

Kingborough



COUNCIL MEETING MINUTES

3 June 2024

Kingborough Councillors 2022 - 2026



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Clare Glade-Wright



Councillor Aldo Antolli



Councillor David Bain



Councillor Gideon Cordover



Councillor Kaspar Deane



Councillor Flora Fox



Councillor Amanda Midgley



Councillor Mark Richardson



Councillor Christian Street

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MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 3 June 2024 at 5.30pm

1 AUDIO RECORDING

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

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

Staff:

Chief Executive Officer	Mr Dave Stewart
Chief Information Officer	Mr Fred Moul
Director People & Finance	Mr David Spinks
Director Governance, Recreation & Property Services	Mr Daniel Sme
Director Engineering Services	Mr David Reeve
Director Environment, Development & Community Services	Ms Deleeze Chetcuti
Manager Finance	Mr Tim Jones
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

4 APOLOGIES

There were no apologies.

C144/10-2024

5 CONFIRMATION OF MINUTES

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

- (a) That Council rescind its decision of 20 May 2024 (minute reference C125/9-2024) confirming the Minutes of the open session of the Council Meeting No. 8 held on 6 May 2024.
- (b) The updated Minutes of the open session of the Council Meeting No. 8 held on 6 May 2024 be confirmed as a true record.
- (c) The Minutes of the open session of the Council Meeting No. 9 held on 20 May 2024 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
27 May	Jack Jumpers Budget	Update on the Jack Jumpers High Performance Centre Final discussions on the draft budget for 2024/25

C145/10-2024

7 DECLARATIONS OF INTEREST

Cr Wriedt declared an interest in the report headed "Operational and Capital Budgets and Rates Resolution 2024/25".

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

C146/10-2024

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Charlie Biggins asked the following questions without notice:

9.1 Requests for Consent to Remove or Modify Trees and Native Vegetation

A number of months ago I asked questions regarding the approval process following a storm event where we might have emergency works to attend to, and whether or not Council was still requiring land holders to follow and proceed with Council approvals process in that situation. On Friday, we had a gale force event through Kingborough and which impacted a number of trees and I was contacted and looked at a tree in Firthside which had catastrophically failed and was lodged into another tree. I was surprised that the landowner is telling me that Council was still requiring him to go through the Council approval process. This tree is this big, it is broken off halfway up, there is tons of weight hanging precariously and it's threatening his neighbours property because it's on a boundary fence. Has something changed in Council's procedure since I asked that question and the events on Friday?

Director Environment, Development & Community Services responds:

I am aware of that particular situation. It came to my attention today, so we are looking into it as a priority and we'll have some advice back to the landowner as soon as possible. To my knowledge, no, our process has not changed. If there is branches or a tree that has fallen off or fallen over, of course, it can be removed. Any remaining trees that are still intact and in the ground I believe would need to go through the process. However, I will talk to the officers from our NAB team and have some advice to the landowner as a priority this week.

Mr Biggins:

Regarding the application form for removal of trees, apparently by submitting this form, Council will determine whether you require a Council permit or consent for the removal, or pruning of vegetation on land you own or manage. Is Council claiming to be gatekeeper for all heads of authority for all acts of Parliament that deal with vegetation management on private land?

Director Environment, Development & Community Services:

No, that is not the case. We apply our by-law and our offset policy in accordance with the legislation in which we are able to have those by-laws and policies in place and they work in conjunction with other legislation such as the Land Use Planning and Approvals Act and the Native Vegetation Act as well.

Mr Biggins:

There are other State Government acts that have authority over vegetation management. Council alludes to those other acts in this same form. Section 3, we tick a box boundary fencing, bush fire risk, personal safety, primary production, future development. Under what authority is Council acting as an agent for the State other than through the Local Government Act and the Land Use and Planning Approvals Act? What authority has Council been given to administer the Boundary Fences Act 1908, the Fire Service Act 1979 and the Neighborhood Disputes About Plants Act. 2017?

Director Environment, Development & Community Services responds:

We are not administering those acts. They are relevant legislation when we are applying our decision making process under the by-laws and our policies.

Mr Biggins:

The application form then goes on to state 'do not use this form in vegetation removal if vegetation removal is associated with the development application'. By stating this is Council leading the landholder down a path that will see any requests for tree removals dealt with through Council's extensive discretionary powers that have been incorporated into the Kingborough Interim Planning scheme, citing high conservation status and not through the general provisions of the Local Government Act, where the CEO is duty bound to abate a nuisance, including a tree hazard?

