

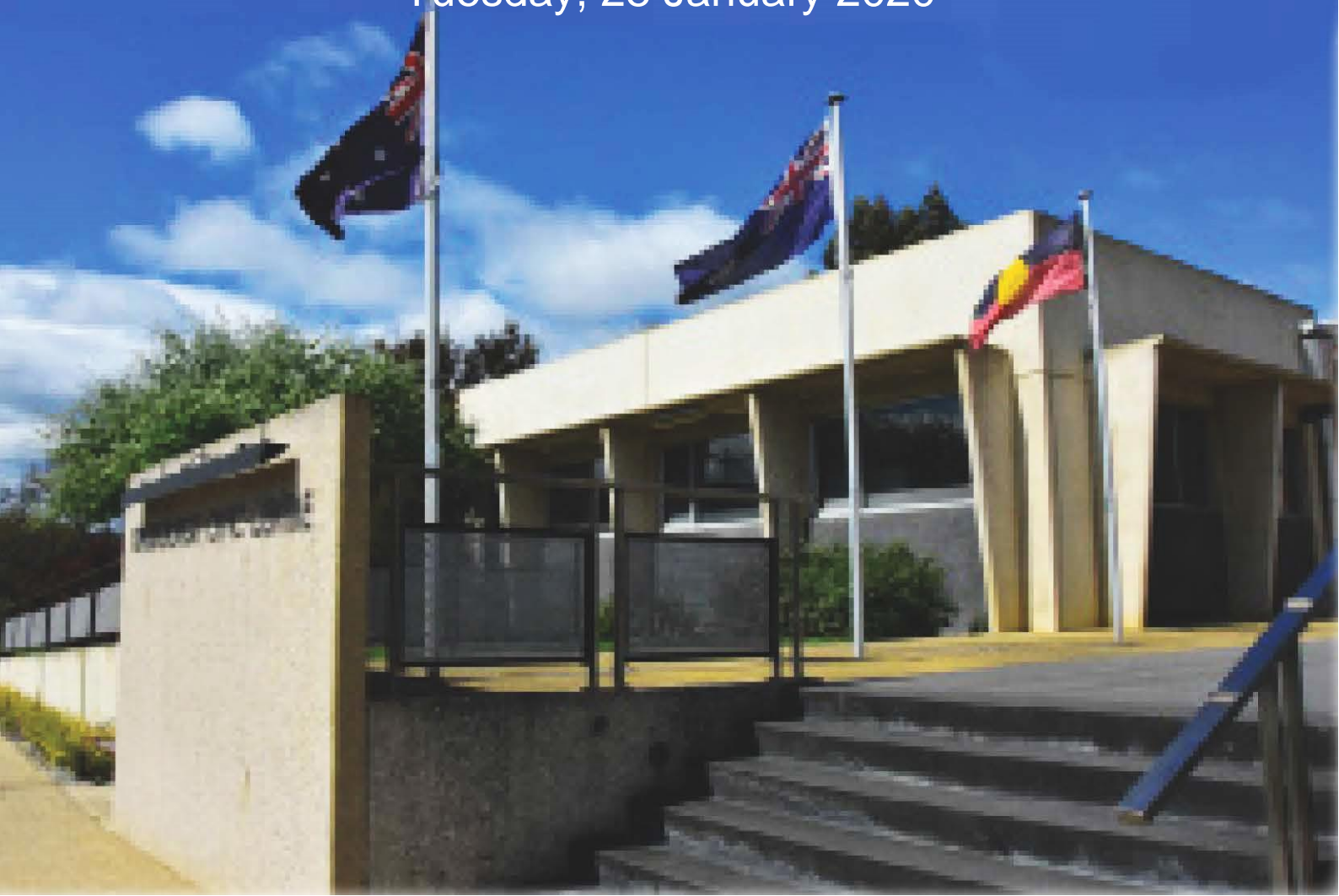
Kingborough

PUBLIC AGENDA

This Agenda is provided for the
assistance and information of members
of the public.

COUNCIL MEETING MINUTES

Tuesday, 28 January 2020



Kingborough Councillors 2018 - 2022



Mayor
Councillor Dean Winter



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass



Councillor Paula Wriedt

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MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Tuesday, 28 January 2020 at 5.30pm

1 AUDIO RECORDING

The Mayor declared the meeting open at 5.30pm, 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 requested confirmation that the audio recording had commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor paid his respect and Council's respect to the traditional and original owners of this land, the muwinina people. The Mayor acknowledged the contemporary Tasmania aboriginal community who have survived invasion and disposition and continue to maintain and fight for their identity, their culture and indigenous rights.

3 ATTENDEES

Councillors:

Mayor Councillor D Winter	✓
Deputy Mayor Councillor J Westwood	✓
Councillor S Bastone	✓
Councillor G Cordover	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor A Midgley	✓
Councillor C Street	✓
Councillor S Wass	✓

Staff:

General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Chief Financial Officer	Mr John Breen
Acting Executive Manager Engineering Services	Mr Darren Johnson
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Contracts & Procurement Coordinator	Mr Hugh Rowley
Executive Assistant	Mrs Amanda Morton

C43/2-2020

4 APOLOGIES

Cr Paula Wriedt

C44/2-2020

(commences at ± 2 minutes of audio recording)

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
Seconded: Cr Amanda Midgley

That the Minutes of the open session of the Council Meeting No.2 held on 13 January 2020 be confirmed as a true record.

Carried

Cr Midgley left the room at 5.31pm

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

20 January - Placescore

Cr Midgley returned at 5.31pm

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

C45/2-2020

(commences at ± 4 minutes of audio recording)

9.1 North Roslyn Avenue

Ms Tricia Ramsay asked the following question without notice:

At the last meeting in the current and ongoing minute resolutions it was noted that the anticipated date of project completion is listed as June 2020. Can you please explain that timeframe? Is it when the Council anticipate sending the submission to State Growth?

General Manager responds:

No, its the anticipated timeframe to conclude the matter satisfactorily.

Ms Ramsay:

Can we therefore be copied with Council's submission to State Growth when that is sent?

General Manager responds:

That is not normal practice of Council. What I can tell you, to answer the question though, is that under Section 60(2)(1)(b) under the *Local Government Act*, as your General Manager, I am duty bound to implement Council resolutions and I will ensure that the Council resolution is implemented.

C46/2-2020*(commences at ± 7 minutes of audio recording)***9.2 Measure of Success in Liveability Terms**

Mr John Maynard asked the following questions without notice:

I am wondering what you think of the New Zealand Prime Minister, Ms Arden's 2019/20 budget style which priorities as a measurement of it's success on the wellbeing of people rather than just the normal economic factors. If Council chose to measure its success in liveability terms, how well would it score?

