



Meander Valley Council  
Working Together

# **ORDINARY MINUTES**

**COUNCIL MEETING**

**Tuesday 8 September 2020**

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Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 8 September 2020 at 4.00pm.

**PRESENT**

Mayor Wayne Johnston, Deputy-Mayor Michael Kelly, Councillors Susie Bower, Stephanie Cameron, Tanya King, Frank Nott, Andrew Sherriff, Rodney Synfield and John Temple.

**APOLOGIES**

Nil

**IN ATTENDANCE**

John Jordan, General Manager  
Merrilyn Young, Executive Assistant  
Dino De Paoli, Director Infrastructure Services  
Jonathan Harmey, Director Corporate Services  
Matthew Millwood, Director Works  
Lynette While, Director Community & Development Services  
Jo Oliver, Senior Strategic Planner  
Justin Simons, Town Planner  
Natasha Whitley, Town Planner  
Krista Palfreyman, Development Services Coordinator  
Jarred Allen, Senior Civil Engineer  
Neil Grose, Business & Economic Recovery Manager  
Jacqui Parker, Governance Coordinator  
Katie Proctor, Environmental Health Officer

**158/2020 CONFIRMATION OF MINUTES**

Councillor Sherriff moved and Councillor King seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 11 August, 2020, be received and confirmed.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

## 159/2020 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

Date	Items discussed and tabled:
<b>18 August 2020</b>	<ul style="list-style-type: none"> <li>• Presentation – Launceston City Deal</li> <li>• Strategic Planning – Representation of Public Exhibition of LPS Substantial modifications</li> <li>• Strategic Planning – Local business Zone Amendment – 2 Panorama Road, Blackstone Heights</li> <li>• Deloraine Squash Courts</li> <li>• Bracknell Hall Functional Brief</li> <li>• Business &amp; Economic Recovery</li> <li>• Items for Noting:               <ul style="list-style-type: none"> <li>a) Review of Policy No. 77 – Rates and Charges</li> </ul> </li> </ul>
<b>1 September 2020</b>	<ul style="list-style-type: none"> <li>• Planning Scheme Amendment – Off Neptune Drive, Blackstone Heights</li> <li>• Representations to the Draft Meander Valley Local Provisions Schedule – Substantial modifications</li> <li>• Planning Templates</li> <li>• Lifestyle Recovery Grants Update</li> <li>• NTDC Inc – Performance Outcomes</li> <li>• Items for Noting               <ul style="list-style-type: none"> <li>a) Capital Works Budget Adjustment</li> <li>b) Review of Policy No. 2 – Stock Underpasses on Council Roads</li> <li>c) Review of Policy No. 4 – Subsidises Waste Disposal for community groups</li> <li>d) Review of Policy No. 72 – Street Dining &amp; Vending</li> </ul> </li> </ul>

## 160/2020 ANNOUNCEMENTS BY THE MAYOR

### **18 August 2020**

Meeting with Football Tasmania & Launceston City representatives  
Council Workshop

### **20 August 2020**

Photo opportunity with Launceston City Football Club

### **23 August 2020**

Opening of Junior Gala Day – Launceston City Football Club

### **1 September 2020**

Meeting with Opposition Leader Rebecca White MP  
Council Workshop.

### **2 September 2020**

Quarterly Meeting between Mayors

### **3 September 2020**

Meeting with John Tucker MP

## **161/2020 ANNOUNCEMENTS BY COUNCILLORS**

### *Councillor Susie Bower*

18 August 2020 Mole Creek Progress Association meeting  
Council Workshop  
23 August 2020 Launceston City Football Club Gala Day  
25 August 2020 Bracknell Hall redevelopment  
28 August 2020 Photo opportunity at Country Club Avenue/Las Vegas Drive with  
Councillor Nott  
1 September 2020 Council Workshop  
Carrick Hall meeting

### *Councillor Frank Nott*

18 August 2020 Development Assessment Group Meeting  
Council Workshop  
23 August 2020 Launceston City Football Club Gala Day  
25 August 2020 Development Assessment Group Meeting  
27 August 2020 Location visits in Prospect Vale with General Manager  
28 August 2020 Photo opportunity at Country Club Avenue/Las Vegas Drive with  
Councillor Bower

## **162/2020 DECLARATIONS OF INTEREST**

181/2020 Deputy-Mayor Michael Kelly - Contract 220 2020-21 Bridge, Railton Road

## 163/2020 TABLING AND ACTION ON PETITIONS

A petition was received from the Mole Creek Progress Association requesting Council support to implement a speed limit reduction and traffic calming on Pioneer Drive, Mole Creek.

### **Action**

Council have arranged to have traffic counters installed and engaged a traffic engineer to assist Council with the process of assessment and recommendation of solutions.

## 164/2020 PUBLIC QUESTION TIME

### 1. PUBLIC QUESTIONS TAKEN ON NOTICE – AUGUST 2020

Nil

### 2. PUBLIC QUESTIONS WITH NOTICE – SEPTEMBER 2020

#### 2.1 Kerin Booth, Meander

Given the decision by a previous Council to lease the Meander School to Teen Challenge has caused so much conflict in our community and massive legal costs to Council, will Council now please meet with the Meander Area Residents and Ratepayers Association (MARRA) to discuss its vision for the community to retain the school?

#### **Response by John Jordan, General Manager:**

***The implications of Teen Challenge's decision not to proceed with the establishment of a rehabilitation centre on the site of the former Meander Primary School are being worked through by Council.***

***Teen Challenge retain a current lease (with options) over the site. The Teen Challenge organisation is yet to formalise its intentions for the site and ongoing lease. When these intentions are clear and formally settled; Council will consider its position on the future of the site. In the event the site and lease is vacated, Council will also consider the most effective way in which to engage with all members of the community and any parties, such as MARRA, that may have ambitions for the use of the site.***

**Overall timeframes will depend at this point on the advice to be received from Teen Challenge and the need for consideration of matters at a future Council meeting.**

2.2 Emma Hamilton, Westbury

On the 12th August 2020, my husband and I enquired at the Meander Valley Council office in Westbury as to who was employed by MVC as the Heritage Consultant for planning issues. We were told that we could make an appointment with any of the MVC Town Planners, as they all shared the role equally.

