



Meander Valley Council

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

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 10 October 2017

Table of Contents

212/2017	CONFIRMATION OF MINUTES:.....	3
213/2017	COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:	4
214/2017	ANNOUNCEMENTS BY THE MAYOR:	4
215/2017	DECLARATIONS OF INTEREST:.....	4
216/2017	TABLING OF PETITIONS:.....	4
217/2017	PUBLIC QUESTION TIME.....	5
218/2017	COUNCILLOR QUESTION TIME.....	5
219/2017	DEPUTATIONS BY MEMBERS OF THE PUBLIC	12
220/2017	NOTICE OF MOTIONS BY COUNCILLORS	13
221/2017	8 PATEENA ROAD, TRAVELLERS REST – SUBDIVISION (3 LOTS)	14
222/2017	PRELIMINARY COMMUNITY CONSULTATION FOR THE MEANDER VALLEY LOCAL PROVISIONS SCHEDULE	21
223/2017	2017-2018 COMMUNITY INCENTIVE GRANTS APPLICATION ASSESSMENTS - ROUND 2.....	23
224/2017	CODE OF CONDUCT PANEL DETERMINATION	24
225/2017	NOTICE OF MOTION - CITIES POWER PARTNERSHIP - SUSTAINABILITY INITIATIVE – CR DEBORAH WHITE.....	25
226/2017	FINANCIAL REPORTS TO 30 SEPTEMBER 2017	26
227/2017	AUDIT REPORT - 2017 FINANCIAL YEAR.....	27
228/2017	UPGRADE OF AFL AND SOCCER SPORTS LIGHTING, PROSPECT VALE PARK.....	28
	ITEMS FOR CLOSED SECTION OF THE MEETING:.....	29
229/2017	CONFIRMATION OF MINUTES.....	29
230/2017	LEAVE OF ABSENCE.....	29
231/2017	MOTION TO RESCIND DECISION.....	29

Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 10 October 2017 at 1.31pm.

PRESENT: Acting Mayor Michael Kelly, Councillors Andrew Connor, Tanya King, Ian Mackenzie, Bob Richardson, Rodney Synfield, John Temple and Deborah White.

APOLOGIES: Mayor Craig Perkins

IN ATTENDANCE: Martin Gill, General Manager
Merrilyn Young, Executive Assistant
Jonathan Harmey, Director Corporate Services
Lynette While, Director Community & Development Services
Kris Eade, Acting Director Infrastructure Services
Jo Oliver, Senior Strategic Planner
Justin Simons, Town Planner
Natasha Whiteley, Town Planner
Krista Palfreyman, Development Services Co-ordinator
Patrick Gambles, Community Development Manager
Justin Marshall, Senior Accountant
Natasha Szczyglowska, Technical Officer, Community Spaces
Holly Bean, Administration Trainee

212/2017 CONFIRMATION OF MINUTES:

Councillor Connor moved and Councillor King seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 12 September, 2017, be received and confirmed.”***

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

213/2017 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:

Date :	Items discussed:
26 September 2017	<ul style="list-style-type: none">• Agfest – Oaks Road – Third Lane• Camping in Council Reserves• Destination Action Plan (DAP)• Tourism & the Great Western Tiers Visitor Information Centre• Proposed Business Support/Economic Development Officer• Prospect Vale Park AFL Lighting Upgrade

214/2017 ANNOUNCEMENTS BY THE MAYOR:

Sunday 17 September 2017

Deloraine Bowls Club season opening day
Westbury Bowls Club season opening day

Friday 22 September 2017

Announcement of Hydro Tasmania Battery of the Nation (Cethana Dam)
Meeting with Meander Valley Tourism operators

Monday 25 September 2017

Meeting with Sarah Courtney MHA

Tuesday 26 September 2017

Northern Waste Management Group Waste Not Awards
Citizenship Ceremony
Council Workshop
Bracknell Community Forum

215/2017 DECLARATIONS OF INTEREST:

Nil

216/2017 TABLING OF PETITIONS:

Nil

217/2017 PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS TAKEN ON NOTICE – SEPTEMBER 2017

Nil

2. PUBLIC QUESTIONS WITH NOTICE – OCTOBER 2017

Nil

3. PUBLIC QUESTIONS WITHOUT NOTICE – OCTOBER 2017

Nil

218/2017 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – SEPTEMBER 2017

Cr John Temple

If the answer to my previous question is “yes”, when the MVC acted under 137. (1) (a) within Part 9 Division 11 of the Local Government Act 1993 where it is to act “as if it were the owner of the land” why was no reserve price set?