Mayor responds:

I've noted and read the New Zealand wellbeing budget and I thought it was really good. I noted that there was discussion in the State Parliament about the State Budget using those wellbeing metrix. I would love to see some of those metrix used at a Local Government level, and in some ways they are, but it's not something that we are planning to do in this budget cycle. It is not proposed to change our format. We are looking at a very, very difficult budget this year, perhaps even more difficult than last year's budget and I suspect that we will be focusing more on the numbers than on the format or the structure of it.

C47/2-2020*(commences at ± 9 minutes of audio recording)***9.3 Expert Reports**

Comments from Councillors during debates that they seem to have no expertise or authority to question these reports and my experience during the Maryknoll case at the Planning Commission last September. In this case there was a traffic impact assessment including the application to Council and in the end it was left to representors to apply some common sense and basic maths to determine the traffic movements calculated were unbelievably low and based on unrealistic assumptions. So much so, the report had to be re-written with revised traffic movements 70% higher than the initial figures, even though these were based on a guesstimate of the final number of dwellings which we still don't know. I'm not suggesting here that all expert reports are inaccurate but I am suggesting that Councillors have an obligation and a responsibility to satisfy themselves that the reports are reasonable, can stand up to scrutiny and can pass the pub test. Why is it that Council seems so reluctant to critically analyse expert reports?

Mayor responds:

Councillors aren't reluctant to question reports and Maryknoll is a great example of that. The recommended advice on the Maryknoll PSA was to not initiate the amendment. A majority of Councillors critically analysed that report and decided on balance that they thought it was worth initiating and also read the report from the Tasmanian Planning Commission which seemed to agree that, on it's critical assessment, agreed with the critical analysis of Councillors in determining to initiate the Maryknoll amendment in the first place.

C48/2-2020*(commences at ± 11 minutes of audio recording)***9.4 Permit Conditions**

The TPC supported submissions put to it by representors who argued that the proposed development at Maryknoll possess significant risk to the swift parrot population. The TPC imposed design and construction conditions on a number of lots to reduce the swift parrot deaths from collisions with built structures. In this case the TPC recognised the need to mitigate the risk of this highly endangered species and have acted accordingly. Why don't Councillors see the same need and therefore fulfill their obligations under the Planning Scheme to protect threatened and endangered species within Kingborough?

Mayor responds:

I've never heard anyone allege that this Council doesn't take its obligations to the environment seriously like I think you just have. In fact I think we take these issues more seriously, especially when it comes to planning, than any other Council. In fact we are renowned for it. The decision of the TPC to provide some amendments, they were only very minor in the scheme of things and actually the TPC's decision vindicated the initially decision of elected members here in almost every way. So I'm very comfortable with the level of interest and seriousness that we take, environmental issues in particular, protecting the habitat for the swift parrot.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

There were no questions on notice from the public.

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Grace asked the following questions without notice:

C49/2-2020*(commences at ± 13 minutes of audio recording)***11.1 North West Bay River**

As Council have spent lots of money through grants maintaining the river flow, I looked at the river at Longley yesterday and quite concerned about the debris that has been washed down and the erosion that is caused in that particular area. Who is responsible for cleaning of that river?

Deputy General Manager responds:

The river itself is the administration of DPIPWE. They are managing the extraction of water and use of the river course itself would also be most likely Crown Land. Again it will be up to DPIPWE to look after those sorts of problems

C50/2-2020*(commences at ± 14 minutes of audio recording)***11.2 Longley Park**

The grounds were mowed quite good but I noticed these weeds and I don't know whether they are poppies or what they were but they are obviously a weed. What control is Council taking on their own reserves?

Mayor responds:

The Deputy General Manager will take your question on notice.

C51/2-2020*(commences at ± 15 minutes of audio recording)***11.3 Oyster Cove Hotel**

I can't recall seeing a development application for the construction of a major car park being built down there and I believe it is what is alleged by Cr Bastone's question regarding State Growth for offset parking. I would still like to know where the DA is or was it done under delegation?

Deputy General Manager responds:

There is a response to that question in the Agenda. My own personal view is that it is likely to fall under an exemption for emergency works in order to get the vehicles off the main road from the Channel Highway. That is something which is open to interpretation, it's a bit of a grey area there in relation to how it would be interpreted. In answer to your question more precisely, we have not received a development application for any works. I'm not aware of the extent of the works which have been undertaken but the area is only used for a few hours on a few days each year and it's used in order to get the vehicles of the Channel Highway in order for public safety and it may well fall under the exemption of emergency works under the Planning Scheme.

Cr Grace:

I don't agree that it should comply under emergency situations. I would like to hear more about it.

Deputy General Manager:

As I said, it is a grey area and it is my opinion and I was just expressing that from that perspective. We can look at it more closely and examine the details of the circumstances.

Cr Westwood left the room at 5.44pm

Cr Westwood returned at 5.45pm

C52/2-2020*(commences at ± 18 minutes of audio recording)***11.4 Sealing of Harvey Road**

There was a sub-division of lots lodged for that particular road some years ago. It was part of that request that the sub-divider seal the road up to his sub-division. I understood that the same condition applied to these units that have been built some 12 months ago and I've not yet seen any sealing of the road. Was it part of their condition when they lodged for the units?

Manager Development Services responds:

I would need to look at the conditions of the planning permit and I'm happy to bring that back to the next meeting.

C53/2-2020*(commences at ± 19 minutes of audio recording)***11.5 Caravans at Bruny Island Hotel**

Was the hotel prosecuted for having caravans on the site and can we have a report on that?

Manager Development Services responds:

I'm assuming you are talking about non-compliance with the planning scheme, use of the caravans at the hotel? We can bring that back to the next meeting with an update.

Cr Bastone asked the following questions without notice:

C54/2-2020*(commences at ± 20 minutes of audio recording)***11.6 Sculptures**

In a report from the Urban Design Officer, he says that the placement of Council acquired art works, including from the Birch's Bay Farm Sculpture Trail within the public domain across Kingborough, they will shortly be installed in the streetscapes adjacent to the Kingborough Hub. I noticed that one of the sculptures has been taken from the waste transfer station where it has greatly admired, it is now outside the Hub. But I'm more concerned with, where is the one that the Mayor bought last July, the fish?

Executive Manager Governance & Community Services responds:

I suspect it is still at the Birch's Bay Farm awaiting a location to be determined but I can find out and take that on notice.

Cr Bastone:

Could you also let me know if you have in fact already paid for the sculpture?

Mayor:

We will also take that on notice.

C55/2-2020*(commences at ± 21 minutes of audio recording)***11.7 Lack of Lighting near the Middleton Hall**

At the Middleton Hall there is a carpark and from the carpark there is a path that leads up to the hall. In Winter this is particularly dark and I'm wondering if the Council will be able to see it's way clear to putting some sort of lighting on this path. It is used regularly by the South Channel Garden Club which has 40 regular attendees and a membership of 140 people and it's quite dangerous at night.

Acting Executive Manager Engineering Services responds:

I'm happy to go an investigate that further and look at how we might be able to make that work.