Will Council confirm if this is the case?

If this is the case will Council also tell us what professional development they (the Town Planners) have undertaken on heritage issues, to be able to advise on heritage issues in planning?

If there is professional development undertaken of heritage issues in planning, will you explain how often this is undertaken?

And also do the town planners receive any extra remuneration above their standard salary to act in this capacity of heritage consultant?

**Response by Lynette While, Director Community & Development Services:**

**Meander Valley Council does not employ a Heritage Consultant. There are no heritage precincts or local heritage places that have been identified within the Meander Valley Interim Planning Scheme. All development applications received for properties listed on the State Heritage Register are referred to Heritage Tasmania in accordance with the Historic Cultural Heritage Act 1995.**

3. PUBLIC QUESTIONS WITHOUT NOTICE – SEPTEMBER 2020

3.1 Emma Hamilton, Westbury

1. a) I see on page 260 of the September 2020 Ordinary Meeting agenda ( page 4 of Amendment 1- September 2020 Meander Valley Interim Planning Scheme 2013) and page 268 of the September 2020 Ordinary Meeting agenda (page 12 of Amendment 1- September 2020 Meander Valley Interim Planning Scheme 2013) there is talk about how quickly the land at the William Street subdivision sold as justification for the proposed amendment yet there doesn't seem to be any academic referencing to quantify how quickly the lots sold. Will Council detail what research it undertook to be able to make these claims ie did it have correspondence with the landowner/ realtors or



land title searches? If so surely this evidence should be included as part of the decision making process. I would hope that if this is something councillors are being asked to vote on that the research was rigorous and more than just anecdotal evidence like a sold sticker on a development billboard or hearsay?

1. b) Also how many building/planning applications have been lodged with council for any of those blocks on the William Street Subdivision since they have sold? What is the projected timelines between the lots being sold and being built on?
2. Will Council explain how much rate payer money was spent to produce this Amendment report that includes things like a Traffic Impact Assessment since some of the land involved in this report was already being considered for rezone under the statutory process to transition from the Meander Valley Interim Planning Scheme 2013 to the Local Provisions Schedule. This report seems like a waste of ratepayers money in an attempt to fast track a process that was already in place and likely to take affect soon anyway when the Local Provision Schedule was approved. Why is this amendment so urgent to implement? And what has it cost rate payers?

### ***Questions taken on Notice***

#### 3.2 *Martin Hamilton, Westbury*

1. a) With regards to the questions Councillor Synfield asked in the August meeting about when Council facilities would be reopened for casual hire, I'd like to know what the General Manager anticipates the cost to Council would be to clean the facility after it has been hired, and who cleans council owned facilities after they are used by regular hirers?
  - b) Can Council tell us how much money Council is losing from not renting out their facilities for casual hire?
2. a) Given I myself have contacted Launceston City Council and Northern Midlands Council to hire facilities through them, and their staff were happy to rent out facilities for casual bookings with a written agreement about who would be responsible for cleaning the facility after it's used as well as keeping a COVID register, it would seem that COVID Safety plans can be written by other Councils in such a way that would allow casual users to hire facilities. Why can't MVC make further enquiries with other municipalities as to how they are able to do this?

- 2 b) It seems if a plan can be in place that the Hirer was to appropriately clean the facility to COVID safety standards after its use, then it would not be a financial burden to Council, and Council would not be losing the money they normally receive from hiring facilities when Council is already expecting a deficit. Which elected Council representative/s (not Council employees) meet to discuss the COVID Safety Plan for the municipality, and if elected Councillors are not being invited to take part in these meetings, why not?

### ***Questions taken on Notice***

## **165/2020 COUNCILLOR QUESTION TIME**

### **1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – AUGUST 2020**

Nil

### **2. COUNCILLOR QUESTIONS WITH NOTICE – SEPTEMBER 2020**

Nil

### **3. COUNCILLOR QUESTIONS WITHOUT NOTICE – SEPTEMBER 2020**

#### **3.1 Cr Stephanie Cameron**

I have been contacted by several residents of Hadspen who are concerned about the increased level of antisocial behaviour in the area.

Hooning, particularly on weekends, burnouts and speeding up and down Meander Valley Road as well as an increase in property theft.

Just a few weeks ago a home on Bowden's Road had its windows shot at in the middle of the night. This sent a wave of fear through the town.

Will Council write to the Minister for Police, Fire and Emergency Management the Hon Mark Shelton MP and advocate for greater police presence in Hadspen?

The Meander Valley is the greatest place on earth to live, work and raise a family and the community deserves the right to feel safe and secure.

#### ***Response by Wayne Johnston, Mayor:***

***Yes Council will write to the Minister for Police, Fire and Emergency Management, the Hon Mark Shelton MP.***

3.2 Cr John Temple

Has there been any developments regarding the proposed prison in the Westbury area?

**Response by John Jordan, General Manager:**

***The only development is that I have been contacted by the Department of Justice and the Attorney-General verbally that they wish to meet with us to understand some of the issues and then their intention is to come and meet with Councillors.***

**166/2020 DEPUTATIONS BY MEMBERS OF THE PUBLIC**

Nil

## 167/2020 NOTICE OF MOTION - COUNCILLOR FRANK NOTT - WESTBURY ROAD SIGNALISED PEDESTRIAN CROSSING

### 1) Recommendation (Councillor Frank Nott)

It is recommended that Council:

- a) undertakes a traffic and pedestrian movement assessment to inform the broader road network planning and in particular the feasibility and preliminary design work for a designated safe crossing point solution including the possibility of pedestrian activated lights on Westbury Road within reasonable proximity to Prospect Market Place, and
- b) subject to the feasibility work, presents a project proposal to Council for consideration as part of the upcoming 2021-22 Capital Works Program.

