



Meander Valley Council

W O R K I N G T O G E T H E R

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 13 October 2015

Table of Contents

397/2015 CONFIRMATION OF MINUTES:	4
398/2015 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:.....	5
399/2015 ANNOUNCEMENTS BY THE MAYOR:	5
400/2015 DECLARATIONS OF INTEREST:.....	6
401/2015 TABLING OF PETITIONS:	6
402/2015 PUBLIC QUESTION TIME.....	6
403/2015 COUNCILLOR QUESTION TIME.....	8
404/2015 DEPUTATIONS BY MEMBERS OF THE PUBLIC	11
405/2015 NOTICE OF MOTIONS BY COUNCILLORS.....	11
406/2015 INTERIM PLANNING SCHEME – AGREED AMENDMENT – 27 TOWER HILL STREET, DELORAINE	12
407/2015 RESIDENTIAL OUTBUILDING – 120 BLACKSTONE ROAD, BLACKSTONE HEIGHTS.....	14
408/2015 MULTIPLE DWELLING (2 UNITS) – 2 CLASSIC DRIVE, PROSPECT VALE.....	21
409/2015 CHANGE OF USE TO GENERAL RETAIL AND HIRE (INDOOR MARKET) – 28 & 29 RUTHERGLEN ROAD AND RUTHERGLEN VILLAGE	27
410/2015 REVIEW OF POLICY NO. 63 – ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT	36
411/2015 PROPERTY PURCHASE - 35 WILLIAM STREET, WESTBURY.....	40
412/2015 NOTICE OF MOTION – RENAMING BOTH SECTIONS OF REID STREET TO REID STREET EAST AND REID STREET WEST – CR IAN MACKENZIE.....	42
413/2015 NOTICE OF MOTION - FUTURE USE OF ASHLEY DETENTION CENTRE – CR BOB RICHARDSON.....	43
414/2015 NOTICE OF MOTION – DEVELOPMENT IN THE TASMANIAN WILDERNESS WORLD HERITAGE AREA – CR DEBORAH WHITE	45
415/2015 TOWNSCAPE, RESERVES AND PARKS SPECIAL COMMITTEE MEMBERSHIP	46
416/2015 GENERAL MANAGER’S PERFORMANCE REVIEW	47
417/2015 MOLE CREEK TOWN BOUNDARY SIGNS.....	48
418/2015 INDUSTRIAL DEVELOPMENT INCENTIVE POLICY	49

419/2015 NOTICE OF MOTION – INABILITY FOR WESTBURY RESIDENTS AND BUSINESSES TO CONNECT TO BROADBAND – CR BOB RICHARDSON.....	52
420/2015 ACCELERATED STREET LIGHT REPLACEMENT PROGRAMME.....	53
421/2015 AUDITOR-GENERAL’S AUDIT REPORT - 2015 FINANCIAL YEAR.....	54
422/2015 FINANCIAL REPORTS TO 30 SEPTEMBER 2015.....	55
423/2015 REVIEW OF POLICY NO 45 - INFORMATION MANAGEMENT	56
424/2015 REVIEW OF BUDGETS FOR THE 2015-2016 CAPITAL WORKS PROGRAMME.....	64
425/2015 WESTBURY RECREATION GROUND PAVILION UPGRADE.....	65
ITEMS FOR CLOSED SECTION OF THE MEETING:.....	67
426/2015 CONFIRMATION OF MINUTES OF THE CLOSED SESSION OF THE ORDINARY COUNCIL MEETING HELD ON 8 SEPTEMBER 2015.....	67
427/2015 LEAVE OF ABSENCE.....	67

Minutes of the ordinary meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 13 October 2015 at 1.39pm.

PRESENT: Mayor Craig Perkins, Deputy-Mayor Michael Kelly, Councillors Andrew Connor, Tanya King, Ian Mackenzie, Bob Richardson, Rodney Synfield, Deborah White and Rodney Youd.

APOLOGIES: Nil

IN ATTENDANCE: Greg Preece, General Manager
Merrilyn Young, Personal Assistant
Malcolm Salter, Director Corporate Services
Rick Dunn, Director Economic Development & Sustainability
Martin Gill, Director Development Services
Matthew Millwood, Director Works
Dino De Paoli, Director Infrastructure Services
Jo Oliver, Senior Town Planner
Justin Simons, Town Planner
Patrick Gambles, Community Development Manager
Craig Plaisted, Project Officer
Jonathan Harmey, Senior Accountant
Brooke Clark, Customer Service Officer

397/2015 CONFIRMATION OF MINUTES:

Councillor King moved and Councillor Richardson seconded, ***“that the minutes of the Ordinary meeting of Council held on Tuesday 8 September, 2015, be received and confirmed.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

398/2015 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:

Date :	Items discussed:
22 September 2015	<ul style="list-style-type: none">• Presentation by Meander Valley U3A• Townscape, Reserves & Parks Special Committee(TRAP)• 35 William Street, Westbury – Potential Land Banking Opportunity• Westbury Recreation Ground Building Upgrade Update• New and Gifted Assets Policy• Implementation of Prospect Vale/Blackstone Heights Structure Plan• Future Management of Crown Land area near Meander Valley Road, Carrick

399/2015 ANNOUNCEMENTS BY THE MAYOR:

Friday 11 September

Football Federation Tasmania – Northern awards Dinner

Tuesday 15 September

Introduction meeting – Jackie Hutchinson – Country Club Tasmania

Friday 18 September

Hagley Farm School 150th/160th Anniversary function

Tuesday 22 September

Council Workshop

Thursday 24 September

NTD AGM and Local Government Committee meeting

Friday 25 September

Keep Australia Beautiful State Awards (Westbury)

Tuesday 29 September

G7 Mini Hydro Update (Council) discussion

Thursday 1 October

UTAS Inveresk Expansion Public Forum (dedicated Council session)

Friday 2 October

Citizenship Ceremony, Westbury

Tuesday 6 October

Site visit - G7 Mini Hydro proposal (Fish River)

Wednesday 7 October

Citizenship Ceremony, Westbury

Meander Valley Council Combined Staff meeting, Westbury

Launceston Airport Corporation – annual presentation

Friday 9 October

Nellie Payne Woodcarving Exhibition, official opening

Monday 12 October

Meeting with Ambassador, United Arab Emirates (Canberra)

400/2015 DECLARATIONS OF INTEREST:

409/2015 – Indoor Market – 28 & 29 Rutherglen Road, Hadspen - Councillor R Youd

418/2015 – Industrial Development Incentive Policy - Councillor M Kelly

401/2015 TABLING OF PETITIONS:

Nil

402/2015 PUBLIC QUESTION TIME**1. QUESTIONS TAKEN ON NOTICE – SEPTEMBER 2015****1.1 Mr N Smith, 568 Western Creek Road, Western Creek**

I refer Councillors to a development application which was approved unanimously at the meeting on 14 July 2015. This is the application from G7 Generation Pty Ltd. to build a 2MW hydro generator and associated structures on the Fish River near the Mersey Forest Road.

You may remember that the agenda item included approximately 419 pages of information, much of which was dated 2012.

My question to all Councillors is “did they realise at the time they voted in favour of this development that the land in question (apart from that for the transmission line) was located inside the Tasmanian Wilderness World Heritage Area? If they did not, do they consider that it was a serious defect in the material provided by the proponent that there was no mention of the location being within the WHA, and

that this omission, and that fact that some of the information provided was wrong, could have affected Council's decision-making process?"

I have previously asked the Mayor his view and I am particularly interested to hear from their Councillors.

Response by Martin Gill, Director Development Services

Council was not made aware that part of the development was within the Tasmanian Wilderness World Heritage Area prior to the consideration of the application at the Ordinary Council meeting on July 2015.

When making decisions on planning permit applications, Council acts as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993

When considering planning permit applications, the Planning Authority can only take into account matters addressed by the provisions of the Meander Valley Interim Planning Scheme 2013.

The consideration of World Heritage values was not a matter that the Planning Authority could undertake when assessing the merits of the proposed development.