C56/2-2020*(commences at ± 22 minutes of audio recording)***11.8 Pailing Fence at the Kettering Playground**

What is being done about the paling fence that was erected in the Kettering playground. I've asked the question before and everybody agreed that it was unsightly and that something would be done. What is being done?

Acting Executive Manager Engineering Services responds:

Something is being done with that paling fence. The Urban Design Officer is working with the Depot to try and come up with a more palatable solution but, with everything else, it's on the to-do list and we are just trying to prioritise to get that work done.

Cr Cordover asked the following questions without notice:

C57/2-2020*(commences at ± 23 minutes of audio recording)***11.9 Humanitarian Crises Assistance Policy**

We've seen recently at Hobart and at Clarence that there have been recent debates about sending money interstate for bushfire relief. Does this Council have an emergency donations policy or humanitarian crises assistance policy?

Executive Manager Governance & Community Services responds:

No we don't. We used to have a budget line item for that purpose but that no longer exists.

C58/2-2020*(commences at ± 23 minutes of audio recording)***11.10 Short Term Accommodation**

On the website called 'Inside Airbnb' it notes that the Kingborough area has at least 270 entire homes and apartments listed on Airbnb and in this last month alone we have seen nearly 20 dwellings change use from residential to short stay accommodation. What would happen if a motion was to come before this Council that sought to alter provisions relating to visitor accommodation that had the intent of kerbing the ongoing loss of residential accommodation in Kingborough to short stay accommodation? If a Councillor or their family owns or operates a property that is used for short term accommodation, would they be allowed to vote on the matter? Would existing conflict of interest regulations require that any Councillor who owns or operates a property that's used for short term accommodation be required to publicly declare their pecuniary interest in the topic of the motion and, secondly, would they be required to excuse themselves from any debate about short terms accommodation?

General Manager responds:

The requirements under Declarations of Interest are that in a circumstance such as you have outlined, if a Councillor owned a property that was subject to a notice of motion along those lines, they would be required to declare that interest and my advice would be that they would leave the room.

Cr Cordover:

Am I right that there is currently no register of members interests for Councillors with respect to short stay accommodation and would we consider implementing one before any such debate about short term accommodation?

General Manager:

There is currently a register of interests for Councillors and my response would be that if any Councillor currently has an investment property or property of any description that is currently used for Airbnb or any other purpose that might be in conflict with the Councillor's duty as a Councillor that it would already have been declared.

Manager Development Services:

I don't have any comments about the conflicts of interest discussion but I do think it is worth noting that it would require changes to the Planning Scheme which would have to go through the State Government to alter any controls to do with short stay accommodation, because it is controlled by the Planning Scheme.

C59/2-2020

(commences at ± 26 minutes of audio recording)

11.11 Meeting Procedures

We had a situation last Council meeting when a vote was taken then new information came to hand and so Section 18 of the Meeting Regulations Procedures was invoked to rediscuss the resolved matter. What safeguards are in place to reduce the risk that information of a critical nature might be deliberately withheld from reports to Council so that if in the event of the Council voting in a way that does not please the motions proponents, the proponent might then introduce new information and envoke Section 18 of the Meeting Procedure Regulations in order to force the rediscussion of a resolved matter and bring on a re-vote, as happened in the last meeting?

Mayor responds:

What you are alleging happened in the last meeting?

Cr Cordover:

What is to stop somebody from deliberately withholding critical information from a report to Council in order to use that as an excuse to re-discuss a matter.

General Manager responds:

Firstly, you referenced Section 18. It is in fact Section 19 – Discussion of a Resolved Matter. It says, in part, *"if new information comes to hand or in the opinion of the chairperson (the Mayor) some vital information has been overlooked ..."*. It then goes on to say *"a motion that a matter be allowed to be discussed again under sub-regulation (1) is to be made and voted for in the affirmative before the matter may be discussed."* That is what took place at the last Council meeting. In answer to your second question, under the legislation, Section 65, in every Council agenda, I have to sign, as required by legislation, to say that the professional advice provided by Council officers is in fact professional, has full and open disclosure and nothing is withheld.

Cr Cordover:

To broaden that question out to not just the person who is actually proposing the motion, but a motion's proponents. It's broader than just Council officers reports to Council, it could be about a report that somebody else asks a Councillor to bring before the Council and then deliberately

withholds information so that they can then use that new information that has come to hand as an excuse to re-discuss the matter. Are there any safeguards in place to prevent that from happening.

General Manager:

I've outlined in my previous response that the legislation requires, not only me as the incumbent General Manger, but any member of my staff that puts a report to Council to do so in accordance with the legislation. In terms of your reference to independent third party experts, for want of a better term, generally and particularly in planning related matters, they are members of professional associations that have similar requirements, particularly for consultants, to uphold their status as a registered consultant.

Cr Wass asked the following question without notice:

C60/2-2020

(commences at ± 30 minutes of audio recording)

11.12 Hobart Huskies

Can I be informed whether or not the Hobart Huskies Basketball Club have cleared their debt of \$3,370 to Council? If not, have staff contacted the then club office bearers with regards to debt clearance and what has been the outcome?

Executive Manager Governance & Community Services responds:

I am not aware that the debt has been settled. I can advise that staff have been in contact with the representatives from the Huskies Board requesting that the matter be finalised but to do it has not been.

Cr Grace asked the following questions without notice:

C61/2-2020

(commences at ± 30 minutes of audio recording)

11.13 Fencing at the Playground, Kettering

As regards the question raised about the panel fence at Kettering football ground, it must have cost money to build it in the first place, at what cost and who paid for the fence? We need to know that before it's all of a sudden demolished.

Mayor responds:

I assume it's out of our existing budget.

Cr Grace:

I would like to know how much the fence cost.

Mayor:

We will take that on notice.

C62/2-2020

(commences at ± 31 minutes of audio recording)

11.14 Tassie Tyres

Did Tassie Tyres ever pay their fine?

Manager Development Services responds:

The fine was not paid by Tassie Tyres because that company went into liquidation. There are other Tassie Tyres around but they are registered as separate businesses.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

At the Council meeting on 13 January 2020, **Cr Grace** asked the following questions without notice to the General Manager, with a response that the questions would be taken on notice:

C63/2-2020

(commences at ± 32 minutes of audio recording)

12.1 Middleton Toilets

I raised the issue about the Middleton toilets some months back and so did the Deputy Mayor and I suggested to our engineering Manager to contact a person at Middleton who would give him some information as to where the blockage was within that toilet system. Nothing was done and tenders were called to put in a new treatment plant in as I heard today at a cost of \$40,000. We got the note from the engineer saying that they couldn't install a new system owing to a wet Spring. Farmers have told me that it's been the driest Spring we've had in 15 years. It says here that they found a blockage. Now that they have identified the problem, is it necessary to spend the \$40,000 on the replacement on a new system? Can we get a further report on it before any more work is done.