### DECISION:

Cr Nott moved and Cr Synfield seconded ***“that Council***

- a) undertakes a traffic and pedestrian movement assessment to inform the broader road network planning and in particular the feasibility and preliminary design work for a designated safe crossing point solution including the possibility of pedestrian activated lights on Westbury Road within reasonable proximity to Prospect Market Place, and***
- b) subject to the feasibility work, presents a project proposal to Council for consideration as part of the upcoming 2021-22 Capital Works Program.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

## **PLANNING AUTHORITY ITEMS**

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to all Planning Authority reports:

### **Strategic/Annual Plan Conformance**

Council has a target under the Annual Plan to assess applications within statutory timeframes.

### **Policy Implications**

Not applicable.

### **Legislation**

Council must process and determine the application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

### **Risk Management**

Risk is managed by the inclusion of appropriate conditions on the planning permit.

### **Financial Consideration**

If the application is subject to an appeal to the Resource Management Planning and Appeal Tribunal, Council may be subject to the cost associated with defending its decision.

### **Alternative Recommendations**

Council can either approve the application with amended conditions or refuse the application.

### **Voting Requirements**

Simple majority

**168/2020 105 DEN ROAD (LOT 3, DEN ROAD), MOLE CREEK,  
ACCESSED VIA BIG DEN ROAD**

The Mayor invited Michael Channing, Carol Douglas, John How and Roger Lane to address Council regarding the agenda item.

**Planning Application:** PA\20\0204

**Proposal:** Resource Processing (Private Abattoir)

**Author:** Justin Simons  
Town Planner

**1) Recommendation**

***It is recommended that the application for Use and Development for Resource Processing (abattoir), on land located at 105 Den Road, Mole Creek (CT:142267/3), by Tasmanian Consulting Service Pty Ltd, be APPROVED, generally in accordance with the endorsed plans:***

- a) **Tasmanian Consulting Service, P/L; Development Application-Supporting Information; Revision 2, 14 July 2020, pages 15, 16, 25, - (including drawing no. 8982, sheets 001, 020, 021, 022, 023, 024 & 025);**
- b) **Philip Cullen, A Report on the Karst Features in the Vicinity of a proposed Abattoirs and Associated Infrastructure at Lot 3 Den Road, Mole Creek, dated January 2018, and addendum dated 22 July 2020; and**
- c) **Macquarie Franklin, Durham Abattoir Waste Reuse Assessment, July 2020.**

***and subject to the following conditions:***

1. 30 days prior to the commencement of any work:
  - a) A waste and wastewater management plan is to be submitted to the satisfaction of Council's Environmental Health Officer. The plan is to provide practical instruction regarding the operation of the waste water system and procedures for waste management, including the following:
    - i. Abattoir Waste (offal, hides, bones and other solids)  
A management plan for waste identifying the location and means of

temporary storage prior to collection and removal to a licenced facility. Temporary waste storage must ensure that waste does not spoil and give rise to odour nuisance.

ii. Paunch

A management plan complying with the Paunch Contents Land Spreading Management Guidelines Tasmania prepared by the Environment Protection Authority, giving particular consideration to the avoidance of karst features and areas protected by Conservation Covenant.

iii. Waste Water

A waste water management plan consistent with the Environmental Guidelines for the Use of Recycled Water in Tasmania (DPIWE, 2002). The plan must include buffers, from sensitive uses and karst features, as identified in the waste water assessment submitted with the application (Macquarie Franklin, 2020). Waste water irrigation is only to occur in areas demonstrated to have soil coverage of 500mm or more.

The plan is to incorporate a twice yearly (Autumn and Spring) testing and reporting regime consistent with the recommendations of the endorsed waste water assessment. The results of testing, recommended application rates for waste water and the irrigation area are to be reported to Council prior to the commencement of irrigation.

- b) A construction soil and water management plan is to be submitted to the satisfaction of Council's Town Planner demonstrating how disturbed and exposed soils will be managed to minimise erosion and prohibit sediment from contaminating overland flows and entering the sub-surface karst. The plan must include provisions for the rehabilitation of any exposed soils to minimise future erosion.
2. The management of waste and waste water must be undertaken at all times in accordance with the management plans approved as per Condition 1.
  3. With the exclusion of administration, cleaning, maintenance, back of house tasks and deliveries, the hours of operation are limited to 6:00am to 6:00pm daily.
  4. The facility is not to process more than 90 tonnes per annum, by dressed weight, of meat in any 12 month period.

5. Throughput data confirming the quantity and rate of processing is to be provided to Council on a half yearly basis.

Note:

1. An application for a Plumbing Permit will be required at the Building and Plumbing Permit application stage for the on-site wastewater system servicing the building. Please note that a comprehensive site specific on-site wastewater design report by a suitably qualified person, addressing the following, is required to accompany the application:
  - Construction and capacity of effluent drainage pit and pump sump
  - Capacity of storage tanks for treated wastewater
  - Management of offal and other animal waste (bones, hides etc.)
  - Wastewater from staff toilet and washroom
2. 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 (03) 6393 5320 or via email: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au).
3. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:
  - a) Building approval
  - b) Plumbing approval

All enquiries should be directed to Council's Permit Authority on (03) 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.
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



6. information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au).
7. 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.
8. 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.
9. 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.
10. 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; and
  - 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](mailto:aboriginal@heritage.tas.gov.au); and
  - c) The relevant approval processes will apply with state and federal government agencies.