The Planning Authority could consider the purpose and objectives of the underlying land use zone, any potential visual impact on tourism, and the impact of removing native vegetation on the local habitat and the river. Council also needed to take into account the recommendations of the Assessment Committee for Dam Construction. However, it could not consider World Heritage values.

Assessment of potential impacts on the World Heritage values is a matter dealt through the provisions of the Environmental Protection and Biodiversity Conservation Act 1999 by the federal Department of Environment. In this case the proposal would need to be referred by the proponent or 'called in' by the Minister for the Environment.

The fact that the Planning Authority was not aware that the site was in the World Heritage Area before making its decision is not a serious defect in the process because the Planning Authority would not have been able to formally take into account World Heritage values under the current iteration of the Meander Valley Interim Planning Scheme 2013.

2. QUESTIONS WITHOUT NOTICE – OCTOBER 2015

2.1 Sandra Pearn, Westbury

Questions asked but not left to be recorded.

2.2 Ken Partridge, Dilston

How were my representations considered given that the decision by State Growth had already been made?

Response by Martin Gill, Director Development Services

Mr Partridge's representation was considered by the planning authority as part of the assessment of the planning permit application.

The Department of State Growth did not make a decision, they made a representation about the planning application which included a recommended and preferred outcome for the road they manage (Meander Valley Road). This representation was also considered by the Planning Authority.

2.3 Barry Lee, Westbury

Issues regarding purchase of 35 William Street, Westbury

1. Critical issue for the ratepayer.
2. Westbury Outline Development Plan 2013
What approval has been made direct Council – owned.
When did serious negotiations commence?
Property inspection – poor, fair, good, asbestos on property
3. Library extensions
Fire Brigade operations
Other neighbours.
4. 2013 – until about 23/9/2015 @ 4.30 pm – 1st Council inspection
Concerned ratepayer
2nd offer refused
Deposit paid
Contracts signed.

Questions taken on Notice

403/2015 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – SEPTEMBER 2015

1.1 Cr Andrew Connor

Can the Mayor provide an update the on meeting held on July 21st on between multiple councils in the northern region to discuss Amalgamation and Shared

Services? Who was present, what was tabled, what were outcomes of the meeting?
Was amalgamation even discussed at all?

Response by Mayor Craig Perkins

Those present at the meeting were:

Mayor Albert Van Zetten (LCC)

Alderman Hugh McKenzie (LCC) (arrived at 4.37pm)

Robert Dobrzynski (LCC)

Mayor Craig Perkins (MVC)

Deputy Mayor Michael Kelly (MVC)

Councillor Rodney Synfield (MVC0)

Greg Preece (MVC)

Ian Pearce (WTC)

Deputy Mayor Tim Harris (GTC)

John Martin (GTC)

Mayor Mick Tucker (BODC)

John Brown (BODC)

Mayor David Downie (NMC)

Des Jennings (NMC)

Mayor Carol Cox (Flinders)

Raoul Harper (Flinders)

Acting Mayor Greg Howard (Dorset)

Tim Watson (Dorset)

An agenda was tabled at the meeting. The outcome of the meeting was an agreement for each Council to consider their involvement in the benchmarking project and for the General Managers from those participating councils, to finalise the Consultants Brief. Amalgamation was not discussed.

2. COUNCILLOR QUESTIONS ON NOTICE – OCTOBER 2015

2.1 Cr Deb White

1. On p. 1.1.6 of the September Briefing Report, there is a letter from Independent Living Services seeking information about the Meander School property. Could Council officers give an update on this matter, and how this query has been responded to?

Response by Greg Preece, General Manager

The letter from Independent Living Support Services made no reference to the Meander School but had sought advice from the Director Development Services regarding the Deloraine Racecourse site. The Community Development Manager has written to Independent Living Support Services to offer advice as to how they might progress their project.

2. Also in the September Briefing Report, there are several letters from Mrs Jan Crosswell. The first is dated 2nd September 2015, but there is no reply included. Could this be supplied to Councillors?

Response by Martin Gill, Director Development Services
Yes the reply will be provided in the October Briefing Report.

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – OCTOBER 2015

3.1 Cr Bob Richardson

- a) In a recent publication of the Examiner an advertisement appeared, funded by Forestry Tasmania, Forico and SFM Forest Products.

The advertisement indicated the intention to recommence (aerial?) spraying of plantation forests.

The poisons to be used include: - alpha-cypermethrin;
- and fipronil.

Can Councillors be provided with data sheets and any other scientific comments regarding potential side-effects?

Has alpha-cypermethrin been linked with deformities in amphibians and fish, in particular in relation to development of hermaphrodite features?

Will Council list this topic for consideration at the next Council workshop (prior to November)

Questions taken on Notice

- b) Last Tuesday, Council staff led a site visit to an area just off the Walls of Jerusalem Road. We thank staff for that visit.

Three (3) Councillors attended that site visit – Councillors Synfield, Perkins and myself.

The group was joined by several conservation State politicians and their staff, which we welcome.

However it was noted that there were no representatives from alternative political representatives.

Is there a reason for their non-inclusion?

Response by Martin Gill, Director Development Services
Council officers only invited Meander Valley Councillors to the site inspection.

It my understanding that the local State representatives became aware of the proposed site inspection through local constituents interested in the matter and contacted Council officers about joining the inspection.

3.2 Cr Andrew Connor

a) Can Council officers please provide an update on the Council's application to NBNCo for a "Technology Choice" upgrade of planned connections in Westbury and Hadspen from Fibre-to-the-Node to Fibre-to-the-Premises?

Response by Rick Dunn, Director Economic Development & Sustainability

The estimate has been received for the Travellers Rest/Hadspen area and the estimate for Westbury/Hagley is expected sometime in October. Details of both will be circulated in the Briefing Reports.

b) At the last Council meeting I asked questions surrounding a meeting between councils on July 21st concerning amalgamations / shared services. The response was that amalgamation was not raised. Given the Mayor was chairing this meeting and had given an undertaking to me and others to raise the issue of amalgamations, why did he fail to do this when that was one of the key reasons for the meeting to be held?

Questions taken on Notice

404/2015 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

405/2015 NOTICE OF MOTIONS BY COUNCILLORS

- 412/2015** Renaming both sections of Reid Street to Reid Street East and Reid Street West – Cr Ian Mackenzie
- 413/2015** Ashley Youth Detention Centre – Cr Bob Richardson
- 414/2015** Development in the Tasmanian Wilderness World Heritage Area – Cr Deb White
- 419/2015** Inability for Westbury Residents and Businesses to connect to Broadband – Cr Bob Richardson

COUNCIL MEETING AS A PLANNING AUTHORITY

The Mayor advises that for items 406/2015 to 409/2015 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

406/2015 INTERIM PLANNING SCHEME – AGREED AMENDMENT – 27 TOWER HILL STREET, DELORAINE

1) Introduction

The purpose of this report is to initiate and certify a draft amendment to the Meander Valley Interim Planning Scheme 2013, to insert site-specific use qualifications for the property located at 27 Tower Hill Street, Deloraine.

