and services that support permitted use, or no permit required use. There is no acceptable solution under the clause therefore it must be assessed against the performance criteria. As we just heard from Ms Kingston, there might be a couple of disagreements to discrepancies within that performance criteria. How will we move forward with that, with council?*

**Development Services Manager:**

As I responded to Ms Winter, if the residents are unhappy with Councils decisions or believe that it has been made incorrectly, there is an opportunity for an appeal.

C93/7-2024

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**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**10.1 PLANNING SCHEME AMENDMENT AND PUBLIC OPEN SPACE CONTRIBUTION POLICY**

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

The planning scheme amendment initiated in November 2022 came into effect on 28 March 2024. The revised Public Open Space Contribution Policy was endorsed in November 2021; was the 2021 version of the policy applied to any subdivision applications or funding decisions before 28 March 2024?

**Officer's Response:**

Yes, it has.

*Tasha Tyler-Moore, Manager Development Services*

**10.2 PROPOSED RATE INCREASES**

**David Ward** submitted the following questions on notice:

1. What increase spending is proposed on sports, recreational facilities/grants in Kingborough in the year 24/25?
2. What amount of ratepayer money has been spent or allocated on relocating/accommodation for the new CEO and his family to Kingston?

**Officer's Response:**

1. Council's draft 2024/25 budget contains the following allocations across sport and recreational activities (excluding depreciation):
  - Kingborough Sports Centre \$1,531,000 up from \$1,462,000
  - Maintenance costs of council's sports facilities \$1,585,000 up from \$1,493,000
  - Recreation and reserves and playgrounds \$3,615,000 up from \$3,394,000

There are also a range of capital works projects which are proposed for 2024/25 which can be viewed on the Budget consultation page on council's website.

2. In relation to the recruitment of Council's new Chief Executive Officer, costs of \$50,593 have been incurred to date. This includes recruitment agency fees, recruitment consultant travel costs, shortlisted candidate travel costs, police and other checks, and Hogan personality assessments. A further provision up to \$20,000 has been approved for costs associated with relocation and accommodation, and these will be paid upon presentation of satisfactory receipts and approval by the Mayor.

*David Spinks, Director People & Finance*

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**C94/7-2024****11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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

**11.1 CLARIFY MOTION TO OVERTURN DECISIONS.**

*In relation to DA/20223-1774, we just heard that it is possible to review decisions. I can see in section 18 of the Meeting Procedures Regulations Act 2015 that there is a provision for a decision by Council to be overturned in whole or in part, and we heard earlier that it's up to the Council to review if we want to. If the Council were to revisit that decision about the recycled water treatment, DA/2023-174, would that be achieved under section 18 of the Meeting Procedures Regulation, or is there some other provision in the Local Government Act or Land Use Planning Act or the Kingborough Interim Planning Scheme, is there some other provision to overturn decisions?*

**Mayor:**

My reading relates to decisions of the Council and not of the Planning Authority.

**Director Governance, Recreation & Property:**

I would concur.

**Mayor:**

That section does relate to us acting as a Council as we are now, not as a Planning Authority.

**Cr Cordover:**

Is there a mechanism under either LUUPA or Local Government Act or the Kingborough Interim Planning Scheme for us to overturn a decision and if we were to do that would that be before or after the appeal process?

**Manager Development Services:**

I don't believe there is, but I'll have to take the opportunity to check the relevant act.

**11.2 ROADKILL ON DSG ROADS**

*A constituent has raised with me a very concerning and increasing amount of roadkill between Margate and Kingston on Channel Highway and Leslie Vale and Kingston on the Huon Highway. Is it Kingborough Council's responsibility to clean up roadkill on Department of State Growth roads or do they have their own teams?*

**Director Engineering Services:**

They have their own maintenance teams that will do that.

**Cr Cordover:**

How frequently do they remove roadkill on sections of highway within Kingborough? Is it regularly scheduled or ad-hoc, and do we play a role in telling them where to go?