## DECISION:

Cr Kelly moved and Cr Cameron seconded ***"that the application for Use and Development for Resource Processing (abattoir), on land located at 105 Den Road, Mole Creek (CT:142267/3), by Tasmanian Consulting Service Pty Ltd, be***

***APPROVED, generally in accordance with the endorsed plans:***

- a) **Tasmanian Consulting Service, P/L; Development Application-Supporting Information; Revision 2, 14 July 2020, pages 15, 16, 25, - (including drawing no. 8982, sheets 001, 020, 021, 022, 023, 024 & 025);**
- b) **Philip Cullen, A Report on the Karst Features in the Vicinity of a proposed Abattoirs and Associated Infrastructure at Lot 3 Den Road,**

- Mole Creek, dated January 2018, and addendum dated 22 July 2020;***  
**and**  
c) **Macquarie Franklin, Durham Abattoir Waste Reuse Assessment, July 2020.**

***and subject to the following conditions:***

1. 30 days prior to the commencement of any work:
  - a) A waste and wastewater management plan is to be submitted to the satisfaction of Council's Environmental Health Officer. The plan is to provide practical instruction regarding the operation of the waste water system and procedures for waste management, including the following:
    - i. Abattoir Waste (offal, hides, bones and other solids)  
A management plan for waste identifying the location and means of temporary storage prior to collection and removal to a licenced facility. Temporary waste storage must ensure that waste does not spoil and give rise to odour nuisance.
    - ii. Paunch  
A management plan complying with the Paunch Contents Land Spreading Management Guidelines Tasmania prepared by the Environment Protection Authority, giving particular consideration to the avoidance of karst features and areas protected by Conservation Covenant.
    - iii. Waste Water  
A waste water management plan consistent with the Environmental Guidelines for the Use of Recycled Water in Tasmania (DPIWE, 2002). The plan must include buffers, from sensitive uses and karst features, as identified in the waste water assessment submitted with the application (Macquarie Franklin, 2020). Waste water irrigation is only to occur in areas demonstrated to have soil coverage of 500mm or more.  
  
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and exposed soils will be managed to minimise erosion and prohibit sediment from contaminating overland flows and entering the sub-surface karst. The plan must include provisions for the rehabilitation of any exposed soils to minimise future erosion.

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3. With the exclusion of administration, cleaning, maintenance, back of house tasks and deliveries, the hours of operation are limited to 6:00am to 6:00pm daily.
4. The facility is not to process more than 90 tonnes per annum, by dressed weight, of meat in any 12 month period.
5. Throughput data confirming the quantity and rate of processing is to be provided to Council on a half yearly basis.

Note:

1. An application for a Plumbing Permit will be required at the Building and Plumbing Permit application stage for the on-site wastewater system servicing the building. Please note that a comprehensive site specific on-site wastewater design report by a suitably qualified person, addressing the following, is required to accompany the application:
  - Construction and capacity of effluent drainage pit and pump sump
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3. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:
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All enquiries should be directed to Council's Permit Authority on (03) 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.

4. This permit takes effect after:
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  - 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](http://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. An extension may be granted if a request is received.
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; and
  - 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](mailto: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 Bower, Cameron, Johnston, Kelly, King and Sherriff voting for the motion and Councillors Nott, Synfield and Temple voting against the motion.***

Comment by Councillor Susie Bower

Firstly I would like to acknowledge and thank the representors who have spoken today and I understand the strong attachment to the sensitive nature of the land at Mole Creek that goes in many cases for generations in your families and I have a very strong empathy for your views and how this has affected you personally. However, we are sitting as a planning authority and will have to make a decision based on that.

This is a very hard decision for every one of us around this table but listening to the discussion and having read the information provided, an abattoir is permitted within the rural zone proposed for this development. The development appears to comply with the current planning scheme we have in front of us today and which we have to assess it under. After discussions with planning I do not believe that we can defend a refusal of this application. So I will need to make a decision based on my head and not my heart.

Comment by Councillor Stephanie Cameron

Thank you to staff and congratulations to Justin for his hard work – particularly last Thursday night at the meeting. Thank you to the representors who have taken the time to come today and speak.

## **169/2020 AMENDMENT 1/2020 – WESTBURY URBAN RESIDENTIAL EXPANSION**

The Mayor invited Dale Badcock to address Council regarding the agenda item.

### **1) Recommendation**

***It is recommended that Council:***

- 1. Confirms Section 1 of the attached report 'Meander Valley Interim Planning Scheme Draft Amendment 1/2020 – Urban Residential Growth at Westbury' as Council's local strategy for urban residential growth at Westbury, noting that the report in total constitutes Draft Amendment 1/2020.***
- 2. Pursuant to Section 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, initiate Draft Amendment 1/2020 to the Meander Valley Interim Planning Scheme 2013.***
- 3. In accordance with Section 35, certify the draft amendment as being in accordance with Sections 300 and 32 of the Land Use Planning and Approvals Act 1993.***

### **DECISION:**

Cr Sherriff moved and Cr Bower seconded ***“that Council:***

- 1. Confirms Section 1 of the attached report 'Meander Valley Interim Planning Scheme Draft Amendment 1/2020 – Urban Residential Growth at Westbury' as Council's local strategy for urban residential growth at Westbury, noting that the report in total constitutes Draft Amendment 1/2020.***
- 2. Pursuant to Section 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, initiate Draft Amendment 1/2020 to the Meander Valley Interim Planning Scheme 2013.***
- 3. In accordance with Section 35, certify the draft amendment as being in accordance with Sections 300 and 32 of the Land Use Planning and Approvals Act 1993.***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff and Synfield voting for the motion and Councillor Temple voting against the motion.***

**170/2020 AMENDMENT 2/2020 – BLACKSTONE HEIGHTS  
LOCAL BUSINESS ZONE - 2 PANORAMA ROAD,  
BLACKSTONE HEIGHTS**

**1) Recommendation**

***It is recommended that Council:***

***a) Pursuant to Sections 33(3) and 34(1)(a) of the former provisions of the Land Use Planning and Approvals Act 1993, initiate Draft Amendment 2/2020 to the Meander Valley Interim Planning Scheme 2013 to:***