Response by Jonathan Harmey, Director Corporate Services

Section 137(1)(a)(i) of the Local Government Act states that if any rates in respect of the land that is not Crown land have been outstanding for 3 years or more, the Council may sell the land or part of the land or part of that land as if it were the owner of the land by public auction. It is taken that this section of the Act indicates Council has the ability to sell the land as opposed to Council applying to the State Government for possession under the Act or applying to the Supreme Court for an order of possession under the Land Titles Act. Council set a reserve to cover Sections 139(1)(a) and 139(1)(b) which has been the practice in previous public auctions for sale of land for unpaid rates.

Cr Bob Richardson

Today, Council is being requested to consider receipt of a report by JMG Engineers and Planners.

- a) It is noted that “that old chestnut” was consulted. What is “that old chestnut”, where does it/they operate? And in what field do they operate?

Response by Martin Gill, General Manager

That Old Chestnut are event caterers that work in Meander Valley and surrounds; including Entally Estate. They have recently rebranded themselves to be "Ash & Brad Bespoke" and they now assist with everything from planning/styling/design for weddings & events.

- b) I was consulted, seemingly as an afterthought. Why were other Councillors not consulted?

Response by Martin Gill, General Manager

As a supplementary response I have been advised that Council's manager for the project contacted Cr Richardson on two occasions prior to JMG consulting with him. The Project Manager advised Cr Richardson that JMG's scope of work was based on his own Progress Report from November 2015, and that he would be contacted by JMG. He was also advised, at the time, of the other stakeholders on the list and the number of stakeholders that would be contacted.

Cr Rodney Synfield

1. Did Council staff take any action to recover the last lot of outstanding rates owed prior to Council taking action at its March 2017 Council meeting to sell up the Beerepoots (other than corresponding with the owners).
If so what?

Response by Jonathan Harmey, Director Corporate Services

Yes, Council officers have been actively pursuing the rates outstanding since a letter was received from the family on 13 June 2012. The last payment of rates was received in July 2010. There has been several letters involved, discussions and meetings. Council staff have issued notices of intention to sell by letter, placed notices on the properties and advertised the intention to sell the property twice in the Examiner in June 2016. The debts have been placed into collection with the Tasmanian Collection Services. A vehicle was seized under a warrant to sell property and sold in early 2013 with the revenue applied to the outstanding debts. Council staff undertook workshops with the Councillors and advised them of the ongoing process in Councillors monthly briefing reports. Council made the decision to sell the property for recovery of unpaid rates under Section 137 of the Local Government Act 1993 on 14 March 2017. Council staff took further steps to implement the decision of Council after this date.

2. The Act talks about what action Council can take if it were unable to sell property on a reasonable basis. What duty of care was there to ensure a price reflective of its true valuation, which was likely known to Council prior to the Auction, was achieved?

Response by Jonathan Harmey, Director Corporate Services

Section 140 of the Act covers the procedure if Council cannot sell the land, it states: if, after a Council has made reasonable attempts to sell the land, it appears that there are no reasonable prospects of selling the land within a reasonable time, the Council may apply to the Minister for an order under this section. Council was able to sell the land on 1 September 2017, in line with Section 137(1)(a)(i) of the Act, in accordance with Council's decision on 14 March 2017. Council was able to sell the land in its first attempt and therefore section 140 would not apply. The property was sold at public auction where all members of the public were able to purchase the property and the property was sold to the person who offered the highest price, the market determined the value of the property at the public auction.

Cr Andrew Connor

There's been increasing reports of dogs roaming urban neighbourhoods of MVC, as well as people walking dogs off-leash in public parks that are not off-leash areas. I have witnessed this myself on multiple occasions. This leads to situations where people feel uncomfortable to walk themselves or their own dogs responsibly in council parks. Can Council undertake to increase patrols and education of dog owners of their responsibilities to keep their dogs on-leash or under effective control as well as improving signage to this effect in our parks?