Director Environment, Development & Community Services responds:

The permit to remove a tree and a development application are two different types of pathways for removing vegetation. Not all vegetation triggers a development application. When it does, that is the process for assessing whether it requires one, a development application, but two, what the conditions are associated with that removal. If it's approved, the permit is for native vegetation removal that falls outside development applications.

Mr Biggins:

Why specifically are people being directed not to fill out this form if they are developing their property?

Director Environment, Development & Community Services responds:

Only in the circumstance where a development application would be required for that particular vegetation removal are they directed to do so.

Mr Biggins:

Do Council officers advise land holders of the provisions for tree removal contained within section 16 of the Boundary Fences Act 1908, and that no Council permit is required if a land holder chooses to take advantage of the provisions contained within that act?

Director Environment, Development & Community Services responds:

We are not administrating the act. That is a reason why you might need to have vegetation removed or why it might be exempt.

Mr Biggins:

It's one of the boxes that you tick – boundary fencing as a reason. If you tick that box is the landowner advised by Council staff that this is administered or is authorized under the Boundary Fences Act?

Director Environment, Development & Community Services responds:

I believe that is the case, but I'll have to take it on notice.

Mr Biggins:

How does a Part 5 Conservation Covenant alter Council's responsibilities to provide for the health and well-being of the community, if a tree is assessed as a hazard to persons or property, what difference to the approvals process does the Part 5 conservation status make to the approvals process?

Apparently this tree in question, the one we're attending to tomorrow, the property apparently had a conservation of part 5 covenant across it, I'm not assuming it was a conservation covenant, and this is somehow holding up the approvals process. Surely the responsibility of Council to abate a hazard has precedence over this?

Director Environment, Development & Community Services responds:

I imagine if there is a real hazard, it would not matter whether it's on land that is under a Part 5 conservation agreement. If the tree is not an immediate risk, then it would have to be assessed as per our normal processes.

Mr Biggins:

Why are Council insisting on using a risk matrix? You're relying on arborists to present expert advice and then you're asking them to put it through one of these risk matrix, which is an in house risk matrix, for land holders to assess and prioritise their own trees and set their own levels. Council will have a different risk level to State Growth who will have a different acceptable risk level than one of the schools. This is what it's designed to do. This is not fit for purpose to be imposing the baseline risk level without having that discussion with the land holders, they can simply say I have a zero tolerance of risk and the whole risk matrix is thrown out the window. Why is it included for arborists to use to assess a land owners tree hazard?

Director Environment, Development & Community Services responds:

I don't personally have specialised expertise in tree management. I will have to take that on notice and consult my team members who do.

Mr Phillip Haines asked the following question without notice:

9.2 Graffiti

At the moment there's an intolerable, disgusting piece of graffiti on a wall in James Avenue. It is very obvious to everybody. I have asked the Council three times it's been there about five to six weeks now and they promised it will be removed. Could something be done with that piece of graffiti?

Mayor responds:

I've had many conversations with our local police inspector about the graffiti issues that seem to be rampant in Kingborough at the moment, as well as other parts of southern Tasmania, and we are in the process of developing both a policy in relation to how we deal with graffiti, but also trying to look

at some of the broader issues of how we can engage young people in Kingborough so that this sort of stuff doesn't happen. I know that it's distressing when it does and so certainly I've taken a note of the location of that and we will pass that on to our maintenance crew and see when it can be removed.

C147/10-2024

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Bus Interchange

Ms Helen McKeon submitted the following question on notice:

Could Council please provide an update on the status of the new bus interchange, including an estimated date of the relocation of the current temporary stops located on Goshawk Way?

Officer's Response:

It is Council's desire to see the temporary bus stops in Goshawk Way relocated to the Kingston Main Street as soon as possible. However, we are awaiting the results of an independent assessment on the bus interchange that has been commissioned by the Department of State Growth. This report is expected by the end of this month, with the timeframe for the relocation of the bus stops dependent on whether modifications to the interchange are required and the availability of contractors to undertake the work.