***a) Rezone certificate of title 169236/2 and part of certificate of title 146423/2 from Low Density Residential Zone to Local Business Zone, in accordance with the attached certification document at Attachment 2; and***

***b) Insert a Specific Area Plan as F7 Blackstone Heights Local Business Specific Area Plan, in accordance with the attached certification document at Attachment 2.***

***c) Pursuant to Section 35, certify the draft amendment as being in accordance with Sections 300 and 32 of the Land Use Planning and Approvals Act 1993.***

**DECISION:**

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

***1. Pursuant to Sections 33(3) and 34(1)(a) of the former provisions of the Land Use Planning and Approvals Act 1993, initiate Draft Amendment 2/2020 to the Meander Valley Interim Planning Scheme 2013 to:***

***a) Rezone certificate of title 169236/2 and part of certificate of title 146423/2 from Low Density Residential Zone to Local Business Zone, in accordance with the attached certification document at Attachment 2; and***

***b) Insert a Specific Area Plan as F7 Blackstone Heights Local Business Specific Area Plan, in accordance with the attached certification document at Attachment 2.***

***2. Pursuant to Section 35, certify the draft amendment as being in accordance with Sections 300 and 32 of the Land Use Planning and Approvals Act 1993.***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King Nott, Sherriff, Synfield and Temple voting for the motion.***

Comment by Councillor Tanya King

I took the opportunity at the developers invitation to have a look at his proposal, and I was very impressed with his vision. I am very happy to support this application.



**171/2020 DRAFT MEANDER VALLEY LOCAL PROVISIONS**  
**SCHEDULE - SUBSTANTIAL MODIFICATIONS -**  
**REPORT ON PUBLIC REPRESENTATIONS**

**1) Recommendation**

*It is recommended that the Planning Authority:*

- 1. Endorse the document 'Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule Substantial Modifications' at Attachment 1, as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.**
- 2. Delegate to the General Manager its powers and functions to:**
  - a) modify the reports submitted under Recommendation 1 if a request or a direction for further information is received from the Tasmanian Planning Commission; and**
  - b) represent the planning authority at hearings pursuant to Section 35H.**

**DECISION:**

Cr Kelly moved and Cr Johnston seconded *“that the Planning Authority:*

- 1. Endorse the document 'Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule Substantial Modifications' at Attachment 1, as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.**
- 2. Delegate to the General Manager its powers and functions to:**
  - a) modify the reports submitted under Recommendation 1 if a request or a direction for further information is received from the Tasmanian Planning Commission; and**
  - b) represent the planning authority at hearings pursuant to Section 35H.**

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly and Sherriff voting for the motion and Councillors King, Nott, Synfield and Temple voting against the motion.***

***Councillor Synfield abstained from the vote.***

## 172/2020 LIFESTYLE RECOVERY GRANTS – PROPOSED CHANGE TO RECOVERY EVENT SPONSORSHIP

### 1) Recommendation

*It is recommended that Council:*

- 1. Approves the change of approach within the Community Care and Recovery Package to replace the Lifestyle Recovery Grants with Recovery Event Sponsorship with a budget of \$36,500;*
- 2. Delegates authority to the General Manager to approve or not approve Recovery Event Sponsorship on recommendation by the Community Grants Committee;*
- 3. Notes any decisions made by the General Manager on Recovery Event Sponsorship will be tabled at Ordinary Council Meetings; and*
- 4. Notes the arrangements for promoting and managing the sponsorship; including the application and guidelines.*

### DECISION:

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

- 1. Approves the change of approach within the Community Care and Recovery Package to replace the Lifestyle Recovery Grants with Recovery Event Sponsorship with a budget of \$36,500;*
- 2. Delegates authority to the General Manager to approve or not approve Recovery Event Sponsorship on recommendation by the Community Grants Committee;*
- 3. Notes any decisions made by the General Manager on Recovery Event Sponsorship will be tabled at Ordinary Council Meetings; and*
- 4. Notes the arrangements for promoting and managing the sponsorship; including the application and guidelines.”*

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

**173/2020 DISCONTINUATION OF POLICY NO. 73 –  
MANAGING PUBLIC APPEALS AND ADOPTION OF  
POLICY NO. 93 – MANAGING PUBLIC APPEALS  
AND FUND RAISING**

**1) Recommendation**

***It is recommended that Council:***

- 1. Discontinues Policy No. 73 - Managing Public Appeals and***
- 2. Adopts Policy No. 93 – Managing Public Appeals and Fund Raising as follows:***

**POLICY MANUAL**

**Policy Number: 93**

**Managing Public Appeals and Fund Raising**

**Purpose:**

To set out the circumstance and process requirements for Council assistance to public appeals and fundraising.

**Department:**

Community and Development Services

**Author:**

John Jordan, General Manager

**Council Meeting Date:**

8 September 2020

**Minute Number:**

xx/2020

**Next Review Date:**

**August 2024**

**POLICY**

**1. Definitions**

**Public Appeal:**

A coordinated public campaign for public donations (of money or goods) in response to an accident, incident, emergency or disaster, or other event managed by a recognised and registered charitable organisation.

**Fund Raising:**

A community based campaign to raise money or other donations in response to a recognised need in the Meander Valley Community.

**2 Objective**

To clarify Council's involvement in public appeals and fund raising.

**3. Scope**

1. This policy applies to the use of Council branding, funds, facilities and staff resources applied to support public appeals and fund raising efforts.
2. Individual Councillor fund raising initiatives that do not use Council facilities or does not use Council's brand is not covered by this policy.
3. Ongoing fund raising efforts for use by local community groups or sporting clubs are excluded from this policy.