2) Recommendation

It is recommended:-

That pursuant to Section 34 of the Land Use Planning and Approvals Act 1993, the following amendment to the Meander Valley Interim Planning Scheme 2013 is initiated and pursuant to Section 35 is certified as being in accordance with Sections 30(O) and 32 of the Act:

- 1. Insert a site specific qualification for 27 Tower Hill Street (CT 15085/1) into Section 10.2 - Use Table – General Residential Zone to provide for the following discretionary uses as follows:***

<i>Bulky Goods Sales</i>	<i>If for CT 15085/1</i>
<i>Equipment and machinery sales and hire</i>	<i>If for CT 15085/1</i>
<i>Food Services</i>	<i>If for CT 15085/1</i>
<i>Service Industry</i>	<i>If for CT 15085/1</i>
<i>Storage</i>	<i>If for CT 15085/1</i>

DECISION:

Cr Mackenzie moved and Cr Synfield seconded ***“that pursuant to Section 34 of the Land Use Planning and Approvals Act 1993, the following amendment to the Meander Valley Interim Planning Scheme 2013 is initiated and pursuant to Section 35 is certified as being in accordance with Sections 30(O) and 32 of the Act:***

- 1. Insert a site specific qualification for 27 Tower Hill Street (CT 15085/1) into Section 10.2 - Use Table – General Residential Zone to provide for the following discretionary uses as follows:***

Bulky Goods Sales	<i>If for CT 15085/1</i>
Equipment and machinery sales and hire	<i>If for CT 15085/1</i>
Food Services	<i>If for CT 15085/1</i>
Service Industry	<i>If for CT 15085/1</i>
Storage	<i>If for CT 15085/1</i>

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

407/2015 RESIDENTIAL OUTBUILDING – 120
BLACKSTONE ROAD, BLACKSTONE HEIGHTS

1) Introduction

This report considers the planning application PA\15\0067 for a Residential Outbuilding for land located at 120 Blackstone Road, Blackstone Heights (CT 27768/10).

2) Recommendation

That the application for use and development for a Residential Outbuilding for land located at 120 Blackstone Road, Blackstone Heights (CT 27768/10) by Nicholas Amundsen, requiring the following discretions:

- 12.4.1.4- Side Setbacks***
- 12.4.1.5 – Outbuildings***

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

- 1. The use and/or development must be carried out as shown and described in the endorsed Plans:**

- a) Bullock Consulting, Project No.:010914, Sheet: A01 (rev.B.) & A02**

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

- 2. Prior to the commencement of use, a dense screen of trees or shrubs is to be planted along the full length of the north-west side of the outbuilding and extending 1m past the west corner, to screen the development. The plant screen must be of an evergreen species, will attain a minimum mature height of 3m and is to be planted at such intervals as to create a continuous screen once mature. The chosen species is to be confirmed with Council's Town Planner prior to planting. The vegetation is to be maintained in a condition appropriate to provide reasonable screening with any plant fatalities being replaced.**

3. **The use of outbuilding is not permitted for human habitation and is limited to residential storage and related residential activities only.**

Note:

1. **This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:**

- a) **Building permit**
- b) **Plumbing permit**

All enquiries should be directed to Council's Permit Authority on 6393 5322.

2. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
3. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,

- b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
- c) The relevant approval processes will apply with State and Federal government agencies.

DECISION:

Cr Synfield moved and Cr Richardson seconded "that the application for use and development for a Residential Outbuilding for land located at 120 Blackstone Road, Blackstone Heights (CT 27768/10) by Nicholas Amundsen, requiring the following discretions:

12.4.1.4- Side Setbacks

12.4.1.5 – Outbuildings

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

- 1. The use and/or development must be carried out as shown and described in the endorsed Plans:**
 - a) Bullock Consulting, Project No.:010914, Sheet: A01 (rev.B.) & A02**

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

- 2. Prior to the commencement of use, a dense screen of trees or shrubs is to be planted along the full length of the north-west side of the outbuilding and extending 1m past the west corner, to screen the development. The plant screen must be of an evergreen species, will attain a minimum mature height of 3m and is to be planted at such intervals as to create a continuous screen once mature. The chosen species is to be confirmed with Council's Town Planner prior to planting. The vegetation is to be maintained in a condition appropriate to provide reasonable screening with any plant fatalities being replaced.**

3. **The use of outbuilding is not permitted for human habitation and is limited to residential storage and related residential activities only.**

Note:

1. **This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:**

- a) **Building permit**
- b) **Plumbing permit**

All enquiries should be directed to Council's Permit Authority on 6393 5322.

2. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
3. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,

- b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
- c) The relevant approval processes will apply with State and Federal government agencies.

As an amendment Cr Mackenzie moved and Cr White seconded ***“that the application for use and development for a Residential Outbuilding for land located at 120 Blackstone Road, Blackstone Heights (CT 27768/10) by Nicholas Amundsen, requiring the following discretions:***

12.4.1.4- Side Setbacks

12.4.1.5 – Outbuildings

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

1. The use and/or development must be carried out as shown and described in the endorsed Plans:
 - a) Bullock Consulting, Project No.:010914, Sheet: A01 & A02

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.
2. Prior to the commencement of works Drawing No. 010914, sheet A01 is to be amended to show a setback of 3metres from the north-west boundary to the satisfaction of Council’s Town Planner.
3. The use of outbuilding is not permitted for human habitation and is limited to residential storage and related residential activities only.

Note:

5. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- a) **Building permit**
- b) **Plumbing permit**

All enquiries should be directed to Council's Permit Authority on 6393 5322.

6. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
7. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
8. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
9. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with State and Federal government agencies.

The amendment was declared CARRIED with Councillors Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion and Cr Connor voting against the amendment.

The amendment then became the motion and was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

Cr Connor left the meeting at 2.12 pm

Cr Connor returned to the meeting at 2.13pm

408/2015 MULTIPLE DWELLING (2 UNITS) – 2 CLASSIC DRIVE, PROSPECT VALE

1) Introduction

This report considers the planning application PA\16\0029 for Multiple dwellings (2 units) for land located at 2 Classic Drive, Prospect Vale (CT 160564/1).

2) Recommendation

That the application for use and development for Multiple dwelling (2 units) for land located at 2 Classic Drive, Prospect Vale (CT 160564/1) by My Build, requiring the following discretions:

- ***10.4.2 Setbacks and building envelope for all dwellings***
- ***10.4.3 Site coverage and private open space for all dwellings***
- ***10.4.6 Privacy for all dwellings***
- ***E4.7.2 Management of Road Accesses and Junctions***
- ***E4.7.4 Sight Distance at Accesses***
- ***E6.6.1 Car Parking Numbers***
- ***E6.7.2 Design and Layout of Car Parking***

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

- 1. The use and/or development must be carried out as shown and described in the endorsed Plans:**
 - a) My Build – Job Number 16486 – Drawing Numbers A03-A12, & H01 – dated 18.08.15 (revised);**
 - b) Rebecca Green & Associates – Bushfire Hazard Assessment report & Bushfire Hazard management Plan – dated 21 July 2015;**

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

- 2. Prior to the commencement of works, an amended 'Unit 2 – Floor Plan' must be submitted for approval by Council's Town Planner. When approved, the plan will be endorsed and will**

then form part of the permit. The plan must be drawn to scale with dimensions and must show:

- a) screening evergreen species to a minimum height at maturity of 1m, between the frontage and Car Parking Space 2;
 - b) the plants must be planted at a density to screen the car parking space from the road; and
 - c) compliance with the Bushfire Hazard Management Plan prepared by Rebecca Green and Associates dated 21 July 2015.
3. The development approved by this permit must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.
 4. The vehicular crossover servicing each unit must be constructed and sealed in accordance with LGAT standard drawing TSD-RO3-V1 and TSD-R04-V1 (attached) and to the satisfaction of Council's Director Infrastructure Services.
 5. Prior to the commencement of use, the existing crossover currently servicing 2 Classic Drive is to be removed and the nature strip and curb reinstated to the satisfaction of Council's Director Infrastructure Services.
 6. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No 2015/01291-MVC attached).

Note:

1. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:
 - a) Building permit
 - b) Plumbing permit

All enquiries should be directed to Council's Permit Authority on 6393 5322.

2. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
3. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with State and Federal government agencies.