Daniel Smee, Director Governance, Recreation & Property Services

C148/10-2024

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Cordover asked the following questions without notice:

11.1 Kingston Park Development Contract

With the benefit of hindsight, is it fair to say that the contracts signed with our development partners at Kingston Park should have contained more robust parameters to safeguard Council's cash flow position in the event of a failure by development partners to deliver the project on time? Should the contracts have contained stronger contractual obligations for certain deliverables within certain time frames and options for financial restitution to Council for failing to meet those deadlines?

Director Governance, Recreation & Property Services responds:

The existing contract contains clauses that were drawn up with the best legal advice and with the best advice that we could receive in relation to land disposal. Obviously, with the benefit of hindsight, there has been unforeseen circumstances that have meant that the developments haven't been delivered within the timeframes expected. However, to suggest that the contract should have contained penalties, if you like, for not developing within those time frames, would have completely changed the dynamic within which the agreement was drawn up, and we may not have got a developer to sign up under those conditions. Everything is within the project delivery agreement that you would expect in terms of milestones and what happens if you don't achieve those milestones and we're now in a situation where we're at that point that milestones haven't been delivered and Council now has the option of walking away from the agreement and going down a different path. I don't think there is anything with the benefit of hindsight that we could or should have changed, and as I say, had we sought to put in place an agreement that was more strongly weighted in favour of Council on deliverables, we may not have got a developer to sign up at all.

11.2 Forensic Review of Council's Financial Position

In addition to developing a long term financial plan, will Council conduct a forensic review into what went wrong with Council's finances with a chronology of events, and include any recommendations on ways to avoid this situation happening again, and for the sake of transparency and accountability, will the Council publish the results of that review when it's complete on the Council's website?

Mayor responds:

Before I ask the CEO to deal with that, I will just preface his remarks by saying that as a Council like the other 28 councils around Tasmania, we have quite stringent auditing processes as you would be aware where we have an independent audit panel and as well we get audited by the Auditor General every year. So there is a thorough reconciliation of our accounts as well as external review of them and I have every confidence that our staff have been able to meet the criteria that have been set by both the Audit Panel and also by the Auditor General, but I'm not sure whether Mr Stewart would like to add anything to that.

Chief Executive Officer:

There is no plan at this stage to undertake a forensic analysis of the financial position or the history that's brought us to this point. As the Mayor has mentioned, we do have external audit and the Office of the Auditor General that that undertake reviews of our finances, and then we have an audit panel that receives that information and provides us with organizational advice. I'm confident we have the mechanisms in place to understand how we're performing financially and receive recommendations from industry professionals back into the organization. What I would say is through the development of the long term financial management plan, I would expect us to understand the context that this organisation is currently in and seek to improve the financial position of this organisation through this next financial year and into the future as well.

Cr Cordover:

Will the audit function, including the external auditors, provide public recommendations on how to implement risk treatments, particularly around events that are outside of Council's control, whether that's interest rates or construction costs going up or another Black Swan event like COVID, will there be recommendations that acknowledge, even if there were circumstances outside of Council's control, will there be recommendations that say here's how you can mitigate the risk to stop this from happening again?

Chief Executive Officer:

I don't expect that we will have specific recommendations on those type of risks that we hold as an organisation. However, as an organisation, we will be considering the unknowns and I think when we reflect on the events of the last five years with COVID, they are events that many people were unable to predict. However, looking into the future, I see a future where there is more uncertainty and that as an organisation we need to be preparing ourselves to be in a financially resilient position, so looking at good practice from around the globe, around the operation of local government is something that we should be doing as stewards of this organisation.

Cr Midgley asked the following questions without notice:

11.3 Receiving Recommendations from Community Groups

The Blackmans Bay Community Association recently had an event at the Blackmans Bay Skate Park that was funded through a grant. They sent to all councillors a great summary of that and with that summary came a long list of recommendations that they would like to see happen in that space, which came from the community, and these range from low hanging fruit type projects to more bigger budget items. I'm wondering what happens in regards to this? Here we are now deciding on a budget tonight, we know what's happening in the next 12 months, and I'm wanting to know what the process is in regards to that and how we respond back to our community in regards to such requests?

Mayor responds:

I agree it was certainly a wonderful event. What I thought was very valuable about it was that they just had paper there asking members of the community what they'd like to see at the skate park and other things that they would like to see in the area, and they have now forwarded those on to all of us as councillors to review. My next step would be that when I have one of my regular meetings with the community association that we go through them in terms of what they believe their priorities are and then I guess that's a discussion that all of us need to collectively have as we work towards the following budget. Certainly from looking at the list already, some of them are probably able to be done because they're very low cost, we'll probably be able to do those out of a budget cycle cause they're not big capital costs. Others we would have to look at putting them into a capital program at an appropriate time, but very valuable information to have from the community.