Officer's Response:

The unacceptable environmental health risk that occurred during the last Middleton Fair, that had sewage seeping out from the existing system did undergo investigation from an expert waste water designer. After this investigation the capital bid was approved in the 2019/2020 budget. The contract was awarded on 14 November 2019. Council has very limited technical information on the construction of the old system and with this in mind has no confidence that the old system can continue to operate as required. Whilst recent repair to a cracked inlet will provide some temporary relief to the site, Council has also doubled the amount of portable facilities being supplied for the up coming fair to handle the load required over that time. Under investigation the old septic system has a large amount of root mass that is invading the infrastructure and has had a long history of maintenance undertaken to stop the penetration of roots from trees in close proximity. A waste water designer, the contractor and a Council officer undertook test holes at the site and all agreed that the risk of starting the project on 4 December 2019 with the ground conditions that were present at the time, was far too great to guarantee completion before the fair. The officers also took into account the condition that the site may be left after the completion of the works.

Darren Johnson, Acting Executive Manager Engineering Services

C64/2-2020

(commences at ± 32 minutes of audio recording)

12.2 Coningham Toilets

How many more years do we have to wait to see the Coningham toilets installed?

Officer's Response:

The tender has been awarded, but due to discrepancies in the site plan and concerns from the neighbours, the contractor (landmark) is finalising a more detailed site plan that will go through planning as a minor amendment. It is still the intention to have the project finalised before the end of the financial year.

Craig Reid, Senior Project Manager

At the Council meeting on 13 January 2020, **Cr Bastone** asked the following questions without notice to the General Manager, with a response that the questions would be taken on notice:

C65/2-2020

(commences at ± 30 minutes of audio recording)

12.3 Record of Road Clearing

What responsibilities does the Council have in relation to clearing areas that are reserved for roads in the future? Is a record kept of when this maintenance is done and in the case of fire in these areas spreading, what is the Council's responsibility?

Officer's Response:

Reserved roads are corridors of land identified as potential future roads. These are Crown land under their responsibility to manage. They may lease or provide a right of use over these corridors to adjacent landowners or others who may have a vested interest in using the corridor for the purpose of access. Unless Council is party to a lease or right of use we have no responsibility to maintain or clear these sections of land.

Darren Johnson, Acting Executive Manager Engineering Services

C66/2-2020

(commences at ± 30 minutes of audio recording)

12.4 Maintenance of Verges

What responsibility does the Council have in relation to maintaining the verges in villages on the Channel Highway where there is a footpath and are records kept of when this maintenance occurs?

Officer's Response:

Council's responsibility for maintenance of State Highways is set out in section 11 of the *Roads and Jetties Act 1935*. Notwithstanding this, three things need to be considered as to whether Council undertakes any maintenance work:

- a. If there is no footpath, the maintenance of the road corridor (from property boundary to property boundary) remains with the State Authority. If there is footpath on either side of the road or both, Council may be responsible for maintaining the section of road corridor from the shoulder or kerb back to the property boundary on both sides of the road. This would not apply if either b) or c) below are in place.
- b. If the State Highway is not in a built up area i.e city, town or village the maintenance requirements for Council would not apply.
- c. If there is an agreement with the State Authority for a section of road corridor then this will apply regardless of the provisions of section 11 of the *Roads and Jetties Act 1935*. For example with the newly constructed shared path from Margate to Snug, Council has negotiated an agreement with the Department of State Growth as to the maintenance requirements of both parties.

Where Council is required to maintain roads there would be maintenance records and/or schedules.

For the area of Woodbridge specifically, DSG is responsible for roadside mowing up to and from the following sections at Woodbridge:

Chainage to approx. Schemers Creek

Chainage from approx. Thomas Road

It is the responsibility of the Local Authority for roadside mowing within these chainage points. The continuation of mowing in the Woodbridge area is scheduled for February 2020.

Darren Johnson, Acting Executive Manager Engineering Services

C67/2-2020

(commences at ± 33 minutes of audio recording)

12.5 Road Kill

Due to the large number of wildlife on our roads at night, probably as a result of the lack of rain, could Councillors please be kept up to date as to what measures are being taken by our Council to help stop the ever increasing amount of road kill? Has thought been given to the electrical warning fencing being trialled on both the Sandfly Road and the Channel Hwy?

Officer's Response:

In June 2018 the Department of State Growth (DSG) erected a virtual fence along a 5 km section of the Huon Highway between Leslie Road and Sandfly Road to trial the effectiveness of the devices. The virtual fence posts emit a high frequency noise and flashing light which is triggered by vehicle headlights to discourage animals from entering the road space when a vehicle is approaching. A team from UTAS has been monitoring the road kill, both before the virtual fence was installed and since its installation to measure their effectiveness.

Virtual fencing is expensive, around \$20,000/km. However following the conclusion of the trial and should the results be positive there may be opportunities for Council to seek grant funding for implementing a program in the future targeting road kill hotspots.

Darren Johnson, Acting Executive Manager Engineering Services

C68/2-2020

(commences at ± 33 minutes of audio recording)

12.6 Water Restrictions

Do Stage 1 water restrictions that are currently in place only apply to properties which are supplied by Taswater? Are properties on bore and tank water exempt?

Officer's Response:

Yes the water restrictions only apply to Taswater connected properties with bore and tank water exempt.

Jon Doole, Manager Environmental Services

C69/2-2020*(commences at ± 33 minutes of audio recording)***12.7 New Road, Bruny Island**

Why is the asphalt surface on the newly made road from Alonnah to Lunawanna only 5 mts wide? Is it not generally 6.8 mts wide?

Officer's Response:

The construction and ownership of this road is the responsibility of DSG not Council. Any questions relating to its construction would need to be addressed to them directly. It is my understanding that the sealing works have only just started and what is currently sealed may not be the finished product.

Darren Johnson, Acting Executive Manager Engineering Services

C70/2-2020*(commences at ± 33 minutes of audio recording)***12.8 Pipeline**

Can we have discussions with Taswater to lay a pipe from mainland Kingborough to Bruny Island in conjunction with the new powerline that will be laid? This pipeline could then be in place ready to transport water at a time in the future when Bruny Island needs a greater consistent water supply.

Officer's Response:

It would be up to Taswater to make a decision on any infrastructure requirements that they may need into the future as the Authority in this area.

Darren Johnson, Acting Executive Manager Engineering Services

C71/2-2020*(commences at ± 33 minutes of audio recording)***12.9 Leased Land to Sealink**

I believe Sealink is now leasing land from the Oyster Cove Inn to be used as overflow parking? Is a permit needed for this?

Officer's Response:

Council does not get involved in the leasing of private land. The property known as 3 Ferry Road, Kettering is zoned Village and the Bushfire-Prone Code; Biodiversity Code; and Waterway and Coastal Protection Code all apply to the site. In the Village Zone, the use class 'vehicle parking' is a 'discretionary' use class with the qualification that it must be 'a public car park'. If it was determined that this was not considered to be a public car park then the use of the site for vehicle parking would be prohibited.

This advice only relates to the change of use and does not reflect planning permit requirements for any proposed buildings and works.