Response by Lynette While, Director Community and Development Services

We have commenced an initiative to place adhesive "effective control" signs on existing relevant park infrastructure such "doogie do" dispenser bag locations to advise dog walkers to have their dogs under effective control. This is a small sign but it is being located in areas relevant to dog walkers without adding extra signs in parklands that potentially detract from the area. With the summer coming on, we will also place an item in the Gazette reminding people of responsible dog walking and ownership particularly with respect to consideration of other park users. The General Inspector will continue to patrol areas at different periods of the day and respond to all customer service requests.

2. COUNCILLOR QUESTIONS WITH NOTICE – OCTOBER 2017

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – OCTOBER 2017

Cr Deborah White

I recently brought to the General Manager's attention the fact that Council's Hire Agreement was, in my opinion, unnecessarily convoluted and confronting to user groups. Has there been any progress in amending this document to make more user friendly?

Response by Martin Gill, General Manager

Council Officers have reviewed the documents and have prepared an initial draft which needs further work.

Cr John Temple

1. Sale of Home

- a) Does Council concur that there is a seismic difference between selling an abandoned, vacant block of land of which the owner is disinterested and the selling a family home that will have a cataclysmic effect on its owners?

Question taken on Notice

- b) Does Council consider that it had any "Duty of Care" towards the owners?

Question taken on Notice

- c) Does Council consider that it should have better protected the interests of the owners?

Question taken on Notice

- d) With the benefit of hindsight would the Council have acted differently?

Response by Martin Gill, General Manager

Council acted within accordance of the Local Government Act 1993.

2. East Bound Off Ramp Bass Highway to Birralelee Road

- Give Way sign almost parallel to the road (ie not perpendicular to the road), dotted line almost vanished.
- Reported to the Director of Works at the time of the July Council meeting who subsequently referred it to the State Government.
- Three months later not rectified.
- If it were a factory and this type of problem was not fixed immediately it would be shutdown and the manager would likely be culpable for any accident.

Will the Acting Mayor/Mayor write to the relevant State Government Minister seeking immediate rectification to this problem and also to the systemic failure that has allowed it to persist?

Response by Martin Gill, General Manager

Yes Council will write to the State Government Minister.

Cr Richardson

1. Councillors have discussed two issues at recent workshops – those issues being related to so-called “free” camping in the Meander Valley and mobile street vendors.

The outcome of those workshops was that Council officers would draft policies for consideration at Council meeting (s).

When will these motions (covering these policies) be brought to Council for discussion?

Response by Martin Gill, General Manager

The policies will be included in the November Council Meeting agenda.

2. I refer to various food outlets at Westbury, namely:

- Berriedale Hotel, 107 Meander Valley Road, Westbury
- McCulloch’s News ‘n’ Food, 84 Meander Valley Road, Westbury
- Simple Pleasures (formerly Café on William/Hobnobs), 47 William Street, Westbury
- Westbury Pizza Shop, 105 Meander Valley Road, Westbury
- White House Bakery, cnr. King and Adelaide Streets, Westbury

Could Councillors be advised of the following for each:-

- (a) Annual Council rates;
- (b) Fees and charges levied by Council in relation to conduct of a food business;
- (c) The likelihood of the need to pay five inspection charges (by Tas. Fire Service) and State Land Tax and TasWater
- (d) The approximate workforce, including principals, of each business.

3. Do these businesses, confine their business activity to their own properties?

4. What are the annual Council fees and charges levied by Council on mobile food vendors?

5. Several ratepayers have expressed concern with the vehicle movement in Westbury's shopping centre. that concern has centred upon:
- (a) Excessive speed (ie, exceeding nominated speed limits); and
 - (b) Heavy vehicles exceeding nominated load limits.
- i) Has Council received any correspondence from ratepayers concerning this issue(s)
 - ii) Have Tasmania Police been advised of the expressed concerns of residents and if so, has Tas Police responded.

Questions taken on Notice

Some months ago Council advised that a grant had been obtained to install security cameras in Meander Valley town(s).'

Also, Council has previously been advised of an abnormally elevated level of thefts from several businesses particularly in the Westbury/Hagley/Carrick District. These infringements continue, as late as last Saturday evening (7 October).

Could Council be advised of the progress toward installation of surveillance equipment, particularly in Westbury?

Questions taken on Notice

Many months ago the issue connectivity of streets in Westbury was raised. In particular, the accessibility to homes of emergency response vehicles was stressed as being important. It was also noted that, in the event of a delayed response leading to a negative outcome, would Council have a liability?

Is Council aware that yesterday afternoon Tas Ambulance was called to attend an incident in South Westbury. Two ambulances were despatched, perhaps indicating a potential high level incident.