DECISION:

Cr Synfield moved and Cr Kelly seconded ***“that the application for use and development for Multiple dwelling (2 units) for land located at 2 Classic Drive, Prospect Vale (CT 160564/1) by My Build, requiring the following discretions:***

- ***10.4.2 Setbacks and building envelope for all dwellings***
- ***10.4.3 Site coverage and private open space for all dwellings***

- **10.4.6 Privacy for all dwellings**
- **E4.7.2 Management of Road Accesses and Junctions**
- **E4.7.4 Sight Distance at Accesses**
- **E6.6.1 Car Parking Numbers**
- **E6.7.2 Design and Layout of Car Parking**

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

1. The use and/or development must be carried out as shown and described in the endorsed Plans:

- a) My Build – Job Number 16486 – Drawing Numbers A03-A12, & H01 – dated 18.08.15 (revised);**
- b) Rebecca Green & Associates – Bushfire Hazard Assessment report & Bushfire Hazard management Plan – dated 21 July 2015;**

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

2. Prior to the commencement of works, an amended 'Unit 2 – Floor Plan' must be submitted for approval by Council's Town Planner. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:

- a) screening evergreen species to a minimum height at maturity of 1m, between the frontage and Car Parking Space 2;**
- b) the plants must be planted at a density to screen the car parking space from the road; and**
- c) compliance with the Bushfire Hazard Management Plan prepared by Rebecca Green and Associates dated 21 July 2015.**

3. The development approved by this permit must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.

4. The vehicular crossover servicing each unit must be constructed and sealed in accordance with LGAT standard drawing TSD-

RO3-V1 and TSD-R04-V1 (attached) and to the satisfaction of Council's Director Infrastructure Services.

- 5. Prior to the commencement of use, the existing crossover currently servicing 2 Classic Drive is to be removed and the nature strip and curb reinstated to the satisfaction of Council's Director Infrastructure Services.**
- 6. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No 2015/01291-MVC attached).**

Note:

- 1. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:**

- a) Building permit**
- b) Plumbing permit**

All enquiries should be directed to Council's Permit Authority on 6393 5322.

2. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
3. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.

5. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with State and Federal government agencies.

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

Cr Youd left the meeting at 2.20pm

409/2015 CHANGE OF USE TO GENERAL RETAIL AND HIRE (INDOOR MARKET) – 28 & 29 RUTHERGLEN ROAD AND RUTHERGLEN VILLAGE

The Mayor invited Mrs Lyn Lathwell, Dr Frances Mowling and Mr Ken Partridge to address the meeting regarding this item.

1) Introduction

This report considers the planning application PA\16\0005 for a Change of Use to General Retail and Hire (Indoor Market) for land located at 28 & 29 Rutherglen Road and Rutherglen Village, Hadspen (CT's 20627/2, 111014/2 & 111015/0).

2) Recommendation

That the application for use and development for a General Retail and Hire (indoor market), for land located at 28 and 29 Rutherglen Road (CT CT's 20627/2 & 111014/2) by L Glover obo Fablum Pty Ltd, requiring the following discretions:

- ***20.2 - Discretionary Use***
- ***E4.6.1- More than 40 Vehicle Movements***
- ***E4.6.1 – More than 10% increase of vehicles at existing junction***

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

- 1. The use and/or development must be carried out as shown and described in the endorsed Plans:**
 - a) Wilkin Design, Project No.: DA2-15862, Sheets: 01, 02 & 03**
 - b) Pitt & Sherry, Planning Report to Support a Development Application Rutherglen Markets, Page 3 & 6**

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

2. Prior to the commencement of works amended plans are to be submitted to the satisfaction of Council's Town Planner. Wilkin Design, Project No.: DA2-15862, Sheets 01 & 02 are to be amended to show:

- a) A delineated pedestrian walkway to be installed within the right of way connecting Rutherglen Village from the northern boundary of the subject title to Rutherglen Road. The walkway will include line marking at pedestrian crossing points and in places where shared pedestrian and vehicle use is not avoidable;**
- b) A pedestrian crossing is to be delineated across the right of way, connecting the main entrance of the market building to the main parking area to the west of the building;**
- c) Traffic calming treatment is to be installed on the main right of way to either side of the pedestrian crossing**
- d) A new driveway to the south of the market building, connecting the main driveway to the parking and loading bay at the east end of the building;**
- e) Vegetation screening to the south western side of the new driveway and rear car park area**
- f) Removal of parking spaces not wholly contained within 28 and 29 Rutherglen Road along the north side of the market building and the removal of reference to CT 111015/0,**

to the satisfaction of Council's Town Planner.

3. Prior to the commencement of use:

- a) A delineated pedestrian walkway is to be installed in accordance with Condition 2 (a), including line marking at pedestrian crossing points and in places where shared pedestrian and vehicle use is not avoidable.**
- b) A pedestrian crossing is to be installed across the right of way at the main entrance to the market building in accordance with condition 2(b).**

- c) Traffic calming treatment is to be installed in accordance with Condition 2(c).**
- d) A sealed driveway is to be constructed to the south of the market building in accordance with Condition 2 (c), connecting the main driveway to the parking and loading bay at the east end of the building.**
- e) Vegetation screening is to be established in accordance with Condition 2(e).**
- f) The boundary between the car park at the eastern end of the market building and the property belonging to Rutherglen Village is to be made non-trafficable to vehicles through the installation of bollards or a similar alternative means, to the satisfaction of Council's Town Planner.**
- g) Disability parking is to be installed in accordance with AS2890.6.**
- h) Signage is to be installed directing traffic to the main car parking area for the market to the west of the building and overflow parking to the east of the building, to the satisfaction of Council's Town Planner.**
- i) Motorbike parking is to be clearly designated.**
- j) The existing pavement markings at the junction of Rutherglen Road and Meander Valley Road are to be altered to comply with current State Growth standard Drawings SD-84.013 and SD-84.016 inclusive of the removal of existing redundant markings as appropriate. Pavement markings must be undertaken by a contractor pre-qualified with State Growth in the application of pavement markings.**

Note:

- 1. The developer will require a permit from the Department of State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal. Application requirements and forms can be found at transport.tas.gov.au/road/permits and**

must be submitted at least twenty eight (28) days prior to any scheduled works. In accordance with the Roads and Jetties Act 1935, no works shall be commenced within the State Road reservation until a permit has been issued.

- 2. Registration as a Food Business under the Food Act 2003 is required for the operation of a café, and any individual, group or business wanting to sell food at the market is required to obtain a Temporary Registration of a Food Business from Council. Please contact Council's Environmental Health Officer on (03) 6393 5320 for further information.**
- 3. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:**
 - a) Building permit**
 - b) Plumbing permit**

All enquiries should be directed to Council's Permit Authority on 6393 5322.

4. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
6. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.

7. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with State and Federal government agencies.

DECISION:

Cr Mackenzie moved and Cr White seconded ***“that the application for use and development for a General Retail and Hire (indoor market), for land located at 28 and 29 Rutherglen Road (CT CT’s 20627/2 & 111014/2) by L Glover obo Fablum Pty Ltd, requiring the following discretions:***

- ***20.2 - Discretionary Use***
- ***E4.6.1- More than 40 Vehicle Movements***
- ***E4.6.1 – More than 10% increase of vehicles at existing junction***

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

1. **The use and/or development must be carried out as shown and described in the endorsed Plans:**
 - a) **Wilkin Design, Project No.: DA2-15862, Sheets: 01, 02 & 03**
 - b) **Pitt & Sherry, Planning Report to Support a Development Application Rutherglen Markets, Page 3 & 6**

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

2. **Prior to the commencement of works amended plans are to be submitted to the satisfaction of Council’s Town Planner. Wilkin**

Design, Project No.: DA2-15862, Sheets 01 & 02 are to be amended to show:

- a) A delineated pedestrian walkway to be installed within the right of way connecting Rutherglen Village from the northern boundary of the subject title to Rutherglen Road. The walkway will include line marking at pedestrian crossing points and in places where shared pedestrian and vehicle use is not avoidable;**
- b) A pedestrian crossing is to be delineated across the right of way, connecting the main entrance of the market building to the main parking area to the west of the building;**
- c) Traffic calming treatment is to be installed on the main right of way to either side of the pedestrian crossing;**
- d) A new driveway to the south of the market building, connecting the main driveway to the parking and loading bay at the east end of the building;**
- e) Vegetation screening to the south western side of the new driveway and rear car park area**
- f) Removal of parking spaces not wholly contained within 28 and 29 Rutherglen Road along the north side of the market building and the removal of reference to CT 111015/0,**

to the satisfaction of Council's Town Planner.