Note: the parking that currently exists on-site is permitted as it ancillary to the primary use of the site as a Hotel.

Tasha Tyler-Moore, Manager Development Services

C72/2-2020

(commences at ± 33 minutes of audio recording)

12.10 Permits Required for Dormitory Accommodation

Several properties in Kingborough have been bought as dormitories for foreign workers, with up to 14 people being resident in some cases. Are permits required for this type of dwelling? Are there safety standards that need to be met?

Officer's Response:

Council does not get involved in the way properties are leased and share houses are very common and do not normally generate the need for a new planning permit. A 'boarding house' would only require a permit if it was a commercial proposition and probably advertised as such.

There are requirements under both *Land Use Planning and Approvals Act 1997* (LUPAA) and the *Building Act 2016* that need to be satisfied for communal housing.

Planning (LUPAA)

The need for a Planning Permit is dependent on the zoning and code overlays of a site. For the purpose of the question let's assume that it is just a change of use class, therefore not including buildings and works (which could trigger other requirements). The use class could be one of the following:

- 'boarding house' which is defined as 'use of land for a dwelling in which lodgers rent one or more rooms, generally for extended periods, and some parts of the dwelling are shared by all lodgers'.
- 'Communal residence' which is defined as 'use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building. Examples include a boarding house, residential college and residential care home'.
- 'Hostel' which is defined as 'a supervised place of accommodation, usually supplying board and lodging for students, nurses or the like'.

All three definitions that are included in the Kingborough Interim Planning Scheme 2015 fall under the umbrella use term 'residential'.

In most zones 'residential' is only 'no permit required' (NPR) if it is a single dwelling (other zones 'residential' is not NPR under any circumstance). Therefore any of the shared housing types listed above would be either 'permitted' or 'discretionary' (meaning that they need Planning approval) or otherwise they would be 'prohibited'. In the event that an application was received for a change of use of that nature the scheme requires assessment against the applicable zone and overlay code requirements as well as the Access and Parking Code. Planning does not address safety requirements, that is dealt with under the Building Act 2016. Additionally, there may be other requirements under other legislation that is applicable.

Building Act

A boarding house (Class 1b) building is defined in the NCC as follows:

- i) a boarding house, guest house, hostel or the like—*

(A) with a total area of all floors not exceeding 300 measured over the enclosing walls of the Class 1b building; and

(B) in which not more than 12 persons would ordinarily be resident; or

(ii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation, which are not located above or below another dwelling or another Class of building other than a private garage (see Figure 1.3.1, 1.3.2 and 1.3.3).

A Class 1b building is a small guest house, boarding house or the like and in some circumstances, multiple dwellings on one allotment used for short term holiday accommodation. Guest, boarding, or lodging houses which do not meet the criteria for a Class 1b building are classified as Class 3 buildings.

Class 1b buildings used for short-term holiday accommodation include cabins in caravan parks, tourist parks, farm stay, holiday resorts and similar tourist accommodation. This accommodation itself is typically rented out on a commercial basis for short periods and generally does not require the signing of a lease agreement. Short-term accommodation can also be provided in a boarding house, guest house, hostel, bed and breakfast accommodation or the like.

Apart from their use, the primary difference between Class 1a and Class 1b buildings is that the latter is required to have a greater number of smoke alarms and in some circumstances, access and features for people with a disability.

A building approval under the *Building Act 2016* is required to be in force prior to changing the classification of a building from a Class 1a to a Class 1b or Class 3.

Tasha Tyler-Moore, Manager Development Services

Cr Westwood submitted the following question on notice:

C73/2-2020

(commences at ± 33 minutes of audio recording)

12.11 Blackmans Bay Beach Toilets

Can Council please advise on works planned for the Blackmans Bay toilets. Specifically, what type of work is planned and when is this likely to occur? Will a baby change table be provided?

Officer's Response:

Recently Council upgraded the toilet with new toilet seats and shower facilities and repair to some fire damage. Maintenance activities will only take place as required. With regards to planned capital works, a bid will be put forward to upgrade the facility with anti-graffiti coatings, internal tiling, new floor coatings, new roof and doors as well as a baby change table. This bid will be for the 20/21 financial year. If this bid is unsuccessful, investigation into a baby change table will be done as a maintenance activity.

Darren Johnson, Acting Executive Manager Engineering Services

Cr Cordover submitted the following question on notice:

C74/2-2020*(commences at ± 33 minutes of audio recording)***12.12 Single Use Plastics**

How many outlets in Kingborough (such as takeaway restaurants, cafes, franchises and small businesses) will be affected by the planned industry phase-out of single-use plastics as announced in the Australian Packaging Covenant Organisation's Australia's 2025 National Packaging Targets? If a phase-out were to happen more rapidly than 2025, how many outlets in Kingborough would be impacted?

Officer's Response:

Council currently has 201 food premises registered as well as 67 mobile food businesses. It is anticipated that a significant percentage of these would be impacted to varying degrees.

There are probably a number of small businesses that are not registered with council that may be impacted by the phase-out as well.

If the phase-out was brought forward the numbers of premises impacted would be similar to those indicated.

Jon Doole, Manager Environmental Services

Cr Winter submitted the following questions on notice:

C75/2-2020*(commences at ± 33 minutes of audio recording)***12.13 Sale of Car Park to John Street Medical Centre**

In July 2019, Council agreed to sell a parcel of public car park to the John Street Medical Centre. What is the status of this activity?

Officer's Response:

Council's solicitor has prepared a contract for sale, this was forwarded to the purchaser some months ago. Council's solicitor received a response a few weeks ago with the purchaser requesting numerous changes that Council has not agreed to as the agreement would not have been in accordance with the Council resolution. We are waiting for the purchasers further response.

Sean Kerr, Property Officer

C76/2-2020*(commences at ± 33 minutes of audio recording)***12.14 Water Quality at Blackmans Bay Beach (South)**

How has Blackmans Bay Beach summer water quality results been performing? What steps will Council take to remove the 'poor' water quality rating once it feels water quality has improved sufficiently to remove the 'poor' rating?

Officer's Response:

The results for the southern end of Blackmans Bay Beach have so far been 100% compliant for the summer sampling period. This is weekly sampling from December – March; seven weeks of results have been received.

Staff are very encouraged by these results and are both hopeful and optimistic that they will continue, particularly given the installation of the low-flow diversion and the ongoing stormwater catchment investigations. It is however critical that the remainder of the summer season samples continue to demonstrate compliance.