**4. Policy**

1. Council will not manage public appeals of fund raising independently, but will assist third party organisers to support appeals and fundraising where appropriate.
2. Council may, at the discretion of the Mayor and General Manager, serve as a collection point for monetary donations for public appeals and fundraising provided an appeal or fundraising effort is managed by an appropriately accountable organisation or registered charity.
3. Any request for Council support or involvement must be in writing. A written request must clearly identify the purpose of the appeal or fund raising effort, the beneficiaries of the funds, any proposed administrative costs to be garnished from funds raised, and the organisation details responsible for the public appeal.
4. Council may, at the discretion of the Mayor and General Manager, make available Council facilities and assets to support public appeals and fund raising.
5. Council may contribute to an existing public appeal through a discretionary 'Mayor's Donation'. This contribution shall be no more than \$500 and must be approved by the Mayor on recommendation by the General Manager. Any such donation is to be reported at the next ordinary meeting of Council and be funded by Councils Community Grants and Sponsorship Fund (Policy 82).

6. Proposed donations above \$500 are to be determined by the full Council.
7. In making any donation Council is to give consideration to any other form of assistance that may be appropriate and available through Council; including for example community or other grants.
8. Council will manage funds held in trust in accordance with relevant Council policy and procedures. Council will not retain control or manage cash or donated items on behalf of an appeal or fundraising effort beyond the time reasonably necessary to arrange transfer of any cash or goods to the organisation managing the appeal or fundraising event.
9. The organisation conducting the appeal or fund raising effort is responsible for the issuing of any documentation; including the issuing of Deductible Gift Certificates. If required, and at its discretion, Council will retain records of donations to allow the issuing of Deductible Gift Certificates.
10. Council will not handover collected cash directly. Any cash collected will be banked and managed through a traceable transfer to the nominated bank account of the organisation managing the appeal or fund raising event. The nomination of a bank account must be in writing and must be in the name of the managing organisation.

## DECISION:

Cr Kelly moved and Cr Johnston seconded ***“that Council***

***1. Discontinues Policy No. 73 - Managing Public Appeals and***

***2. Adopts Policy No. 93 – Managing Public Appeals and Fund Raising.”***

As a procedural motion Cr Nott moved and Cr Synfield seconded ***“that the matter be deferred.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

# 174/2020 REVIEW OF POLICY NO. 77 - RATES AND CHARGES

## 1) Recommendation

***It is recommended that Council confirms the continuation of Policy No. 77 - Rates and Charges, with amendments, as follows:***

## POLICY MANUAL

### Policy Number: 77

### Rates and Charges

#### Purpose:

To outline the principles that council intends to apply in exercising its powers, or performing its functions, under Part 9 – Rates and Charges, of the Local Government Act 1993 (the Act).

#### Department:

Corporate Services

#### Author:

Malcolm Salter, Director Jonathan Harmeey, Director

#### Council Meeting Date:

9 August 2016–11 August 2020

#### Minute Number:

179/2016 xxx/2020

#### Next Review Date:

No later than ~~August 2020~~ or otherwise in accordance with section 86B(4) of the Act **August 2024**

## POLICY

### 1. Definitions

- a. As detailed in the Act, Section 86 - Interpretation of Part 9; and
- b. Rates: Constitute taxation for the purposes of local government rather than a 'fee for service', **AND** are based on the value of rateable land (property) and/or a fixed charge levied on land on an equal or proportional basis to recover the cost of services provided or made available to that land.

### 2. Objectives

- To inform Meander Valley Council ratepayers and the general community of the principles that council intends to apply when setting the annual rates and charges under the Act, Part 9 – Rates and Charges;



- To maintain a sustainable rates system that provides revenue stability and supports a balanced budget to avoid placing the burden of current expenditure on future generations; and
- To ensure that all councillors and staff work together and have a consistent understanding of the Council's long term revenue goals.

### **3. Scope**

This policy applies to all Councillors and staff involved in making decisions concerning the making of rates and charges.

### **4. Policy**

#### **4.1 Principles and goals**

Council will raise revenue sufficient for the purpose of governance and administration of its municipal area and to provide for appropriate infrastructure and services for the community. Rates are the major source of Council's revenue providing approximately 50% of annual income.

Examples of the infrastructure and services provided are listed below. They are typically those that would not be provided by the private sector:

- local roads, bridges, footpaths and drainage
- street lighting and cleaning
- urban stormwater disposal services
- waste and recycling collection and disposal
- public halls and community centres
- maintenance of parks, playgrounds, sportsgrounds and swimming pools
- youth services
- community development & events
- regulatory and compliance activities for public & environmental health, animal control, statutory planning, building and plumbing control
- emergency services

Rates (including service charges) constitute taxation for the purpose of local government rather than a fee for service. All ratepayers receive benefits from paying rates but those benefits are consumed in different quantities and types over the lives of the ratepayer. As rates are a method of taxation, the total amount of rates paid may not directly relate to the services, infrastructure or facilities used by each ratepayer. The General Rate is a "progressive" tax, applied to the Land, Capital or

Assessed Annual (rental) Value of property. While a service charge is fixed it may differ between properties and in various parts of the municipal area depending on the type and level of service provided or made available and the circumstances in a particular area.

When making rating decisions Council will give consideration to the following principles that apply to the imposition of taxes on communities:

- Capacity to pay - the ability of the taxpayer to pay the tax is taken into account. The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates
- Benefit - all taxpayers receive some benefit. Council balances capacity to pay with the benefit principle, acknowledging that there are some services that benefit the community as a whole, so everyone should contribute
- Simplicity - relates to how easily the tax is understood, the certainty of application and its ease of collection. Council rates are unavoidable, levied on a regular and consistent basis and collected at specific intervals
- Sustainability - the tax system should grow in line with the needs of changing expenditure, taking into account changes in economic growth and demographic changes. Council will raise sufficient rates to meet current and future spending needs, to provide revenue stability and to support a balanced budget to avoid placing the burden of current expenditure on future generations
- Economic Efficiency - relates to the effect of the tax on the behaviour of the taxpayers. Rates are considered to be generally efficient because they have a limited effect on a decision to buy a property. The efficiency of rates as a tax however can be distorted by an abnormal rise or fall in property values affecting the valuation base. Council will consider varying the General Rate to manage these circumstances if and when they arise

Council's practices and decisions in setting rates and charges are underpinned by:

- the statutory obligations as outlined in the Act:
- the objectives outlined in council's strategic plan:
- the needs and expectations of the community:
- the expected change in prices for goods and services:
- the financial management strategy and long term financial plan: and
- the long term asset management plans.