Is Council are that BOTH AMBULANCES GOT LOST?

Response by Martin Gill, General Manager

No we were not but we are now.

Is Council aware that MONA (in Hobart) has received \$8.1 million in grants (Tasmanian taxpayers fund) from the Tasmanian Government in the past 8 years?

Response by Martin Gill, General Manager

No we were not but we are now.

Cr Andrew Connor

Could council please advise about footpaths into and around Blackstone Heights, specifically –

- a) What is the approximate total length of footpaths completed since 2011 and those still planned?

Response by Martin Gill, General Manager
1330 metres of new concrete footpath

- b) What is the approximate dollar value of footpaths and associated works spent in this area since 2011? (including grants)

Response by Martin Gill, General Manager
\$718,300

- c) What is the dollar value of footpaths currently budgeted-for in future works and when are they programmed to occur?

Response by Martin Gill, General Manager
\$393,000

Cr Ian Mackenzie

1. It again has come to my attention that I believe that the Meander Valley Council's Code of Conduct is very one-sided. It details in full how councillors are to engage and communicate with all parties, members of our community, councillors and council staff, however there is nothing that ensures councillors or states how councillors are to be treated by members of the community, would this be correct?

Response by Martin Gill, General Manager
Yes that is correct, it does not provide guidance to the community.

2. In regards to community members the policy states how a councillor must act, but I can't find how councillors should be treated and how we should respond when not being dealt with, with courtesy, fairness, dignity and respect or whether we should respond at all,(however, again this lack of response may be viewed, by some as being disrespectful.

Response by Martin Gill, General Manager
The Code of Conduct does not provide guidance for the community about how they are required to interact with Councillors.

3. Could not replying to an email or letter be considered as not treating a person with respect?

Response by Martin Gill, General Manager

It may be interpreted that way by the affected party.

It is a different question as to whether it would be a breach of Conduct.

4. What are the consequences of a community member not treating a councillor with courtesy, fairness, dignity and respect in regards to our code of conduct policy?

Response by Martin Gill, General Manager

That would be a civil matter.

5. Does the state government e.g. state politicians have a code of conduct policy?

Response by Martin Gill, General Manager

Not that I know of.

6. Does the federal government e.g. Federal politicians have a code of conduct policy?

Response by Martin Gill, General Manager

Not that I am aware of.

7. I feel that there are conflicts in regards to freedoms of speech and the Meander Valley Council Code of Conduct policy. Will Council obtain legal advice and bring our code of conduct policy to a workshop as I believe it is unfair and bias towards councillors?

Question taken on Notice

8. Will Council provide training for councillors in regards to responding to constituents concerns when councillors are not treated with courtesy, fairness, dignity and respect?

Response by Martin Gill, General Manager

We can organise that type of training for Councillors.

219/2017 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

220/2017 NOTICE OF MOTIONS BY COUNCILLORS

225/2017 CITIES POWER PARTNERSHIP - SUSTAINABILITY INITIATIVE – CR DEBORAH WHITE

COUNCIL MEETING AS A PLANNING AUTHORITY

The Acting Mayor advised that for items 221/2017 and 222/2017 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

221/2017 8 PATEENA ROAD, TRAVELLERS REST – SUBDIVISION (3 LOTS)

The Acting Mayor invited Mr Martin Palfreyman to address Council regarding this agenda item.

1) Introduction

This report considers application PA\17\0208 for Subdivision (3 lots) on land located at 8 Pateena Road, Travellers Rest CT 112696/1.

2) Recommendation

That the application for Use and Development for Subdivision (3 lots) on land located at 8 Pateena Road, Travellers Rest CT 112696/1 by Cohen & Associates P/L, requiring the following discretions:

- 13.4.2.1 General Suitability
- 13.4.2.2 Lot Area, Building Envelopes and Frontage
- E4.6.1 Use and road or rail infrastructure
- E4.7.2 Management of Road and Accesses and Junctions
- E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings
- E11.6.1 Attenuation Distances
- E16.6.5 Subdivision
- E7.6.1 Scenic Management – Tourist Road Corridor

be APPROVED, generally in accordance with the endorsed plans:

- (a) Cohen & Associates P/L – Plan of Subdivision – Ref: 13-10 (7230);***
- (b) ES&D – Environmental assessments – dated: August 2017;***
- (c) Rebecca Green & Associates – Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan – dated 11 May 2017;***
- (d) Cohen & Associates P/L – aerial photo – emailed dated 28 September 2017.***