3. Prior to the commencement of use:

- a) A delineated pedestrian walkway is to be installed in accordance with Condition 2 (a), including line marking at pedestrian crossing points and in places where shared pedestrian and vehicle use is not avoidable.**
- b) A pedestrian crossing is to be installed across the right of way at the main entrance to the market building in accordance with condition 2 (b).**
- c) Traffic calming treatment is to be installed in accordance with Condition 2 (c).**

- d) A sealed driveway is to be constructed to the south of the market building in accordance with Condition 2 (c), connecting the main driveway to the parking and loading bay at the east end of the building.**
- e) Vegetation screening is to be established in accordance with Condition 2(e).**
- f) The boundary between the car park at the eastern end of the market building and the property belonging to Rutherglen Village is to be made non-trafficable to vehicles through the installation of bollards or a similar alternative means, to the satisfaction of Council's Town Planner.**
- g) Disability parking is to be installed in accordance with AS2890.6.**
- h) Signage is to be installed directing traffic to the main car parking area for the market to the west of the building and overflow parking to the east of the building, to the satisfaction of Council's Town Planner.**
- i) Motorbike parking is to be clearly designated.**
- j) The existing pavement markings at the junction of Rutherglen Road and Meander Valley Road are to be altered to comply with current State Growth standard Drawings SD-84.013 and SD-84.016 inclusive of the removal of existing redundant markings as appropriate. Pavement markings must be undertaken by a contractor pre-qualified with State Growth in the application of pavement markings.**

Note:

- 1. The developer will require a permit from the Department of State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal. Application requirements and forms can be found at transport.tas.gov.au/road/permits and must be submitted at least twenty eight (28) days prior to any scheduled works. In accordance with the Roads and Jetties Act 1935, no works shall be commenced within the State Road reservation until a permit has been issued.**

2. **Registration as a Food Business under the Food Act 2003 is required for the operation of a café, and any individual, group or business wanting to sell food at the market is required to obtain a Temporary Registration of a Food Business from Council. Please contact Council's Environmental Health Officer on (03) 6393 5320 for further information.**
3. **This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:**
 - a) **Building permit**
 - b) **Plumbing permit****All enquiries should be directed to Council's Permit Authority on 6393 5322.**
4. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
6. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
7. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,

- b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
- c) The relevant approval processes will apply with State and Federal government agencies.

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield and White voting for the motion.

Cr Youd returned to the meeting at 2.51pm

Cr Kelly left the meeting at 2.51pm

Cr Kelly returned to the meeting at 2.53pm

410/2015 REVIEW OF POLICY NO. 63 – ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

1) Introduction

The purpose of this report is to review Policy No. 63 - Environmental Compliance and Enforcement.

2) Recommendation

It is recommended that Council:

- 1. Does not continue with Policy No. 63 Environmental Compliance and Enforcement Policy.***
- 2. Investigates the value of developing a policy that sets environmental management objectives for Council operations and projects.***

DECISION:

Cr Synfield moved and Cr King seconded ***“that Council:***

- 1. Does not continue with Policy No. 63 Environmental Compliance and Enforcement Policy.***
- 2. Investigates the value of developing a policy that sets environmental management objectives for Council operations and projects.***

Cr Synfield and Cr King withdrew their motion.

Cr Richardson foreshadowed a motion ***“that Council continue with Policy No. 63 pending investigation of the value of the Policy.”***

Cr Richardson moved and Cr Connor seconded ***“that Council continue with Policy No. 63 pending investigation of the value of the Policy.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

POLICY MANUAL

Policy Number: 63 **Environmental Compliance and Enforcement**

Purpose: To outline Council's approach to its compliance and enforcement responsibilities for the environment.

Department: Development Services

Author: Martin Gill, Director

Council Meeting Date: 13 October 2015

Minute Number: 410/2015

Next Review Date: **September 2019**

POLICY

1. Definitions

"EMPCA" means the Environmental Management and Pollution Control Act 1994.

2. Objective

Our objective is to act as a good corporate citizen in meeting our compliance and enforcement obligations for the environment.

3. Scope

This policy applies to all employees and contractors and also to visitors to any workplace of Council.

Council's jurisdiction in relation to EMPCA is limited to Level 1 activities, as defined by EMPCA, and any forestry operations inclusive of Private Timber Reserves, State Forest, Crown Land or Private Land.

4. Policy

Policy for compliance

Council will:

- Comply with statutory environmental requirements and develop strategies to meet expected changes in regulatory requirements;
- Minimise environmental impact of its activities in accordance with the principles of sustainable development;
- Involve the community, suppliers, contractors and stakeholders in planning projects and activities that may have environmental impact or risk.

Strategies for achieving the policy objectives include:

- Communicating its environmental policy to employees, community, contractors, visitors and stakeholders;
- Integrating environmental management with long-term planning, project development and management, economic evaluation and relevant operations and maintenance procedures;
- Develop and implement quantitative measures of environmental performance and report on performance;
- Promote awareness and understanding of environmental issues and responsibilities to employees;
- Ensure employees, contractors and their employees have the necessary skills and commitment required to effectively manage environmental risks.
- Undertake environmental impact assessments of proposed works and probable maintenance emergencies.
- Initiate environmental improvements including the minimisation of the use of energy, chemicals and non-renewable resources.

Policy for enforcement

In responding to the legislation obligations it is recognised that Council has limited resources in dealing with the enforcement of EMPCA and allocation of resources will need to be prioritised.

The policy position is that Council will enforce EMPCA in relation to Level 1 activities to the extent of the resources that it has reasonably available to do so using an assessment of potential environmental harm as the basis for the priority and extent of enforcement.

5. Legislation

Council has a duty to enforce and operate in accordance with the relevant provisions of EMPCA. These provisions are summarised as requiring the following:

Compliance

- Taking all reasonable precautions to ensure that water delivered for purposes other than domestic use is fit for its purposes, including, where appropriate, human consumption.
- Complying with statutory environmental requirements eg relevant licenses issued for the operation of its waste disposal sites and ensuring that none of its activities cause environmental harm.

Regulatory

- Ensuring that any activity within the municipality does not result in any environmental harm being or likely to be caused. Environmental harm is defined as *any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance.*

6. Responsibility

The responsibility for the operation of this policy rests with the Development Services Manager.

As a procedural motion Cr Youd moved and Cr White seconded ***“that 411/2015 (ED & S 3) and 412/2015 (INFRA 1) be brought forward on the Agenda.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

411/2015 PROPERTY PURCHASE - 35 WILLIAM STREET, WESTBURY

The Mayor invited Mr Barry Lee to address the meeting regarding this item.

1) Introduction

The purpose of this report is for Council to consider purchasing the property at 35 William Street, Westbury.

2) Recommendation

It is recommended that Council:

- 1. approve the purchase of 35 William Street, Westbury and authorise the General Manager to complete the sale transaction and;***
- 2. make the necessary capital budget allocation of \$250,000 to complete the purchase transaction.***

DECISION:

Cr Connor moved and Cr Synfield seconded ***“that Council:***

- 1. approve the purchase of 35 William Street, Westbury and authorise the General Manager to complete the sale transaction and;***
- 2. make the necessary capital budget allocation of \$250,000 to complete the purchase transaction.”***

The motion was declared CARRIED WITH AN ABSOLUTE MAJORITY with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

412/2015 NOTICE OF MOTION – RENAMING BOTH SECTIONS OF REID STREET TO REID STREET EAST AND REID STREET WEST – CR IAN MACKENZIE

The Mayor invited Mrs Sandra Pearn to address the meeting regarding this item.

1) Introduction

The purpose of this report is for Council to consider a Notice of Motion from Cr Ian Mackenzie to rename the existing sections of Reid Street to Reid Street East and Reid Street West.

2) Recommendation (Cr Ian Mackenzie)

It is recommended that Council approve the renaming of the eastern sections of Reid Street, accessed off Ritchie Street, to Reid Street East, and the western section of Reid Street, accessed off Marriott Street, to Reid Street West.