**Director Engineering Services:**

I'm not aware of the exact schedule, but it would be similar to council in terms of the fact that DSG have Stonoway as their maintenance. They do regular inspections on all the highways they look after and have service levels they need to apply for roadkill in particular. It's quite possible over the easter period they may not have the same scheduling in place, but generally in that situation there is the opportunity for people to contact afterhours and then it can be addressed. I'm hesitant to give any more info as it's not our contract and not our agreement.

**Mayor:**

We could write a letter on behalf of Council to the minister for infrastructure asking about the schedule is and pointing out that particular times it doesn't seem to get the attention it deserves and compounds the problem.

**Cr Cordover:**

Thank you. Aside from DSG, in our proposed budget, do we know how much is the allocation for roadkill removal? Are we increasing or decreasing it and has there been any further analysis whether its not its cheaper to start installing mitigation measures than it is to constantly spend \$52,000 a year in clean up?

**Director Engineering Services:**

Effectively some of the mitigation measures you're talking about, things like acoustic fences – there's a couple along the Huon highway - they haven't been as successful as they'd like them to be and they're relatively expensive to put in place. As much as we'd love to put those measures in place, we tend to be stuck trying to deal with some hotspot areas as compared to not. We do have some guidelines that are on our internet that talks about that side of things in terms of where we may or may not be looking at putting some mitigation measures in there's been a fair bit of work done in terms of signage can be put in place to let motorists know they may be entering a hotspot area, but some of the other more structural ones are more expensive, so it's not an easy solution.

**Cr Cordover:**

Can we define what a hotspot is with respect to our roads? Does council endorse the use of the Roadkill Tas app?

**Mayor:**

We did put that on our website when we had conversations 12 months ago about roadkill. We drew the attention of the community to that via our website and suggest that they could use that as another method of informing DSG as to where those areas are.

**Director Engineering Services:**

That is my understanding. In terms of what a hotspot is, what we're talking about there is where you're typically getting crossings of animals going at a particular location. Very difficult to deal with that, as we can't put signage everywhere to warn people, but its more about saying these are areas that wildlife typically use and it's also to do with what type of wildlife might be crossing at

those points, particularly if we're looking at any endangered wildlife, that is where we'd want to take a lot more care in terms of warning and mitigation.

**Mayor:**

For example, because of the redevelopment of the wetlands, we had suddenly, lots of ducklings crossing and had to put signage up and asking the community to be careful around that area.

**Cr Cordover:**

So, we're keeping data on where those hotspots are as they change and move?

**Director Engineering Services:**

It is a little bit more ad-hoc. Typically, what we'll get is questions from the community to say they're worried about the roadkill in a particular area, generally rural areas, and they'll be requesting things such as signage to slow motorists down. Where we know there is a point where you can clearly see a lot of roadkill in an area, we do keep a record of that through a work order system. Where we know that this is not a transient type thing, that's we're we will look at saying we need warning sign for motorists, or other measures as well.

**Mayor:**

Another thing we need to be aware of in terms of mitigation strategies there might be, if you're looking at anything like crossings either under or over the road for native animals, the costs are prohibitive. You'd be looking at anything from \$500,000 for an underpass to \$2.7 – \$6 million for animal overpass crossings. Normally, they are only used going across very major highways and are normally done as a redevelopment, where a highway goes from four to eight lanes, and the cost is built into it.

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

### 11.3 BUS STOPS

*Do we have any timeframes or information available in regards to moving the bus stops back from Kingston park to the new Channel Highway CBD?*

**Mayor:**

I Understand it is about for to six weeks.

**Director Engineering Services:**

I'm not sure of the exact time frame. We've had a lot of meetings with State Growth in terms of finalising some details so hopefully that will be happening shortly.