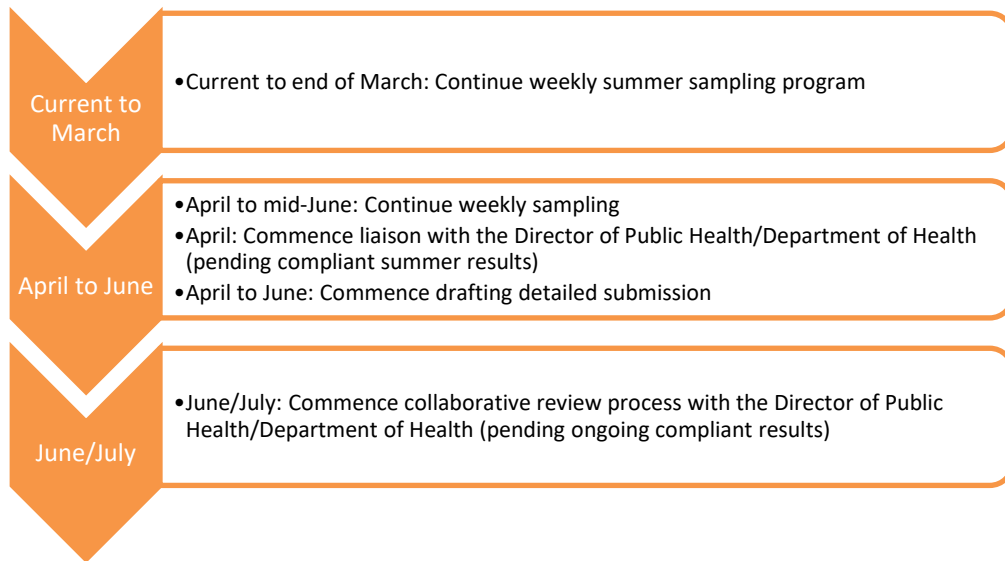
The results for this end of the beach have been good since mid-June 2019. There has only been one failure since this time. This was in mid-October 2019 and was attributable to rainfall at the time of sampling. Council needs to have 12 months of compliant data; sampling therefore needs to continue until mid-June 2020 (for this data set, special consideration will be requested for the October 2019 non-compliance due to rainfall).

Once the summer sampling period has concluded and in anticipation of ongoing compliant results, Council will liaise with the Director of Public Health/Department of Health to discuss expectations and criteria for collaboratively reviewing the long-term grading at this site. This will be in April.

Sampling will continue from April to mid-June however staff will also be able to concurrently commence the preparation of a detailed submission for review. Our understanding is that a review of a long-term grading for a designated recreational site within the five-year period has not been undertaken before in Tasmania. However given that this has been such a priority area for Council there is a clear demonstration of the investment and commitment to recreational water in Kingborough.

If the weekly sampling results continue to demonstrate compliance for the 12 month period ie – until mid-June 2020, staff can then commence the review process with the Director of Public Health/Department of Health. This will be with the intention of having the long-term grading lifted and signage removed. This will commence in June/July. It is important to note that this is a collaborative review process. Staff are in regular contact with Officers from the Department of Health and they are aware of both the ongoing results and the plan/timings for a review of the long-term grading. A definitive time-frame for this final stage of the process cannot currently be provided however we are placing ourselves in the best possible position to ensure efficiency in review.

A timeline for the process is below. It should be noted that the information above and the outline below are only applicable pending ongoing compliant results until mid-June 2020.



Abylene McGuire, Senior Environmental Health Officer

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 6.03pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C77/2-2020

(commences at ± 33 minutes of audio recording)

13.1 DELEGATED AUTHORITY FOR THE PERIOD 3 JANUARY 2020 TO 14 JANUARY 2020

Moved: Cr Amanda Midgley

Seconded: Cr Jo Westwood

That the report be noted.

Carried

C78/2-2020

(commences at ± 37 minutes of audio recording)

13.2 PSA-2019-1 - APPLICATION TO ADJUST ZONE BOUNDARY FOR ENVIRONMENTAL MANAGEMENT AND SITE SPECIFIC AMENDMENT TO P1 OF CLAUSE 14.5.1 AT 757 AND LOT 3 CHANNEL HIGHWAY, KINGSTON FOR ALL URBAN PLANNING PTY LTD

Moved: Cr David Grace

Seconded: Cr Amanda Midgley

That Council resolves that the report of the Manager Development Services be received and that:

- (a) Pursuant to section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council resolve to initiate Amendment PSA-2019-1 to the *Kingborough Interim Planning Scheme 2015*;
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certify that Amendment PSA-2019-1 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager to sign the Instrument of Certification;
- (c) Pursuant to section 56S of the *Water and Sewer Industry Act 2008*, Council refers Amendment PSA-2019-1 to TasWater; and
- (d) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council place Amendment PSA-2019-1 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

Carried

C79/2-2020*(commences at ± 39 minutes of audio recording)***13.3 DAS-2019-5 - DEVELOPMENT APPLICATION FOR BOUNDARY ADJUSTMENT AT LOT 3 AND 757 CHANNEL HIGHWAY, KINGSTON FOR ALL URBAN PLANNING PTY LTD**

Moved: Cr David Grace

Seconded: Cr Sue Bastone

That the Planning Authority resolves that the report of the Manager Development Services be received and that in the event that the Council decides to initiate and certify draft amendment PSA-2019-1 under Section 33(3) & Section 35 of the *Land Use Planning and Approvals Act 1993* respectively the development application for a boundary adjustment at Lot 3 and 757 Channel Highway, Kingston be approved and a draft planning permit granted subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2019-5 and Council Plan Reference No. P2 submitted on 25 November 2019. This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.
2. Prior to the permit coming in to effect the landowner must enter into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to retain and protect the environmental values on Lot 1, outside those areas required for a building area, private open space and bushfire protection measures, and ensure future development is located to minimise impacts on environmental values. This Part 5 Agreement must:
 - a) verify the extent of the conservation zone, which is to encompass all native vegetation outside the bushfire hazard management area and access as shown in Figure 1 of the Bushfire Risk Assessment (North Barker, 20/11/2019);
 - b) provide for the protection and management of all native vegetation and habitat values within the conservation zone;
 - c) include a Conservation Management Plan including but not limited to restricting vegetation removal, incorporating a weed management plan, incorporating management prescriptions for future development of the lot and requiring monitoring and reporting for a minimum of 5 years, to ensure that environmental values are managed for their long term survival. These prescriptions must be drafted by a suitably qualified environmental consultant and including timeframes and details for each action;
 - d) management prescriptions for future development of the lot must include the following requirements:
 - i. the prior written consent of Council prior to felling, lopping, ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm at 1.5m from natural ground level can take place;
 - ii. future development of the lot to be designed, located and constructed to avoid and minimise impacts on blue gum (*Eucalyptus globulus*) and white gum (*Eucalyptus viminalis*) trees and any native tree with a diameter >70cm at 1.5m from natural ground level;

- iii. Council will only approve impacts on these trees where it can be demonstrated that, based on the advice of a suitably qualified and independent arborist, the trees are unable to be retained because either:
 - the health and viability of the trees is such that they represent a danger; and/or,
 - there is no feasible alternative location and design which avoids or mitigate the impacts of the development on the health of these trees while also allowing the lot to be developed for its intended purpose.
- iv. the loss of individual white gums (*Eucalyptus viminalis*) with a diameter >25cm at 1.5m from natural ground level, blue gums (*Eucalyptus globulus*) with a diameter >40cm at 1.5m from natural ground level and any native tree with a diameter >70cm at 1.5m from natural ground level to be offset to the satisfaction of Council;
- v. buildings and structures must not pose an unacceptable risk of bird collision by incorporating design elements and strategies in accordance with the document "Minimising the swift parrot collision threat – Guidelines and recommendations for parrot-safe building design".