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or**

- b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
- 2. The vehicular crossover servicing proposed Lot 3 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 of Infrastructure Services (see Note 1 below).**
- 3. Road Reserve vegetation to the north and south of Lot 3's access is to be removed and trimmed to provide adequate sight distances to the satisfaction of Council's Director of Infrastructure Services.**
- 4. The existing access servicing Lot 1 is to be suitably widened to accommodate heavy vehicle entry and exit clear from interference with the adjacent access to 361 Meander Valley Road, to the satisfaction of the Department of State Growth (see Note 2 below).**
- 5. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:**
 - a) The vehicular crossover for Lot 3 must be completed as per Condition 2 (above).**
 - b) Vegetation removal and trimming associated with the crossover for Lot 3 must be completed as per Condition 3 (above).**
 - c) The vehicular crossover for Lot 1 must be completed as per Condition 4 (above). Advice is to be provided from the Department of State Growth demonstrating that the access has been constructed to an acceptable standard.**
- 6. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No 2017/00760-MVC attached).**

Note:

- 1. Prior to the construction of the crossover for Lot 3, a Driveway Crossover Application Form (enclosed) must be completed and approved by Council's Road Authority. All enquiries should be directed to Council's Technical Officer on 6393 5312.**

- 2. Separate consent is from the Department State Growth for any works to be undertaken within Crown Land, 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 www.transport.tas.gov.au/road/permits, applications 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 until a permit has been issued.**
- 3. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.**
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. 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.
6. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
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. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.
8. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

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.

DECISION:

Cr King moved and Cr Mackenzie seconded ***“that the application for Use and Development for Subdivision (3 lots) on land located at 8 Pateena Road, Travellers Rest CT 112696/1 by Cohen & Associates P/L, requiring the following discretions:***

- 13.4.2.1 General Suitability
- 13.4.2.2 Lot Area, Building Envelopes and Frontage
- E4.6.1 Use and road or rail infrastructure
- E4.7.2 Management of Road and Accesses and Junctions
- E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings
- E11.6.1 Attenuation Distances
- E16.6.5 Subdivision
- E7.6.1 Scenic Management – Tourist Road Corridor

be APPROVED, generally in accordance with the endorsed plans:

- (a) Cohen & Associates P/L – Plan of Subdivision – Ref: 13-10 (7230);***
- (b) ES&D – Environmental assessments – dated: August 2017;***
- (c) Rebecca Green & Associates – Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan – dated 11 May 2017;***
- (d) Cohen & Associates P/L – aerial photo – emailed dated 28 September 2017.***

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or**

- b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
- 2. The vehicular crossover servicing proposed Lot 3 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 of Infrastructure Services (see Note 1 below).**
- 3. Road Reserve vegetation to the north and south of Lot 3's access is to be removed and trimmed to provide adequate sight distances to the satisfaction of Council's Director of Infrastructure Services.**
- 4. The existing access servicing Lot 1 is to be suitably widened to accommodate heavy vehicle entry and exit clear from interference with the adjacent access to 361 Meander Valley Road, to the satisfaction of the Department of State Growth (see Note 2 below).**
- 5. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:**
 - a) The vehicular crossover for Lot 3 must be completed as per Condition 2 (above).**
 - b) Vegetation removal and trimming associated with the crossover for Lot 3 must be completed as per Condition 3 (above).**
 - c) The vehicular crossover for Lot 1 must be completed as per Condition 4 (above). Advice is to be provided from the Department of State Growth demonstrating that the access has been constructed to an acceptable standard.**
- 6. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No 2017/00760-MVC attached).**

Note:

- 1. Prior to the construction of the crossover for Lot 3, a Driveway Crossover Application Form (enclosed) must be completed and approved by Council's Road Authority. All enquiries should be directed to Council's Technical Officer on 6393 5312.**

- 2. Separate consent is from the Department State Growth for any works to be undertaken within Crown Land, 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 www.transport.tas.gov.au/road/permits, applications 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 until a permit has been issued.**
- 3. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.**
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. 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.
6. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
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. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

8. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
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 motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Richardson, Synfield, Temple and White voting for the motion.