11.4 Kingborough Sports Precinct

At the sports precinct on a Saturday morning, it's a fantastic hive of activity of young people participating and children in sport and recreation, and with that comes a few different issues, one being parking. Are Council staff aware of that matter there and in regards to Gormley Drive in the evenings when children are leaving the grounds in the dark, it's quite unsafe with kids crossing roads.

Mayor responds:

So as you'll be aware, we did do a master plan several years ago in relation to the Kingborough Sports Centre precinct and there was, up near where the overflow parking currently is, there is the capacity to extend that car park if it's required in the future. Obviously that would require a capital project for that to take place, but certainly we've got that flat piece of land there that could certainly be turned into additional parking. In relation to the lighting on Gormley Drive, I'm going to flick that to Mr Reeve.

Director Engineering Services:

Gormley Drive is similar in terms of the master plan. At the moment it's a lower use, unsealed road which gets higher use when people are using Gormley Road soccer ground. I'm not aware of how much lighting is actually down through there, but it would be something where, yes, it probably could do with some improvements in that area.

C149/10-2024**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

12.1 Rates Notices

At the Council meeting held on 20 May 2024, **Cr Midgley** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

How many residents receive their rates notice via email and how many receive their rates notice via post?

Officer's Response:

There are currently 5,900 properties who have elected to receive their rate notices by email, or BPAY View. BPAY View is an option to receive accounts electronically via the banking system. This is just under 32% of the total rate notices generated.

Tim Jones, Manager Finance

12.2 Parking Enforcement

Cr Cordover submitted the following question on notice:

1. *What are the non-commercial-in-confidence details of Council's contracts with the private sector for parking enforcement services, such as serving infringements on vehicles in private carparks?*
2. *How much revenue does Council receive from those parking enforcement contracts?*
3. *Are those contracts set at competitive market rates?*
4. *What is the impact of competitive neutrality regulations on these contracts?*
5. *Do Council's compliance officers enforce parking time limits on foot or do they employ the use of pole or vehicle-mounted camera enforcement solutions or other licence-plate recognition technologies?*
6. *If such technologies are employed, what are the privacy implications of surveilling and storing vehicle data on all vehicles in an enforcement area instead of collecting data on offending vehicles only?*
7. *What steps does council take to minimise the data it collects and retains about non-offending vehicles?*

Officer's Response:

1. Council officers are authorised by the Tasmanian government to issue traffic infringement notices within Kingborough for prescribed offences in accordance with s.9(2) of the *Traffic Act 1925*. S.43L of the *Traffic Act 1925* states "A traffic infringement notice or notice of demand may be served by fixing it to the vehicle or other thing in respect of which the offence occurred." The private parking area agreements detail:
 - The duration of the agreement;
 - That the landowner grants Council officers, employees and agents the right to enter the landowner's property for the purposes of monitoring and enforcing parking restrictions;
 - The landowner is responsible for the installation and maintenance of signage in accordance with the current Tasmanian *Road Rules*;
 - Council Officers conduct a set number of patrols each week, which occur at different days and times;
 - Council provides a monthly report to the landowners which includes number of patrols and infringements issued;
 - Council manages all administration, issues traffic infringement notices, and retains all subsequent revenue; and
 - If applicable, the owner pays Council an annual fee for service.
2. The total fee's paid (revenue) pursuant to the private parking area agreements are \$6,600 (2023-24). As of 30 April 2024, Council's financial report showed Council's income from Parking – Fees & fines as \$82,450, with a forecasted annual budget of \$112,000.
3. On review of Council's data, parking enforcement on private land has been occurring since approximately 2005. The fees paid within Council's private parking area agreements are calculated on the amount of car parks situated on the private land. Each municipality that has private parking area agreements (or similar) manage these agreements on an individual basis, subject to the municipalities needs.
4. There are no competitive neutrality regulation impacts on the agreements, as competitive neutrality principles only apply to significant business activities rather than regulatory or governance activities (parking enforcement being a regulatory activity). Furthermore, excluding Tasmania Police, Council is the only local authority authorised by the Tasmanian

government to issue traffic infringement notices within the Kingborough municipality, so no net competitive advantage is gained because of public sector ownership.