Buildings and structures will be deemed to pose such a risk unless they comply with any one of the following:

- the glazed surface of the window does not have a total surface area of greater than 2m² and does not result in a sight line through the building from one window to another, such as corner windows;
 - the glazed surface of a window is treated to include visual markers or muted reflections, the purpose of which is to give them the appearance of an impenetrable surface. Such surfaces may include any one of the following types of treatments: the use of low-reflectivity glass (0-10%); films; coatings; fritted glass; or screens; or
 - the glazed surface of a window is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground.
- vi. future development of the lot must be limited to a single dwelling and associated infrastructure, this dwelling to be constructed to BAL 29 and the bushfire hazard management area is limited to that shown in the Bushfire Risk Assessment (North Barker, 20/11/2019);
 - vii. any landscaping of the site will incorporate native species (preferably Tasmanian endemic species) and will not include non-declared priority weeds listed in the Kingborough Weed Management Strategy;
- e) be drafted using Council's template Part 5 Agreement for subdivision in the Environmental Living zone;
 - f) be signed and sealed prior to commencement of works; and,
 - g) be submitted to the Land Titles Office with the final plan of survey and registered on the title.

3. All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.
4. Ongoing management of the site must be in accordance with the Part 5 Agreement.
5. Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be executed prior to commencement of works and registered on each title. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.
6. Prior to sealing of the Final Plan of Survey, a bond must be paid to Council for the cost of five years of monitoring and implementation of the Part 5 Agreement, excluding any initial actions already undertaken. Reporting to Council on compliance with and implementation of the Agreement is to be undertaken by a suitably qualified consultant and not less than once annually for a minimum period of 5 years. The bond will be repaid to the payer in stages on an annual basis once each annual report is received and satisfactory implementation of works demonstrated, in accordance with the cost schedule identified in the Agreement.
7. The Final Plan of Survey must incorporate a designated building area for Lot 1, to be shown as a "Building Area" on the plan. This building area must be broadly consistent with the building area and bushfire hazard management area as shown in Figure 1 of the Bushfire Risk Assessment (North Barker, 20/11/2019). The final "Building Areas" must be to the satisfaction of the Manager Development Services.
8. The Schedule of Easements must include a covenant requiring that all buildings, structures, on-site wastewater and bushfire hazard management areas must be located entirely within the above Building Area.
9. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is approved as part of this planning permit.

ADVICE

- A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- B. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.

Carried

C80/2-2020*(commences at ± 40 minutes of audio recording)***13.4 DA-2019-130 - DEVELOPMENT APPLICATION FOR DEMOLITION AND CONSTRUCTION OF DWELLING AT 30 KARINGAL COURT, TAROONA FOR ERA PLANNING**

Moved: Cr Flora Fox

Seconded: Cr Amanda Midgley

That the Planning Authority resolves that the development application demolition and construction of dwelling at 30 Karingal Court, Taroom for ERA Planning be refused for the following reasons:

1. The proposal conflicts with Clause 12.1.2 Local Area Objectives – Taroom of the Kingborough Interim Planning Scheme 2015 which identifies that existing larger lot sizes are to be retained in order that there is sufficient land to accommodate substantial vegetation on site and provide for the desired landscape and natural amenity with only minimal expansion of the existing urban footprint permitted. Given that the proposal includes a 3m excavation of the cliff face, it will consequently alter the natural landscape and amenity of the site. The proposal is to shift the footprint of the dwelling forward to sit upon the cliff edge, rather than be setback approximately 5m from the cliff, as is the case with the existing dwelling. The cliff has been identified as having moderate geo-conservation priority values and the proposal involves a large cut in the face of the cliff.
2. The proposal does not adequately satisfy Performance Criteria P3 of Clause 12.4.2 Setbacks and Building Envelope Taroom of the Kingborough Interim Planning Scheme 2015, as the excavation into the cliff to create the lower storey of the dwelling will be a detriment to not only the natural landscape of the cliff and to the amenity of the public using to beach below, but also potentially be a detriment to the privacy of the future residents of the dwelling.
3. The proposal does not adequately satisfy Performance Criteria P1 Clause 12.4.3 – Site Coverage of the Kingborough Interim Planning Scheme 2015, as the excavation of the cliff will result in an unreasonable detrimental impact upon both the natural landscape values of the area. This is not considered necessary and the dwelling could be sited in an alternate location to avoid this.
4. The Landslide Risk Assessment concludes that, based on the assumptions, the likelihood that the cliff will regress faster than the adopted rates is believed to be low. However, in the event that these assumptions are incorrect and the cliff-line recession rate is faster, the level of risk to life and property may increase to a level where it is no longer acceptable or additional mitigation measures may be required. The experts providing this advice also disclaim liability arising from any assumptions being incorrect and acknowledge that pragmatically, the regulator (the Planning Authority) should be the determining authority in relation to what constitutes an acceptable risk. Based on the information available, including recommendations for monitoring and the potential need for additional mitigation measures which are uncertain and do not form a part of the application, this risk is not considered acceptable under Clause E3.7.1 (P1) and E3.7.3 (P1).
5. The proposal does not adequately satisfy Performance Criteria P1(a),(b), or (i) of Clause E11.7.1 – Buildings and works of the Waterways and Coastal Protection Code given the extent of cut and modification to the coastline proposed. No consideration has been given in the assessment to the impact of the cut on natural values, specifically moderate geo-conservation priority coastal landforms. In addition, the soil and water management measures identified are limited to the Class 3 watercourse, no measures are identified in

relation to managing soil and water management along the coastline where approximately 500m³ of cut is proposed and no details have been provided on how these works will be undertaken in a manner which does not exacerbate erosion or damage coastal values beyond the footprint of the proposed development.

6. The proposal does not adequately satisfy the Coastal Erosion Hazard Code, including Clauses E16.1.1 (e)(ii) and E16.7.1 (P1), particularly considering there are alternative locations and designs which could locate the development outside the erosion zone identified within the Coastal Vulnerability Assessment. Irrespective of design mitigation measures, locating the development in the highest hazard part of the site increases the potential need for and therefore future costs associated with adaptation, protection retreat or abandonment. Further, while the supporting information included with the application acknowledges the moderate conservation value of the coastal landform as an important natural feature and states this value will require protection during development, it is unclear how this can be achieved given the proposal involves significant excavation of the coastal cliff. It is also unclear how the proposed development minimises the need for future remediation works, given the development is located within the hazard area to the maximum extent possible and the Landslide Hazard Assessment identifies the potential need for future remediation works as one of the potential solutions in the event that the cliff regresses at a faster rate than modelled.