222/2017 PRELIMINARY COMMUNITY CONSULTATION FOR THE MEANDER VALLEY LOCAL PROVISIONS SCHEDULE

1) Introduction

The purpose of this report is to seek Council's endorsement to conduct preliminary and informal community consultation for the draft Meander Valley Local Provisions Schedule of the Tasmanian Planning Scheme.

2) Recommendation

It is recommended that Council endorse an informal community consultation program for the preliminary draft of the Meander Valley Local Provisions Schedule for the Tasmanian Planning Scheme as follows:

- 1. Notify the preliminary draft on Saturday 14 October 2017 in the Examiner and Advocate newspapers;***
- 2. Make the draft Local Provisions Schedule documentation and supporting explanatory documentation available on Council's website and in hard copy at Council's offices at Westbury and Service Tasmania at Deloraine;***
- 3. Conduct evening community consultation sessions at Westbury, Deloraine, Prospect Vale and Mole Creek; and***
- 4. Provide a period of four weeks for submission of comments for Council consideration, concluding on Friday 10 November 2017.***

DECISION:

Cr Mackenzie moved and Cr Connor seconded ***“that Council endorse an informal community consultation program for the preliminary draft of the Meander Valley Local Provisions Schedule for the Tasmanian Planning Scheme as follows:***

- 1. Notify the preliminary draft on Saturday 14 October 2017 in the Examiner and Advocate newspapers;***
- 2. Make the draft Local Provisions Schedule documentation and supporting explanatory documentation available on Council's website and in hard copy at Council's offices at Westbury and Service Tasmania at Deloraine;***
- 3. Conduct evening community consultation sessions at Westbury, Deloraine, Prospect Vale and Mole Creek; and***

4. Provide a period of four weeks for submission of comments for Council consideration, concluding on Friday 10 November 2017

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

223/2017 2017-2018 COMMUNITY INCENTIVE GRANTS APPLICATION ASSESSMENTS - ROUND 2

1) Introduction

The purpose of this report is to present for Council approval, the recommendations of the Community Grants Committee for Community Grants Round 2.

12) Recommendation

It is recommended that Council endorses the recommendations of the Community Grants Committee and approves the following allocations:

DECISION:

Cr Mackenzie moved and Cr Richardson seconded ***“that Council endorses the recommendations of the Community Grants Committee and approves the following allocations:***

Organisation	Project	Grant Recommended \$
Chudleigh Ag. & H. Soc.	Circus Workshops	3,000
Deloraine Junior. Basketball Club	Shot Clock Upgrades	1,500
Hadspen Chieftains 8-Ball Club	Indoor Tables	392
Hadspen Cricket Club	Ground Fencing	2,948
MV Community Radio	Summer Public Concert	1,500
MV Netball Association	Junior Uniforms	2,000
Northern Tas Eventing Club	Mobile PA System	2,000
Prospect Hawks JFC	10 Years of Junior. Footballs	1,500
Rotary Club of Central Launceston	Circus Quirkus - 4 tickets	240
Rotary Club of Westbury	Library Planter Boxes	1,500
Vet Car Club of Australia (Tas)	National Veteran Car Tour	870
Westbury Ladies Probus	Silver Probus Celebrations	550
Westbury RSL Sub Branch	Public Artwork	3,000
		21,000

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

224/2017 CODE OF CONDUCT PANEL DETERMINATION

1) Introduction

The purpose of this report is to table a copy of a Code of Conduct Panel Determination in response to a complaint made against Cr Tanya King submitted by Meander Area Residents and Ratepayers Association Inc (MARRA Inc).

2) Recommendation

It is recommended that Council receive the Code of Conduct Panel Determination report.

The Council meeting was suspended at 2.13pm
The Council meeting resumed at 2.24pm

DECISION:

As an alternate motion Cr Synfield moved and Cr White seconded ***“that Council receive but do not endorse the entirety of the Code of Conduct Panel Determination Report and that Council via the General Manager write to the Executive officer of the Code of Conduct Panel stating that there are elements within the report that seem to be in error or in fact unlawful.”***

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

To members of Meander Area Residents and Ratepayers Association Inc

I sincerely and unreservedly apologise to members of Meander Area Residents and Ratepayers Association Inc for any offence that my comments at the Meander Valley Council meeting held on 15 November 2016, may have caused them.

Cr Tanya King

225/2017 NOTICE OF MOTION - CITIES POWER PARTNERSHIP - SUSTAINABILITY INITIATIVE – 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 support to register interest in the second round of the Cities Power Partnership program.