**Cr Bain:**

State Growth recently advised that they're upgrading the bus stops along Roslyn Avenue. Following on from that, I've had a couple of enquiries as to why we haven't seen any progress made with the Channel Highway and Margate bus stop upgrade given that was towards the top of the list of bus stops that we audited?

**Mayor:**

I suspect it was third on list of bus stops as a result of that audit and I wonder if it's been held up because of the development in Margate and also our Margate street planning. I noticed that they've also started work on bus stop number 30 in Tarooma, which is probably the most difficult site we have to get full accessibility compliance.

**Director Engineering Services:**

That's correct. State Growth have a contractor who is working their way through Tranche 1, there's a couple of tranches in terms of accessible bus stops throughout the municipality. Margate is one of them and yes, it is tied up with the supermarket development, so they'll be looking to move into that space once they've finished some of their street frontage works.

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

**11.4 BUS STOPS ON CHANNEL HIGHWAY**

Regarding the bus stop on Channel Highway – with the one that has been out of commission where the turning circle was too tight for buses. Whose fault is that? Was it Council's fault when we did the upgrade of the Channel Highway Road or is that a State Growth issue and how did that happen?

**Director Governance, Recreation & Property:**

I'm not sure that it's a case of fault. We worked very closely with both the State Growth and Metro in relation to the design of the interchange. However, there's a difference between looking at plans and doing trial tests in a carpark to the reality of manoeuvring and articulating a bus within the space and when we've come to the final product, some Metro drivers have expressed some reservations about that and that's what we're working through with State Growth. All of the design planning work was done in consultation with both staff from DSG and metro, so I don't think there's been errors made, I think it's a case of when something is in place rather than in plan, what was the best plans is not the case in reality.

**Cr Antolli:**

It's fair to say that we've built the bus stop to the plans that they advised us on?

**Mayor:**

Correct. There is now a minor amendment that needs to take place, which is the shaving off about a half a metre to enable a smoother passage for an articulated bus.

**Cr Antolli:**

Is there any explanation as to how State Growth got it so wrong with their design given that the bus drivers need a safe turning circle and know what a safe turning circle is?

**Director Governance, Recreation & Property:**

The situation as I understand it, relates to very minor changes to what is in place and what was intended has been constructed in accordance with the plans that we developed in consultation with Metro. We had a trial run of those plans in the Sports Centre carpark, using Metro buses. We've

also had Metro buses use the real thing. We're talking very minor changes that are required to achieve an optimal alignment with the kerb and we're pretty confident that we'll be able to achieve them and open the interchange shortly.

**Cr Antolli:**

That refers to the four-to-six-week period that was mentioned. Who is paying for the change?

DS: That hasn't been determined and we don't know at this stage whether there is going to be any significant cost associated with those changes.

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

### 11.5 MARGATE MAIN STREET CONSULTATION & PLANNING

*Can we get an update on how the consultation and planning are going for the Margate Main Street?*

**Mayor:**

The consultation has gone very well; we've had a large number of submissions, and we have a workshop scheduled for 29th April.

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

### 11.6 GRAFFITI

*How would one go about reporting graffiti and what resources do we have in terms of graffiti removal?*

**Mayor:**

On our premises, it gets listed as a job for our Works Crew to remove the graffiti. Priority is given to graffiti that has explicit language or something that would be highly offensive or triggering to somebody. I don't have the figures about how much we spend on graffiti removal as we have various components of it in various parts of the budget. I think it's around \$50,000 a year. Since we had the discussion last week, I have been in contact with Inspector Colin Riley. We're having a meeting with him next Monday to discuss the rising impact of graffiti in Kingborough. He does tell as a preliminary to that, that we're not alone and as I mentioned last week, some of the graffiti that is being done, the larger signage with particular words that is repeated in various locations. I'm not so sure it's not young people, I suspect its older people because they have a car as they have been travelling around the state doing the same graffiti. It's quite elaborate as they need ladders and poles, so it's not just someone with a can of spray paint, so I'm surprised that they haven't been caught more easily given the amount of time that would be involved. Last weekend, two people were caught for graffiti in the Kingborough area, they were from out of the area, and they have been subsequently charged by police. I want to have a more wide ranging discussion with him about what we can do and want to encourage the private property owners to remove the graffiti, but I'm also going to explore the discussion we had last week about planting trees in front of various things and encouraging property owners to do the same, to put up a barrier for the works to be visible and seen because that's what graffiti artists want; to showcase their work. So, if some

sort of barrier can be put up, preferably a natural one, that will hopefully act as a preventative method.