DECISION:

Cr Mackenzie moved and Cr White seconded ***“that Council approve the renaming of the eastern sections of Reid Street, accessed off Ritchie Street, to Reid Street East, and the western section of Reid Street, accessed off Marriott Street, to Reid Street West.”***

As a procedural motion Cr Connor moved and Cr Richardson seconded ***“that this item lay on the table until the next meeting to consider the facts and other options.”***

The procedural motion was declared CARRIED with Councillors Connor, Kelly, Richardson, Synfield, and Youd voting for the motion and Councillors King, Mackenzie, Perkins and White voting AGAINST the motion.

The meeting adjourned for afternoon tea at 3.40pm

The meeting resumed at 3.52pm

413/2015 NOTICE OF MOTION - FUTURE USE OF ASHLEY DETENTION CENTRE – CR BOB RICHARDSON

1) Introduction

The purpose of this report is for Council to consider a Notice of Motion from Cr Bob Richardson seeking Council's support to initiate discussions with relevant Commonwealth and State authorities in relation to conversion of Ashley Detention Centre to a centre for the reception and integration of refugees into Australian Society

2) Recommendation (Cr Bob Richardson)

It is recommended that Council initiate discussions with relevant Commonwealth and State authorities in relation to conversion of Ashley Detention Centre to a centre for the reception and integration of refugees into Australian Society

DECISION:

Cr Richardson moved and Cr Connor seconded ***“that Council initiate discussions with the community and relevant Commonwealth and State authorities in relation to reception and integration of refugees into Australian society, and in particular, Meander Valley and, including the potential conversion of Ashley Detention Centre for that purposes.”***

As a procedural motion Cr Synfield moved and Cr Youd seconded ***“that the item lay on the table until the December meeting and be discussed further at a Council workshop with relevant stakeholders.”***

The procedural motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Synfield, White and Youd voting for the motion and Councillors Perkins and Richardson voting against the motion

Comment by Cr Bob Richardson

Throughout history people have been displaced from their homelands through persecution (based on race, religion or political persuasion) or by famine and pestilence, or for other reasons (including war).

These people are commonly referred to as displaced persons or refugees.

Whatever the reasons, these people are men, women and children, who flee the situation to seek refuge elsewhere.

The challenge of refugees is exacerbated now by an ever expanding world population, which is increasing logarithmically.

The human condition of those who believe in the principles of humanity, fairness, natural justice and equity, is that these people need to be welcomed.

In Australia, that is embodied in the second verse of our National Song:

“For those who’ve come across the seas, we’ve boundless plains; to share;
With courage, let us all combine to Advance Australia Fair”.

414/2015 NOTICE OF MOTION – DEVELOPMENT IN THE TASMANIAN WILDERNESS WORLD HERITAGE AREA – CR DEBORAH WHITE

1) Introduction

The purpose of this report is for Council to consider a Notice of Motion from Cr Deborah White seeking Council's support for a letter to be sent to the Federal Minister for the Environment and Heritage about development in the Tasmanian Wilderness World Heritage Area.

2) Recommendation (Cr Deborah White)

It is recommended that Council writes to the Federal Minister for the Environment and Heritage indicating that:

If the Minister decides to call in the proposal as a Controlled Action under the provisions of the Environmental Protection and Biodiversity Conservation Act 1999, Council would support the assessment of the proposal against the values of the Tasmanian Wilderness World Heritage Area.

DECISION:

Cr White moved and Cr Connor seconded ***“that Council writes to the Federal Minister for the Environment and Heritage indicating that:***

If the Minister decides to call in the proposal as a Controlled Action under the provisions of the Environmental Protection and Biodiversity Conservation Act 1999, Council would support the assessment of the proposal against the values of the Tasmanian Wilderness World Heritage Area.”

The motion was declared CARRIED with Councillors Connor, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion and Councillor Kelly voting against the motion.

415/2015 TOWNSCAPE, RESERVES AND PARKS SPECIAL COMMITTEE MEMBERSHIP

1) Introduction

The purpose of this report is for Council to appoint two new community representatives to Council's Townscape, Reserves and Parks Special Committee (TRAP).

2) Recommendation

It is recommended that Mrs Christine Chilcott and Ms Lois Catchlove be appointed by Council under Section 24 (2) of the Local Government Act 1993 to the TRAP Special Committee.

DECISION:

Cr Synfield moved and Cr Connor seconded ***“that Mrs Christine Chilcott and Ms Lois Catchlove be appointed by Council under Section 24 (2) of the Local Government Act 1993 to the TRAP Special Committee.***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

416/2015 GENERAL MANAGER'S PERFORMANCE REVIEW

1) Introduction

The purpose of this report is for Council to appoint three Councillors to an Evaluation Committee and a Councillor to act as a facilitator, to undertake the annual performance review of the General Manager.

2) Recommendation

It is recommended that Council appoint three Councillors to an evaluation panel and a Councillor to act as the facilitator to undertake the annual performance review of the General Manager.

DECISION:

Cr White moved and Cr Connor seconded ***“that Council appoint three Councillors (Councillors Perkins, White and Connor) to an evaluation panel and a Councillor (Councillor Kelly) to act as the facilitator to undertake the annual performance review of the General Manager.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

Cr Synfield left the meeting at 4.32pm

417/2015 MOLE CREEK TOWN BOUNDARY SIGNS

1) Introduction

The purpose of this report is to seek Council's determination regarding a proposed change to the Mole Creek town boundary signs.

2) Recommendation

It is recommended that Council approves Mole Creek Progress Association's request to alter the Mole Creek boundary signage (as outlined), subject to an appropriate draft design and evidence of support from the Mole Creek community.

DECISION:

Cr Kelly moved and Cr Mackenzie seconded ***"that Council approves Mole Creek Progress Association's request to alter the Mole Creek boundary signage (as outlined), subject to an appropriate draft design and evidence of support from the Mole Creek community."***

Cr White foreshadowed a motion "that Council invites Mole Creek Progress Association submit an alternative design which incorporates the elements as proposed by them for the Mole Creek boundary sign."

The motion was declared CARRIED with Councillors Kelly, King, Mackenzie, Perkins, Richardson and Youd voting for the motion and Councillors Connor and White voting against the motion.

Cr Synfield returned to the meeting at 4.35pm

Cr Kelly left the meeting at 4.35pm

418/2015 INDUSTRIAL DEVELOPMENT INCENTIVE POLICY

1) Introduction

The purpose of this report is for Council to consider adopting the proposed Industrial Development Incentive Policy.

2) Recommendation

It is recommended that Council adopt proposed Policy 86 – Industrial Development Incentive as attached.

DECISION:

Cr Mackenzie moved and Cr King seconded ***“that Council adopt proposed Policy 86 – Industrial Development Incentive as attached.”***

As a procedural motion Cr Connor moved and Cr Youd ***“that the item be deferred until the November Council meeting and discussed further at the October workshop.”***

The procedural motion was declared LOST with Councillors Connor, Richardson, Synfield, and Youd voting for the motion and Councillors King, Mackenzie, Perkins and White voting against the motion.

The motion was declared CARRIED with Councillors King, Mackenzie, Perkins, Richardson and White voting for the motion and Councillors Connor, Synfield and Youd voting against the motion.

POLICY MANUAL

Policy Number: 86

Industrial Development Incentive

Purpose: To establish guidelines for the provision of an incentive to support industrial development in key strategic locations.

Department: Economic Development & Sustainability

Author: Rick Dunn, Director

Council Meeting Date: 13 October 2015

Minute Number: 418/2015

Next Review Date: 13 October 2019

POLICY

1. Definitions

- a) Industrial precincts: - means the Valley Central or East Deloraine industrial precincts.
- b) Eligible development:
 - Means new development that establishes in the industrial precincts, or the relocation of an existing Meander Valley business to the industrial precincts, And;
 - Employs three (3) or more full time equivalent employees for the entire term of the industrial development incentive period.
- c) Eligible recipient: - means the owner of the title.