5. Council officers conduct foot patrols and no pole or vehicle-mounted camera enforcement solutions or other licence-plate recognition technologies are used.
6. Such technologies are not used.
7. No data is collected from non-offending vehicles.

Scott Basham, Manager Legal & Property

13 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

14 PETITIONS RECEIVED IN LAST PERIOD

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

15 OFFICERS REPORTS TO COUNCIL

C150/10-2024

15.1 OPERATIONAL AND CAPITAL BUDGETS AND RATES RESOLUTION 2024/25

Moved: Cr Clare Glade-Wright

Seconded: Cr Flora Fox

That Council:

- 1 In accordance with Section 82 of the *Local Government Act 1993 (as amended)* ('the Act') adopts, by absolute majority, the estimates of revenue and expenditure (excluding estimated capital works) for the 2024/25 financial year as detailed in Attachment 1;
- 2 In accordance with Section 82(6) of the Act, by absolute majority, authorises the Chief Executive Officer to make minor adjustments up to \$50,000 to any individual estimate item as he deems necessary during the 2024/25 financial year provided that the total of the Estimates remains unaltered;
- 3 In accordance with Section 90 of the Act, makes a General Rate component for land within the municipal area for the period 1 July 2024 to 30 June 2025 of 0.233303 cents in the dollar of capital value, in respect of all rateable land within the municipal area;
- 4 Pursuant to Section 107 of the Act, by absolute majority, hereby varies the General Rate component (as previously made) for land within the municipal area which is used or predominantly used for industrial purposes to 0.408462 cents in the dollar of capital value of such rateable land;
- 5 Pursuant to Section 107 of the Act, by absolute majority, hereby varies the General Rate component (as previously made) for land within the municipal area which is used or predominantly used for commercial purposes to 0.487762 cents in the dollar of capital value of such rateable land;
- 6 Pursuant to Section 90(4) of the Act, in making a General Rate, sets a minimum amount of \$447, in respect of all rateable land within the municipal area for the period 1 July 2024 to 30 June 2025;

- 7 Pursuant to Section 129(4) of the Act, by absolute majority, determines that for a member of the class of ratepayers' whose liability to pay the minimum rate assessed in accordance with this Resolution Part 6 arises for more than one property in the municipal area a remission of the Minimum Rate requirement shall automatically be granted for such of that members properties which:-
- a) only have erected upon them a boat shed, jetty, ramp or similar structure for access to littoral or riparian waters; or
 - b) do not have the qualities of a minimum lot, as defined by the Local Government (Building and Miscellaneous Provisions) Act 1993 (except where such land could be adhered to other lands in the same ownership so as to comprise a block which has the qualities of a minimum lot); and
 - c) the above remission may be withdrawn where the rates have not been paid in full by the due date;
- 8 Pursuant to Section 94(1) of the Act, makes the following charges for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Garbage Collection Charge of \$221 for each residential, industrial or commercial unit that is provided with a Council garbage collection service utilising a 80-litre mobile garbage bin, whether that service is used or not;
- 9 Pursuant to Section 94(3A) of the Act, by absolute majority determines to vary the Garbage Collection Charge as follows:
- a) for each residential, industrial or commercial unit that is provided with a Council garbage collection service utilising a 120-litre or 140-litre mobile garbage bin the service charge is varied to \$314;
 - b) for each residential, industrial or commercial unit that is provided with a Council garbage collection service utilising a 240-litre mobile garbage bin the service charge is varied to \$504;
- 10 Pursuant to Section 94(1) of the Act, makes the following charges for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Recycling Collection Charge of \$97 for each residential, industrial or commercial unit that is provided with a Council recycling collection service utilising a 140-litre mobile recycling bin, whether that service is used or not;
- 11 Pursuant to Section 94(3A) of the Act, by absolute majority determines to vary the Recycling Collection Charge as follows:
- a) for each residential, industrial or commercial unit that is provided with a Council recycling collection service utilising a 240-litre mobile recycling bin the charge is varied to \$149;
- 12 Pursuant to Section 94(1) of the Act, makes the following service rates for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Green Waste (FOGO) Collection Charge of \$123 for each residential or commercial unit that is provided with a Council Green Waste (FOGO) collection service ;
- 13 Pursuant to Section 93 of the Act, makes the following service rates for land within the municipal area for the period 1 July 2024 to June 2025;
- a) a Stormwater Removal Rate of 0.007563 cents in the dollar of capital value of such rateable land within the municipal area.
- 14 Pursuant to Section 93(3) of the Act, in making a Stormwater Removal Rate sets a minimum amount of \$90, in respect of all rateable land within the municipal area for the period 1 July 2024 to June 2025;