In Favour: Crs Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Amanda Midgley and Steve Wass

Against: Crs Dean Winter, David Grace and Christian Street

Carried 6/3

OPEN SESSION RESUMES

Open Session of Council resumed at 6.40pm

14 NOTICES OF MOTION

C81/2-2020

(commences at ± 1 hour, 11 minutes of audio recording)

14.1 Vehicle Fleet

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

That a report will be provided to Council which outlines the costs and benefits (financial and greenhouse) of moving a larger share of Kingborough's vehicle fleet to full electric powered vehicles as well as electric vehicle charge station options before the finalisation of the draft budget.

In Favour: Crs Dean Winter, Sue Bastone, Gideon Cordover, Flora Fox, David Grace, Amanda Midgley, Christian Street and Steve Wass

Against: Cr Jo Westwood

Carried 8/1

C82/2-2020

(commences at ± 1 hour, 27 minutes of audio recording)

14.2 Sister City Relationship

Moved: Cr Flora Fox

Seconded: Cr Amanda Midgley

That a report be provided on options for cultural projects to facilitate relationships between the Sister Cities of Westerkwartier Council and Kingborough Council, particularly between young people from both Councils following the demise of the Abel Tasman Art Prize.

In Favour: Crs Dean Winter, Sue Bastone, Gideon Cordover, Flora Fox, David Grace, Amanda Midgley, Christian Street and Steve Wass

Against: Cr Jo Westwood

Carried 8/1

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

17 OFFICERS REPORTS TO COUNCIL

C83/2-2020*(commences at ± 1 hour, 38 minutes of audio recording)***17.1 ANNUAL BUDGET MID-YEAR REVIEW**

Moved: Cr Jo Westwood

Seconded: Cr Flora Fox

That Council note the current annual budget mid-year review and agree to reallocate \$1.32M within the existing capital program to other projects as follows:

- a) John Street reconstruction – \$290K
- b) Talone Avenue reconstruction – \$250K
- c) Brightwater Road stage 1 works – \$75K
- d) Tabors Road Stormwater – \$120K
- e) Future Design Projects – \$60K

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Amanda Midgley, Christian Street and Steve Wass

Against: Cr David Grace

Carried 8/1**C84/2-2020***(commences at ± 2 hours, 3 minutes of audio recording)***17.2 BOAT SHED LEASES - NEBRASKA BEACH, DENNES POINT**

Moved: Cr David Grace

Seconded: Cr Flora Fox

That subject to there being no objections received during the public notice period, the General Manager be authorised to negotiate lease agreements with the occupiers of boat sheds on the foreshore of Nebraska Beach based on the following terms and conditions:

- (i) A term of ten years apply to all boat shed occupiers with two further ten year options, except for the previous owners of the land who will be offered a further four ten year options.
- (ii) A rental of \$200 per annum to apply (adjusted by CPI each year), except for the previous owners of the land for whom the annual rental will be \$10;
- (iii) Lessees to be fully responsible for the boat sheds, including their removal at the end of the agreement; and
- (iv) Leases to be non-transferable.

Carried

C85/2-2020

(commences at ± 2 hours, 10 minutes of audio recording)

17.3 PURCHASING POLICY 3.7 AND CODE FOR TENDERS AND CONTRACTS POLICY 3.12

Moved: Cr Christian Street
Seconded: Cr Gideon Cordover

That Council approves the updated Policy 3.7 - Purchasing Policy and the updated Policy 3.12 – Code for Tenders and Contracts as attached to this report.

*Cr Midgley left the meeting at 7.41pm
Cr Midgley returned at 7.41pm*

*Cr Westwood left the meeting at 7.50pm
Cr Westwood returned at 7.52pm*

Carried

Cr Grace left the meeting at 7.56pm

*The meeting adjourned at 7.56pm
The meeting resumed at 8.05pm*

C86/2-2020

(commences at ± 2 hours, 27 minutes of audio recording)

17.4 PETITION - HYDROTHERAPY POOL

Moved: Cr Flora Fox
Seconded: Cr Jo Westwood

That the organisers of the petition calling for the sourcing of a hydrotherapy pool be advised that Council will consider this matter as part of the feasibility study into the development of an aquatic facility for Kingborough.

Carried

C87/2-2020

(commences at ± 2 hours, 29 minutes of audio recording)

17.5 BLOWHOLE RESERVE FENCING

Moved: Cr Steve Wass
Seconded: Cr Amanda Midgley

That Council resolve to release publicly the IPM consulting risk assessment and the Bill Cromer geotechnical report.

AMENDMENT

Moved: Cr Flora Fox
Seconded: Cr Gideon Cordover

That the words 'the closed session report' are added following the word 'assessment'.

In Favour: Crs Gideon Cordover and Flora Fox

Against: Crs Dean Winter, Jo Westwood, Sue Bastone, David Grace, Amanda Midgley, Christian Street and Steve Wass

Lost 2/7

The motion was then put.

In Favour: Crs Dean Winter, Sue Bastone, Gideon Cordover, Flora Fox, David Grace, Amanda Midgley, Christian Street and Steve Wass

Against: Cr Jo Westwood

Carried 8/1

C88/2-2020

(commences at ± 2 hours, 54 minutes of audio recording)

17.6 COUNCILLORS EXPENSES AND PROVISION OF FACILITIES POLICY 2.1

Moved: Cr Flora Fox
Seconded: Cr David Grace

That Council approves the Policy 2.1 Councillors Expenses and Provision of Facilities Policy, as attached to this report.

In Favour: Crs Dean Winter, Jo Westwood, Gideon Cordover, Flora Fox, David Grace, Amanda Midgley, Christian Street and Steve Wass

Against: Cr Sue Bastone

Carried 8/1

C89/2-2020*(commences at ± 3 hours, 6 minutes of audio recording)***18 INFORMATION REPORTS**

Moved: Cr Jo Westwood
Seconded: Cr Steve Wass

That the following information reports be noted:

18.1 Financial Report for the period 1 July 2019 to 31 December 2019.

18.2 Governance & Community Services Quarterly Report for the period October to December 2019.

18.3 Mayor's Communications.

18.4 Minutes of the Kingborough Community Safety Committee.

18.5 Minutes of the Kingborough Bicycle Advisory Committee.

Cr Midgley left the meeting at 8.53pm

Cr Midgley returned at 8.54pm

Carried

C90/2-2020**19 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

Moved: Cr Amanda Midgley
Seconded: Cr Jo Westwood

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*

Current Court Matters

Regulation 15 (2)(i) *relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.*

Carried and By Absolute Majority

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

Open Session of Council adjourned at 9.07pm.

OPEN SESSION RESUMES

Open Session of Council resumed at 9.16pm.

C91/2-2020

Moved: Cr Christian Street
Seconded: Cr Jo Westwood

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
Current Court Matters	Noted

Carried

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 9.17pm.

.....
(Confirmed)

.....
(Date)