#### **4.2 Valuation method used for rating**

Council currently has the choice of three valuation bases:

- **Land value:** value of the property excluding all visible improvements (eg building structures):
- **Capital value:** total value of the property including land value: or

- **Assessed Annual Value (AAV):** gross annual rental value, less GST, council rates and land tax. Legislation stipulates the AAV must not be less than 4% of the capital value.

The Valuation of Land Act 2001 determines rating authorities are to be provided with a market-based Fresh Valuation (general revaluation) every six years. Adjustment factors are applied every two years to property valuations when rating authorities are not subject to a revaluation cycle. The adjustment factors help minimise large fluctuations to valuations that can occur between the revaluation cycles.

Council utilises the AAV basis; currently ~~the majority of the 29~~ 23 Tasmanian councils choose this basis of valuation for rating purposes ~~with 6 utilising capital value.~~ Council is satisfied with the AAV adopted method and considers that it is positioned well to address capacity to pay considerations. A shift to either land value or capital value would result in shifts in the apportionment of rates across the municipal area which in turn would lead to pressure for further manipulation of rates through variation or other type adjustments to compensate for a valuation base change.

### **4.3 Levying of rates**

Rates shall be issued each financial year in accordance with the Act.

#### **4.3.1 Minimum amount**

Pursuant to Section 90 (4) of the Act, council sets a minimum amount payable in respect of the General Rate. The primary reason for imposing a minimum amount is to ensure that all rateable properties make a base contribution to the cost of administering council's activities and maintaining the services and physical infrastructure that supports each property.

#### **4.3.2 General Rate variation**

Pursuant to section 107 of the Act Council will consider the variation of the General Rate between different land use classes of properties within the municipal area to compensate for a significant valuation base change occurring from a Fresh Valuation or biennial adjustment factors. If a council varies a rate, the General Manager must notify the ratepayer in a rates notice of the rate as varied, of the variation factor used and of the date it takes effect. A ratepayer may only object to a variation in a rate on the basis that the use of the ratepayer's land is not the use of land on which the variation is based.

### **4.3.3 Service rates and charges**

Council has waste management service charges to assist to recover the cost of the service from the user through annual charges. The current service charge for Waste Management is based on all properties paying a fixed charge for the cost of providing tips and transfer stations plus an additional variable charge for those properties receiving a kerbside collection. The additional charge for the standard 80 litre mobile garbage bin and one mobile recycle bin is increased where ratepayers opt for a larger 140 or 240 litre size mobile garbage bins.

~~Council will consider introducing urban stormwater service rates and charges in 2017-18 for properties in urban areas benefitting from such services.~~

## **4.4 Exemptions and remissions**

### **4.4.1 Commonwealth and Crown land**

Pursuant to section 87(1) of the Act Land that is owned and occupied exclusively by the Commonwealth, certain Crown Land as specified and land owned by the Hydro Electric Corporation is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land.

### **4.4.2 Charitable organisations and Aboriginal land**

Pursuant to section 87(1)(d) & (da) of the Act Land that is owned and occupied exclusively for charitable purposes and land that is Aboriginal land, within the meaning of the Aboriginal Lands Act 1995 is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land however properties that satisfy the requirements for exemption from rates under section 87(1)(d) and 87(1)(da) will be provided with an exemption from the Fire Service Contribution in accordance with section 81C(1) of the *Fire Services Act 1979*.

### **4.4.3 Pensioner and Health Care Card Holder remissions**

Council will not provide a remission above the annual grant or subsidy on rates and charges provided by the State Government. To be entitled to apply, the *Local Government (Rates and Charges Remissions) Act 1991* requires that a ratepayer must be an eligible person and must occupy the property as his or her principal dwelling on or prior to 1 July of the rating year. Under certain circumstances eligible pensioners may be able to claim for the preceding financial year.

#### **4.4.4 Remissions - section 129(d)**

Pursuant to Section 129(d) of the local Government Act 1993 Council, by absolute majority may grant a remission of any rates payable by a ratepayer or a class of ratepayers.

Council provides a delegation to the General Manager under section 22 of the Act, for the Remission of Rates (and interest) by request of a ratepayer under section 129 of the Act, limited to \$2,000.

#### **4.5 Supplementary rates**

Pursuant to section 92 of the Act, if during the year a supplementary valuation is made of any land, Council may adjust the amount payable in respect of any rate or charge for that land for that financial year and will issue a supplementary rates notice resulting from the adjustment. Adjustments will not be made for Supplementary valuations received close to year end where it is not practicable to do so except for the purposes of a refund due or rectifying an error.

#### **4.6 Payment of rates**

Pursuant to section 124 of the Act Council permits all ratepayers to pay all rates by four approximately equal instalments instead of by one payment. Council has opted not to provide a discount for encouraging early payment of rates in full. Instalment due dates are the last business day in August, October, January and March.

An extensive range of payment methods is provided, for example through internet, phone, mail, direct debit and in person.

#### **4.7 Overdue rates**

Pursuant to section 128 of the Act, if rates, or any one rates instalment, are not paid on or before they fall due, Council may impose a penalty not exceeding 10% of the amount owing, and/or charge a daily interest rate determined by the Council in accordance with the formula specified in the Act. Council has opted not to apply a fixed % penalty but to only apply a daily interest charge which is reviewed each year.