- 15 Pursuant to Section 129(4) of the Act, by absolute majority, determines that for a member of the class of ratepayers' whose liability to pay the Stormwater Removal Rate assessed in accordance with this Resolution Part 13 arises for more than one property in the municipal area a remission of the Stormwater Removal Rate shall automatically be granted for such of that members properties which:-
- a) only have erected upon them a boat shed, jetty, ramp or similar structure for access to littoral or riparian waters; or
 - b) do not have the qualities of a minimum lot, as defined by the Local Government (Building and Miscellaneous Provisions) Act 1993 (except where such land could be adhered to other lands in the same ownership so as to comprise a block which has the qualities of a minimum lot); and
 - c) the above remission may be withdrawn where the rates have not been paid in full by the due date;
- 16 Pursuant to Section 93A of the Act and the provisions of the *Fire Service Act 1979 (as amended)*, makes the following rates for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Permanent Brigade District Fire Rate of 0.043246 cents in the dollar of capital value, subject to a minimum amount of \$49 in respect of all rateable land within the Permanent Brigade Rating District.
 - b) a Volunteer Brigade District Fire Rate of 0.013547 cents in the dollar of capital value, subject to a minimum amount of \$49 in respect of all rateable land within Volunteer Brigade Rating District.
 - c) a General Land Fire Rate of 0.011831 cents in the dollar of capital value, subject to a minimum amount of \$49 in respect of all rateable land within the municipal area, which is not within the Permanent Brigade Rating District, or the Volunteer Brigade Rating District;
- 17 Pursuant to Section 124 of the Act, resolves the rates for 2024/25 shall be payable in four instalments, the dates by which the rates are due to be paid are:
- | | |
|-------------------|-----------------|
| First Instalment | 15 August 2024 |
| Second Instalment | 31 October 2024 |
| Third Instalment | 31 January 2025 |
| Fourth Instalment | 30 April 2025 |
- 18 Pursuant to Section 128 of the Act, resolves where an amount of rates remains unpaid after the due date, a penalty of 5% of the unpaid amount, together with interest on the unpaid amount at a rate of 10.14% per annum calculated daily in arrears, shall be applied;
- 19 Pursuant with Sections 89A, 92 and 109N of the Act resolves:
- a) if a supplementary valuation is made of any land prior to 30 June 2025, the Chief Executive Officer may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and
 - b) If a rates notice is issued by the Chief Executive Officer under sub-clause (a), the amount shown as payable on that notice is due to be paid within 30 days of the date on which that notice is issued.
- 20 Pursuant to Section 82 of the Act:
- a) adopts the Capital Works Program for the 2024/25 financial year as detailed in the Annual Estimates, Attachment 2;
 - b) notes the draft Capital Works programs proposed for financial years 2025/26, 2026/27, 2027/28 and 2028/29 as detailed in Attachment 2 which remain subject to change depending on other priorities being identified and financial resources which may be available at the time; and

- c) in accordance with section 82(6) of the Act, by absolute majority, authorises the Chief Executive Officer to make minor adjustments up to \$100,000 to any individual estimate item as he deems necessary during the 2024/25 financial year provided that the total of the Estimates remains unaltered.

Moved Cr Cordover
Seconded Cr Midgley

That Cr Glade-Wright be allowed a further 2 minutes to complete her contribution.

CARRIED

Moved Cr Cordover
Seconded Cr Fox

That Cr Midgley be allowed a further 3 minutes to complete her contribution.