2. Objective

The objective of this policy is to provide the parameters for Council to apply a financial incentive for the establishment of eligible development in the industrial precincts.

3. Scope

This Policy applies specifically to the establishment of new development in the industrial precincts.

4. Policy

a) Background

The industrial precincts have been deemed as strategically important in accommodating industrial development as new development at these sites will avoid conflict with other uses and relocation of industry will assist in reducing conflict where there have been historical land use incompatibilities.

Whilst the establishment of an industrial development incentive (IDI) will be unlikely to be the deciding factor for the location or relocation of an enterprise, it does however send a clear message to industry that Meander Valley Council is “open for business” and is serious about supporting business growth and the creation of local employment opportunities.

b) IDI Period

The IDI period applies for three (3) years from the date of the commencement of operation of the initial eligible development.

c) IDI Calculation

The IDI will be based on the General Rate component of the annual Rates and Charges levied on an eligible development and will be applied in the following manner.

- An eligible recipient must apply annually and in writing to Council.
- An eligible recipient will receive a grant equivalent to 100% the General Rate for the first year of operation
- An eligible recipient will receive a grant equivalent to 50% of the General Rate for the second year of operation.
- An eligible recipient will receive a grant equivalent to 25% of the General Rate for the third year of operation.
- Grants will be calculated on a proportional basis where an operational year crosses over from one financial year to the next financial year.

5. Legislation

Local Government Act 1993

6. Responsibility

Responsibility for the operation of the policy rests with the General Manager.

Cr Kelly returned to the meeting at 4.48pm

Mayor Perkins left the meeting at 4.51pm

Deputy Mayor Kelly took the Chair.

Mayor Perkins returned to the meeting at 4.53pm

419/2015 NOTICE OF MOTION – INABILITY FOR WESTBURY RESIDENTS AND BUSINESSES TO CONNECT TO BROADBAND – CR BOB RICHARDSON

1) Introduction

The purpose of this report is for Council to consider a Notice of Motion from Cr Bob Richardson for Council to write to the Federal Minister for Communications and relevant Tasmanian Federal Government representatives and Tasmanian Government representatives to voice concerns that there is no ability for Westbury residents or businesses to connect to fixed broadband.

2) Recommendation (Cr Bob Richardson)

It is recommended that Council write to the Federal Minister for Communications and the relevant Tasmanian Federal parliamentary representatives and Tasmanian parliamentary representatives to voice concerns that there is currently no ability for Westbury residences or businesses to connect to fixed broadband.

DECISION:

Cr Richardson moved and Cr Connor seconded ***“that Council write to the Federal Minister for Communications and the relevant Tasmanian Federal parliamentary representatives and Tasmanian parliamentary representatives to voice concerns that there is currently no ability for Westbury residences or businesses to connect to fixed broadband.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

Cr King left the meeting at 4.55pm
Cr King returned to the meeting at 4.58pm

420/2015 ACCELERATED STREET LIGHT REPLACEMENT PROGRAMME

1) Introduction

The purpose of this report is to seek Council's support for officers to work with other councils in the northern region on a programme to replace minor road lighting with Light Emitting Diode (LED) street lights.

2) Recommendation

It is recommended that Council support working with other councils in the northern region to accelerate the replacement of existing minor road lights with LEDs.

DECISION:

Cr Mackenzie moved and Cr White seconded ***"that Council support working with other councils in the northern region to accelerate the replacement of existing minor road lights with LEDs"***.

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

Cr Connor left the meeting at 5.00pm

421/2015 AUDITOR-GENERAL'S AUDIT REPORT - 2015 FINANCIAL YEAR

1) Introduction

The purpose of this report is for Council to receive the Delegate of the Auditor-General's independent audit report on the 2015 financial report.

2) Recommendation

It is recommended that Council receive the Delegate of the Auditor-General's report on the 2015 Financial Report.

DECISION:

Cr Richardson moved and Cr Youd seconded ***"that Council receive the Delegate of the Auditor-General's report on the 2015 Financial Report"***.

The motion was declared CARRIED with Councillors Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

422/2015 FINANCIAL REPORTS TO 30 SEPTEMBER 2015

1) Introduction

The purpose of this report is to present Council's financial reports to 30 September 2015.

2) Recommendation

It is recommended that Council receive the following financial reports for the period ended 30 September 2015:

- i. Consolidated operating statement with accompanying operating statements for the key operational areas of Council.***
- ii. A detailed list of capital works project expenditure to date.***
- iii. A detailed list of capital resealing project expenditure to date.***
- iv. A detailed list of capital gravelling project expenditure to date.***
- v. A summary of rates outstanding.***
- vi. Cash reconciliation & investments summary.***

DECISION:

Cr White moved and Cr Youd seconded ***“that Council receive the following financial reports for the period ended 30 September 2015:***

- i. Consolidated operating statement with accompanying operating statements for the key operational areas of Council.***
- ii. A detailed list of capital works project expenditure to date.***
- iii. A detailed list of capital resealing project expenditure to date.***
- iv. A detailed list of capital gravelling project expenditure to date.***
- v. A summary of rates outstanding.***
- vi. Cash reconciliation & investments summary.”***

The motion was declared CARRIED with Councillors Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

423/2015 REVIEW OF POLICY NO 45 - INFORMATION MANAGEMENT

1) Introduction

The purpose of this report is for Council to review policy No 45 - Information Management.

2) Recommendation

It is recommended that Council confirm the continuation of Policy No 45 - Information Management, as follows:

POLICY MANUAL

Policy Number: 45 **Information Management**

Purpose: To outline the objectives, responsibilities and principles for managing corporate information in accordance with agreed standards and as required by law.

Department: Corporate Services
Author: Malcolm Salter, Director

Council Meeting Date: ~~11th September 2012~~ 13 October 2015

Minute Number: ~~155/2012~~

Next Review Date: ~~September 2015~~ **September 2019**

POLICY

1. Definitions

Corporate Information – is information that is required for business use by Council and/or information which affects the business of Council. Examples are:

- formal communication
- any material that reflects the substantive business of Council
- agendas and minutes
- final versions of reports

- information prepared on behalf of Council
- management system documentation

2. Objective

To be proactive in information management and to ensure that the collection, storage, usage and disclosure of information will comply with Council's legislative, statutory and corporate obligations.

3. Scope

This policy applies to all employees or consultants whom:

- Create corporate information
- Have access to corporate information;
- Have any responsibilities for corporate information for example, storage, or maintenance responsibilities;
- Have management responsibilities for officers who carry out any of these tasks;
- Manage or have input into Information Technology Infrastructure design or software selection.

4. Policy

The collection, storage, usage and disclosure of information will comply with Council's statutory and corporate obligations.

It is the responsibility of all officers employed at Council to identify any information that forms part of the "corporate memory" and to manage that information with Council's electronic systems and/or physical storage areas.

Information defined as "corporate" is not to be stored in personal localised systems or departmental areas, unless designated otherwise.

Information management procedures and systems used will ensure that information resources are kept in an accessible, authentic, accurate, complete, meaningful and secure manner.

Responsibilities

Council will:

- provide the support and basis in which the Information Management Policy can be implemented; and
- provide adequate budgetary provision for the maintenance of this policy.

The General Manager will:

- recognise, actively encourage and adopt Information Management as a key function of the organisation; and
- ensure information is managed in accordance with the Australian Standard AS ISO 15489, legislation and Council policy.

Managers and Supervisors will:

- maintain overall responsibility for the effective management of Council's corporate information.

Employees will:

- familiarise themselves with council's Information Management Policy, principles and procedures;
- not make improper use of any information they acquire as an employee. Improper use includes gaining directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for themselves, a member of their family or close associate or to cause any loss or damage to council or any other person. Employees using computers are issued with user IDs and asked to generate passwords. They recognise it is essential that these remain confidential, as employees are responsible for the work performed and communications made under the personal identification code.