**Director Engineering Services:**

At the moment, there has been about \$14,000 this financial year on graffiti. It does vary from year to year. Most of it is on our buildings and we do get some on our assets, such as our underpasses and places like that. We'll also be having our own internal meetings to have a look at our current guidelines and what the guidelines that other Councils have been using and trying to pick up on some things that are successful in other areas and trying to put those in place.

**Cr Deane:**

To clarify, if the community spots some, they could take a photo and send it to our KC email?

**Mayor:**

Yes, lodge it as a service request so that we know and can add it to the work plan.

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**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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At the time the Minutes was compiled there were no Questions on Notice from Councillors.

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**13 PETITIONS STILL BEING ACTIONED**

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There are no petitions still being actioned.

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**14 PETITIONS RECEIVED IN LAST PERIOD**

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No petitions had been received.

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**15 OFFICERS REPORTS TO COUNCIL**

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**C95/7-2024**

**15.1 POLICY 3.9 - RATE REBATE FOR CONSERVATION COVENANT POLICY**

Moved: Cr Gideon Cordover

Seconded: Cr Amanda Midgley

That Council Policy 3.9 Rate Rebate for Conservative Covenant Policy as amended be adopted for a further four years.

**CARRIED**



**C96/7-2024**

**15.2 POLICY 3.6 - SUNDRY DEBT MANAGEMENT POLICY**

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

That Council Policy 3.6 Sundry Debt Management Policy, as attached to this report, be adopted.

**CARRIED**

**C97/7-2024**

**15.3 GORMLEY PARK MASTERPLAN**

Moved: Cr Kaspar Deane  
 Seconded: Cr David Bain

That Council endorse the Gormley Park Master Plan dated February 2024, as attached to this report.

**CARRIED**

**C98/7-2024**

**15.4 FINANCIAL REPORT - MARCH 2024**

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

That Council endorses the attached Financial Report for March 2024.

Cr Deane left room at 7:18pm.  
 Cr Deane returned to room at 7:18pm.  
 Cr Richardson left room at 7:34pm.  
 Cr Antolli left room at 7:35pm.  
 Cr Richardson returned to room at 7:36pm.  
 Cr Antolli returned to room at 7:37pm.

**CARRIED**

**C99/7-2024**

**15.5 APPENDICES**

Moved: Cr Amanda Midgley  
 Seconded: Cr Flora Fox

That the Appendices attached to the Agenda be received and noted

**.CARRIED**

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**16 NOTICES OF MOTION**

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There were no notices of motion received.

**C100/7-2024**

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

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Moved: Cr Flora Fox  
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*

**TENDER ASSESSMENT - AB2304 Whitewater Creek - Summerleas Rd Pedestrian Underpass**

Regulation 15(2)(d) *contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

**CARRIED**

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

Open Session of Council adjourned at 7:52pm.

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**OPEN SESSION ADJOURNS**

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**OPEN SESSION RESUMES**

Open session resumes at 8:08pm.

**C101/7-2024**

Moved: Cr Flora Fox  
Seconded: Cr Aldo Antolli

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	Approved
Applications for Leave of Absence	Approved
21.1 TENDER ASSESSMENT - AB2304 Whitewater Creek - Summerleas Rd Pedestrian Underpass	Approved

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 8:09pm.

.....  
(Confirmed)

.....  
(Date)