CARRIED

Cr Antolli left the room at 6.21pm
Cr Antolli returned at 6.23pm

Amendment:

Moved Cr Bain
Seconded Cr Antolli

That Council:

- 1 In accordance with Section 82 of the *Local Government Act 1993 (as amended)* ('the Act') adopts, by absolute majority, the estimates of revenue and expenditure (excluding estimated capital works) for the 2024/25 financial year as detailed in Attachment 1 as amended. Attachment 1 has been prepared with a 12.0% rate increase, and the Chief Executive Officer is authorised to amend this to reflect a 9.8% rate increase;
- 2 In accordance with Section 82(6) of the Act, by absolute majority, authorises the Chief Executive Officer to make minor adjustments up to \$50,000 to any individual estimate item as he deems necessary during the 2024/25 financial year provided that the total of the Estimates remains unaltered;
- 3 In accordance with Section 90 of the Act, makes a General Rate component for land within the municipal area for the period 1 July 2024 to 30 June 2025 of 0.228720 cents in the dollar of capital value, in respect of all rateable land within the municipal area;
- 4 Pursuant to Section 107 of the Act, by absolute majority, hereby varies the General Rate component (as previously made) for land within the municipal area which is used or predominantly used for industrial purposes to 0.400439 cents in the dollar of capital value of such rateable land;
- 5 Pursuant to Section 107 of the Act, by absolute majority, hereby varies the General Rate component (as previously made) for land within the municipal area which is used or predominantly used for commercial purposes to 0.478181 cents in the dollar of capital value of such rateable land;
- 6 Pursuant to Section 90(4) of the Act, in making a General Rate, sets a minimum amount of \$438, in respect of all rateable land within the municipal area for the period 1 July 2024 to 30 June 2025;
- 7 Pursuant to Section 129(4) of the Act, by absolute majority, determines that for a member of the class of ratepayers' whose liability to pay the minimum rate assessed in accordance with this Resolution Part 6 arises for more than one property in the municipal area a remission of

the Minimum Rate requirement shall automatically be granted for such of that members properties which:-

- a) only have erected upon them a boat shed, jetty, ramp or similar structure for access to littoral or riparian waters; or
 - b) do not have the qualities of a minimum lot, as defined by the Local Government (Building and Miscellaneous Provisions) Act 1993 (except where such land could be adhered to other lands in the same ownership so as to comprise a block which has the qualities of a minimum lot); and
 - c) the above remission may be withdrawn where the rates have not been paid in full by the due date;
- 8 Pursuant to Section 94(1) of the Act, makes the following charges for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Garbage Collection Charge of \$216 for each residential, industrial or commercial unit that is provided with a Council garbage collection service utilising a 80-litre mobile garbage bin, whether that service is used or not;
- 9 Pursuant to Section 94(3A) of the Act, by absolute majority determines to vary the Garbage Collection Charge as follows:
- a) for each residential, industrial or commercial unit that is provided with a Council garbage collection service utilising a 120-litre or 140-litre mobile garbage bin the service charge is varied to \$308;
 - b) for each residential, industrial or commercial unit that is provided with a Council garbage collection service utilising a 240-litre mobile garbage bin the service charge is varied to \$494;
- 10 Pursuant to Section 94(1) of the Act, makes the following charges for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Recycling Collection Charge of \$96 for each residential, industrial or commercial unit that is provided with a Council recycling collection service utilising a 140-litre mobile recycling bin, whether that service is used or not;
- 11 Pursuant to Section 94(3A) of the Act, by absolute majority determines to vary the Recycling Collection Charge as follows:
- a) for each residential, industrial or commercial unit that is provided with a Council recycling collection service utilising a 240-litre mobile recycling bin the charge is varied to \$146;
- 12 Pursuant to Section 94(1) of the Act, makes the following service rates for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Green Waste (FOGO) Collection Charge of \$121 for each residential or commercial unit that is provided with a Council Green Waste (FOGO) collection service ;
- 13 Pursuant to Section 93 of the Act, makes the following service rates for land within the municipal area for the period 1 July 2024 to June 2025;
- a) a Stormwater Removal Rate of 0.007415 cents in the dollar of capital value of such rateable land within the municipal area.
- 14 Pursuant to Section 93(3) of the Act, in making a Stormwater Removal Rate sets a minimum amount of \$88, in respect of all rateable land within the municipal area for the period 1 July 2024 to June 2025;
- 15 Pursuant to Section 129(4) of the Act, by absolute majority, determines that for a member of the class of ratepayers' whose liability to pay the Stormwater Removal Rate assessed in accordance with this Resolution Part 13 arises for more than one property in the municipal area a remission of the Stormwater Removal Rate shall automatically be granted for such of that members properties which:-