Principles

Council's organisational values apply to all activities. In particular, the following principles will apply to the disclosure of information:

- Public access to Council's corporate information is based on the principles of the Right to Information Act 2009 and the Personal Information Protection Act 2004.
- Corporate Information that relates to the public business and is not restricted by the Local Government Act 1993, the Right to Information Act 2009, the Personal Information Protection Act 2004 or the Commonwealth Privacy Act 1988, is accessible to the public.
- Access to corporate information by elected members is in accordance with the above disclosure principles and established Council policies.

References

AS ISO 15489 Records Management

5. Legislation & Associated Council Policies

Archives Act 1983

Commonwealth Privacy Act 1988

Crimes Act 1914

Environmental Management Pollution Control Act 1994

Evidence Act 2001

Land use Planning and Approvals Act 1993

Limitation Act 1974

Local Government Act 1993

Personal Information Protection Act 2004

Right to Information Act 2009

Council Policy No 67 – Personal Information Protection

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

DECISION:

Cr White moved and Cr King seconded ***“that Council confirm the continuation of Policy No 45 - Information Management, as follows:***

POLICY MANUAL

Policy Number: 45 **Information Management**

Purpose: To outline the objectives, responsibilities and principles for managing corporate information in accordance with agreed standards and as required by law.

Department: Corporate Services
Author: Malcolm Salter, Director

Council Meeting Date: 13 October 2015
Minute Number: 423/2015

Next Review Date: ***September 2019***

POLICY

1. Definitions

Corporate Information – is information that is required for business use by Council and/or information which affects the business of Council. Examples are:

- formal communication
- any material that reflects the substantive business of Council
- agendas and minutes
- final versions of reports
- information prepared on behalf of Council
- management system documentation

2. Objective

To be proactive in information management and to ensure that the collection, storage, usage and disclosure of information will comply with Council's legislative, statutory and corporate obligations.

3. Scope

This policy applies to all employees or consultants whom:

- Create corporate information
- Have access to corporate information;
- Have any responsibilities for corporate information for example, storage, or maintenance responsibilities;
- Have management responsibilities for officers who carry out any of these tasks;
- Manage or have input into Information Technology Infrastructure design or software selection.

4. Policy

The collection, storage, usage and disclosure of information will comply with Council's statutory and corporate obligations.

It is the responsibility of all officers employed at Council to identify any information that forms part of the "corporate memory" and to manage that information with Council's electronic systems and/or physical storage areas.

Information defined as "corporate" is not to be stored in personal localised systems or departmental areas, unless designated otherwise.

Information management procedures and systems used will ensure that information resources are kept in an accessible, authentic, accurate, complete, meaningful and secure manner.

Responsibilities

Council will:

- provide the support and basis in which the Information Management Policy can be implemented; and

- provide adequate budgetary provision for the maintenance of this policy.

The General Manager will:

- recognise, actively encourage and adopt Information Management as a key function of the organisation; and
- ensure information is managed in accordance with the Australian Standard AS ISO 15489, legislation and Council policy.

Managers and Supervisors will:

- maintain overall responsibility for the effective management of Council's corporate information.

Employees will:

- familiarise themselves with council's Information Management Policy, principles and procedures;
- not make improper use of any information they acquire as an employee. Improper use includes gaining directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for themselves, a member of their family or close associate or to cause any loss or damage to council or any other person. Employees using computers are issued with user IDs and asked to generate passwords. They recognise it is essential that these remain confidential, as employees are responsible for the work performed and communications made under the personal identification code.

Principles

Council's organisational values apply to all activities. In particular, the following principles will apply to the disclosure of information:

- Public access to Council's corporate information is based on the principles of the Right to Information Act 2009 and the Personal Information Protection Act 2004.
- Corporate Information that relates to the public business and is not restricted by the Local Government Act 1993, the Right to Information Act 2009, the Personal Information Protection Act 2004 or the Commonwealth Privacy Act 1988, is accessible to the public.

- Access to corporate information by elected members is in accordance with the above disclosure principles and established Council policies.

References

AS ISO 15489 Records Management

5. Legislation & Associated Council Policies

Archives Act 1983

Commonwealth Privacy Act 1988

Crimes Act 1914

Environmental Management Pollution Control Act 1994

Evidence Act 2001

Land use Planning and Approvals Act 1993

Limitation Act 1974

Local Government Act 1993

Personal Information Protection Act 2004

Right to Information Act 2009

Council Policy No 67 – Personal Information Protection

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

The motion was declared CARRIED with Councillors Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

424/2015 REVIEW OF BUDGETS FOR THE 2015-2016 CAPITAL WORKS PROGRAMME

1) Introduction

The purpose of this report is to provide information to Council on Capital Works projects budget variations and seek Council approval for additional funding and the reallocation of funding within the Capital Works Programme where budget variations fall beyond the limit of the General Manager's financial delegation.

2) Recommendation

It is recommended that Council note the budget changes made by the General Manager under delegated authority and approve the following changes to the 2015-2016 Capital Works Programme.

Project/Activity	Project Name	Original Budget	Variation	New Budget
7827	Deloraine Community WiFi 13/14	\$20,000	-\$16,000	\$4,000
TBC	Deloraine Community Complex Emergency Wiring	\$0	\$16,000	\$16,000
11,12,13	Road resurfacing – bitumen and asphalt reseals	\$1,150,000	\$320,246	\$1,470,246

DECISION:

Cr Kelly moved and Cr Synfield seconded ***“that Council note the budget changes made by the General Manager under delegated authority and approve the following changes to the 2015-2016 Capital Works Programme:***

Project/Activity	Project Name	Original Budget	Variation	New Budget
11,12,13	Road resurfacing – bitumen and asphalt reseals	\$1,150,000	\$320,246	\$1,470,246

The motion was declared CARRIED WITH AN ABSOLUTE MAJORITY with Councillors Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

Cr Mackenzie left the meeting at 5.14pm
Cr Mackenzie returned to the meeting at 5.16pm

425/2015 WESTBURY RECREATION GROUND PAVILION UPGRADE

1) Introduction

The purpose of this report is for Council to approve the allocation of additional funding to the Westbury Recreation Ground Pavilion upgrade project and to approve the concept and design style for the proposed new building works.

2) Recommendation

It is recommended that Council makes a decision between the following;

- 1 a) approve the Contemporary design style for the new building works, and**
- b) approve an additional \$710,373 of capital works funding for delivery of the Stage 1 Option 2a concept design for the Westbury Recreation Ground Pavilion Upgrade project.**

OR

- 2 a) approve the Heritage design style for the new building works, and**
- b) approve an additional \$799,581 of capital works funding for delivery of the Stage 1 Option 2a concept design for the Westbury Recreation Ground Pavilion Upgrade project.**

DECISION:

Cr Richardson moved and Cr Kelly seconded ***“that Council:***

- a) approve the Heritage design style for the new building works,***
- b) approve an additional \$636,781 of capital works funding for delivery of the Stage 1 Option 2a concept design for the Westbury Recreation Ground Pavilion Upgrade project less the modification to the existing building.***
- c) undertake design plans for the modification of the existing building.”***

***The motion was declared CARRIED BY AN ABSOLUTE MAJORITY with
Councillors Kelly, King, Mackenzie, Perkins, Richardson,
Synfield, White and Youd voting for the motion***

ITEMS FOR CLOSED SECTION OF THE MEETING:

Councillor White moved and Councillor Youd seconded ***“that Council move into Closed Session to discuss the following items.”***

The motion was declared CARRIED with Councillors Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

426/2015 Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 8 September 2015.

427/2015 Leave of Absence

(Reference Part 2 Regulation 15(2)(h) Local Government (Meeting Procedures) Regulations 2015)

The meeting moved into Closed Session at 5.28pm

Cr Kelly moved and Cr King seconded ***“that Council move out of Closed Session and endorse those decisions taken while in Closed Session.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, White and Youd voting for the motion.

The meeting re-opened to the public at 5.29pm

The meeting closed at 5.29pm

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CRAIG PERKINS (MAYOR)