2) Recommendation (Cr Deborah White)

It is recommended that Council submits an expression of interest to partner with the Climate Council on the second round of the Cities Power Partnership program.

Cr White moved and Cr Richardson seconded ***“that Council submits an expression of interest to partner with the Climate Council on the second round of the Cities Power Partnership program.”***

As a procedural motion Cr Connor moved ***“that the motion be put.”***

The motion was declared LOST with Councillors Connor, Richardson and White voting for the motion and Councillors Kelly, King, Mackenzie,

As a procedural motion Cr Mackenzie moved ***“that the matter be deferred and referred to a workshop.”***

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

The original motion was put and declared LOST with Councillors Connor, King, Richardson and White voting for the motion and Councillors Kelly, Mackenzie, Synfield and Temple voting against the motion.

Cr Connor left the meeting at 3.08pm

226/2017 FINANCIAL REPORTS TO 30 SEPTEMBER 2017

1) Introduction

The purpose of this report is to present Council's financial reports to 30 September 2017.

2) Recommendation

It is recommended that Council receive the following financial reports for the period ended 30 September 2017:

- 1. Consolidated operating statement with accompanying operating statements for the key operational areas of Council***
- 2. A detailed list of capital works project expenditure to date***
- 3. A detailed list of capital resealing project expenditure to date***
- 4. A detailed list of capital gravelling project expenditure to date***
- 5. A summary of rates outstanding***
- 6. Cash reconciliation & investments summary***

Cr Connor returned to the meeting at 3.10pm

DECISION:

Cr Richardson moved and Cr Mackenzie seconded ***"that Council receive the following financial reports for the period ended 30 September 2017:***

- 1. Consolidated operating statement with accompanying operating statements for the key operational areas of Council***
- 2. A detailed list of capital works project expenditure to date***
- 3. A detailed list of capital resealing project expenditure to date***
- 4. A detailed list of capital gravelling project expenditure to date***
- 5. A summary of rates outstanding***
- 6. Cash reconciliation & investments summary***

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

227/2017 AUDIT REPORT - 2017 FINANCIAL YEAR

1) Introduction

The purpose of this report is for Council to receive the Delegate of the Auditor-General's independent audit report for the 2017 financial report.

2) Recommendation

It is recommended that Council receive the Delegate of the Auditor-General's independent audit report on the 2017 Financial Report.

DECISION:

Cr Mackenzie moved and Cr Richardson seconded ***“that Council receive the Delegate of the Auditor-General's independent audit report on the 2017 Financial Report.***

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

228/2017 UPGRADE OF AFL AND SOCCER SPORTS LIGHTING, PROSPECT VALE PARK

1) Introduction

The purpose of this report is for Council to approve a new capital works project to upgrade ground lighting on the football ground and soccer ground at Prospect Vale Park to 200 lux. The project will involve acceptance of two grants obtained by the Prospect Hawks Junior Football Club.

2) Recommendation

It is recommended that Council:

- 1. Approve the new capital works project to upgrade ground lighting on the football ground and soccer ground at Prospect Vale Park to 200 lux, with the condition that prior to acceptance of a tender contract agreements are entered into for Council to receive the two grants offered or all grant funding is paid to Council*
- 2. Approve the budget reallocation of \$152,100 from project 7671 PVP Development Plan to the new project PVP Lighting Upgrade*

DECISION:

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

- 1. Approve the new capital works project to upgrade ground lighting on the football ground and soccer ground at Prospect Vale Park to 200 lux, with the condition that prior to acceptance of a tender contract agreements are entered into for Council to receive the two grants offered or all grant funding is paid to Council*
- 2. Approve the budget reallocation of \$152,100 from project 7671 PVP Development Plan to the new project PVP Lighting Upgrade*

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

ITEMS FOR CLOSED SECTION OF THE MEETING:

Councillor Mackenzie moved and Councillor King seconded ***“that pursuant to Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public to discuss the following items.”***

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

229/2017 CONFIRMATION OF MINUTES

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 12 September, 2017.

230/2017 LEAVE OF ABSENCE

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

231/2017 MOTION TO RESCIND DECISION

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

The meeting moved into Closed Session at 3.19pm

The meeting re-opened to the public at 3.22pm

The meeting closed at 3.23pm.

.....
MICHAEL KELLY (ACTING (MAYOR)