- a) only have erected upon them a boat shed, jetty, ramp or similar structure for access to littoral or riparian waters; or
 - b) do not have the qualities of a minimum lot, as defined by the Local Government (Building and Miscellaneous Provisions) Act 1993 (except where such land could be adhered to other lands in the same ownership so as to comprise a block which has the qualities of a minimum lot); and
 - c) the above remission may be withdrawn where the rates have not been paid in full by the due date;
- 16 Pursuant to Section 93A of the Act and the provisions of the *Fire Service Act 1979 (as amended)*, makes the following rates for land within the municipal area for the period 1 July 2024 to 30 June 2025:
- a) a Permanent Brigade District Fire Rate of 0.043246 cents in the dollar of capital value, subject to a minimum amount of \$49 in respect of all rateable land within the Permanent Brigade Rating District.
 - b) a Volunteer Brigade District Fire Rate of 0.013547 cents in the dollar of capital value, subject to a minimum amount of \$49 in respect of all rateable land within Volunteer Brigade Rating District.
 - c) a General Land Fire Rate of 0.011831 cents in the dollar of capital value, subject to a minimum amount of \$49 in respect of all rateable land within the municipal area, which is not within the Permanent Brigade Rating District, or the Volunteer Brigade Rating District;
- 17 Pursuant to Section 124 of the Act, resolves the rates for 2024/25 shall be payable in four instalments, the dates by which the rates are due to be paid are:
- | | |
|-------------------|-----------------|
| First Instalment | 15 August 2024 |
| Second Instalment | 31 October 2024 |
| Third Instalment | 31 January 2025 |
| Fourth Instalment | 30 April 2025 |
- 18 Pursuant to Section 128 of the Act, resolves where an amount of rates remains unpaid after the due date, a penalty of 5% of the unpaid amount, together with interest on the unpaid amount at a rate of 10.14% per annum calculated daily in arrears, shall be applied;
- 19 Pursuant with Sections 89A, 92 and 109N of the Act resolves:
- a) if a supplementary valuation is made of any land prior to 30 June 2025, the Chief Executive Officer may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and
 - b) If a rates notice is issued by the Chief Executive Officer under sub-clause (a), the amount shown as payable on that notice is due to be paid within 30 days of the date on which that notice is issued.
- 20 Pursuant to Section 82 of the Act:
- a) adopts the Capital Works Program for the 2024/25 financial year as detailed in the Annual Estimates, Attachment 2;
 - b) notes the draft Capital Works programs proposed for financial years 2025/26, 2026/27, 2027/28 and 2028/29 as detailed in Attachment 2 which remain subject to change depending on other priorities being identified and financial resources which may be available at the time; and
 - c) in accordance with section 82(6) of the Act, by absolute majority, authorises the Chief Executive Officer to make minor adjustments up to \$100,000 to any individual estimate item as he deems necessary during the 2024/25 financial year provided that the total of the Estimates remains unaltered.

Moved Cr Antolli
 Seconded Cr Cordover

That Cr Street be allowed a further minute to complete his contribution.

CARRIED

The amendment was then put.

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

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

CARRIED

Moved Cr Midgley
 Seconded Cr Glade-Wright

That Cr Cordover be allowed a further 2 minutes to complete his contribution.

CARRIED

*Cr Richardson left the room at 7.10pm
 Cr Richardson returned at 7.13pm*

The substantive motion was then put.

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

Against: Crs Clare Glade-Wright, Kaspar Deane, Flora Fox and Amanda Midgley

CARRIED BY ABSOLUTE MAJORITY 6/4

C151/10-2024

15.2 FINANCIAL HARDSHIP POLICY 1.8

Moved: Cr Gideon Cordover
 Seconded: Cr Amanda Midgley

That Council adopt the attached updated Financial Hardship Policy.

CARRIED

C152/10-2024

15.3 APPENDICES

Moved: Cr Gideon Cordover
 Seconded: Cr David Bain

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

CARRIED

16 NOTICES OF MOTION

There were no Notices of Motion.

C153/10-2024

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Flora Fox
Seconded: Cr Amanda Midgley

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

Tender Assessment - AB2406 Kingston Beach Oval Changing Rooms and Carpark Construction

Regulation 15(2)(b), and (2)(d) *information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business, and contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

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 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 7.38pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7.45pm

C154/10-2024

Moved: Cr Kaspar Deane

Seconded: Cr David Bain

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil
Tender Assessment - AB2406 Kingston Beach Oval Changing Rooms and Carpark Construction	Tender awarded to Taswide Builders for \$587,305 excl GST
Current Court Matters	Noted

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.46pm

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(Confirmed)

.....

(Date)