Council supports Policy 92, Financial Hardship Assistance, to provide assistance and relief to community members who are suffering financial hardship.

If a ratepayer does not pay the rates on ~~his or her~~ their property, Council ~~will~~ may commence legal action against the ratepayer to recover the outstanding amount. If

Council takes such legal action the ratepayer will also be liable for Council's legal costs associated with **the any Court** action.

Pursuant to section 137 of the Act, if rates are not paid for a period exceeding three years, Council may sell a property or part of a property to recover the unpaid rates. Council can sell it by public auction or by direct sale. Decisions to sell a property for recovery of rates will be made on a case by case basis.

If the owner of a property cannot be found, Council may apply to the Minister to have that property transferred to the Council.

#### **4.8 Objection rights**

Pursuant to section 123 of the Act, a person may object to a rates notice on the grounds that:

- a) the land specified in the rates notice is exempt from the payment of those rates; or
- b) the amount of those rates is not correctly calculated having regard to the relevant factors; or
- c) the basis on which those rates are calculated does not apply; or
- d) he or she is not liable for the payment of the rates specified in the rates notice; or
- e) he or she is not liable to pay those rates for the period specified in the rates notice

An objection is to be made in writing within 28 days after receipt of the rates notice and lodged with the General Manager. The General Manager may amend the rates notice as the General Manager considers appropriate or may refuse to amend the notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager fails to amend the rates notice within 30 days after lodging the objection or refuses to amend the notice.

#### **4.9 Policy review and legal status**

Pursuant to section 86B(4) of the Act, Council must review its rates and charges policy by the end of each successive four year period after 31 August 2012 or when Council makes a significant change in how it applies rates and charges, whichever is earlier.

Pursuant to section 86B(6) of the Act a rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.

## 5. Legislation and Related Council Policies

Local Government Act 1993, Part 9 – Rates and Charges

Council Policy No. 60 – Asset Management

Council Policy No. 92 – Financial Hardship Assistance

## 6. Responsibility

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

## DECISION:

Cr King moved and Cr Sherriff seconded ***“that Council confirms the continuation of Policy No. 77 - Rates and Charges, with amendments, as follows:***

### POLICY MANUAL

**Policy Number: 77**

**Rates and Charges**

**Purpose:**

To outline the principles that council intends to apply in exercising its powers, or performing its functions, under Part 9 – Rates and Charges, of the Local Government Act 1993 (Act).

**Department:**

Corporate Services

**Author:**

Jonathan Harmey, Director

**Council Meeting Date:**

11 August 2020

**Minute Number:**

174/2020

**Next Review Date:**

**August 2024**

### POLICY

#### 1. Definitions

- a. As detailed in the Act, Section 86 - Interpretation of Part 9; and
- b. Rates: Constitute taxation for the purposes of local government rather than a ‘fee for service’ are based on the value of rateable land (property) and/or a fixed charge levied on land on an equal or proportional basis to recover the cost of services provided or made available to that land.

## **2. Objectives**

- To inform Meander Valley Council ratepayers and the general community of the principles that council intends to apply when setting the annual rates and charges under the Act, Part 9 – Rates and Charges;
- To maintain a sustainable rates system that provides revenue stability and supports a balanced budget to avoid placing the burden of current expenditure on future generations; and
- To ensure that all councillors and staff work together and have a consistent understanding of the Council's long term revenue goals.

## **3. Scope**

This policy applies to all Councillors and staff involved in making decisions concerning the making of rates and charges.

## **4. Policy**

### **4.4 Principles**

Council will raise revenue sufficient for the purpose of governance and administration of its municipal area and to provide for appropriate infrastructure and services for the community. Rates are the major source of Council's revenue providing approximately 50% of annual income.

Examples of the infrastructure and services provided are listed below. They are typically those that would not be provided by the private sector:

- local roads, bridges, footpaths and drainage
- street lighting and cleaning
- urban stormwater disposal services
- waste and recycling collection and disposal
- public halls and community centres
- maintenance of parks, playgrounds, sportsgrounds and swimming pools
- youth services
- community development & events
- regulatory and compliance activities for public & environmental health, animal control, statutory planning, building and plumbing control
- emergency services



Rates (including service charges) constitute taxation for the purpose of local government rather than a fee for service. All ratepayers receive benefits from paying rates but those benefits are consumed in different quantities and types over the lives of the ratepayer. As rates are a method of taxation, the total amount of rates paid may not directly relate to the services, infrastructure or facilities used by each ratepayer. The General Rate is a "progressive" tax, applied to the Land, Capital or Assessed Annual (rental) Value of property. While a service charge is fixed it may differ between properties and in various parts of the municipal area depending on the type and level of service provided or made available and the circumstances in a particular area.

When making rating decisions Council will give consideration to the following principles that apply to the imposition of taxes on communities:

- Capacity to pay - the ability of the taxpayer to pay the tax is taken into account. The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates
- Benefit - all taxpayers receive some benefit. Council balances capacity to pay with the benefit principle, acknowledging that there are some services that benefit the community as a whole, so everyone should contribute
- Simplicity - relates to how easily the tax is understood, the certainty of application and its ease of collection. Council rates are unavoidable, levied on a regular and consistent basis and collected at specific intervals
- Sustainability - the tax system should grow in line with the needs of changing expenditure, taking into account changes in economic growth and demographic changes. Council will raise sufficient rates to meet current and future spending needs, to provide revenue stability and to support a balanced budget to avoid placing the burden of current expenditure on future generations
- Economic Efficiency - relates to the effect of the tax on the behaviour of the taxpayers. Rates are considered to be generally efficient because they have a limited effect on a decision to buy a property. The efficiency of rates as a tax however can be distorted by an abnormal rise or fall in property values affecting the valuation base. Council will consider varying the General Rate to manage these circumstances if and when they arise

Council's practices and decisions in setting rates and charges are underpinned by:

- the statutory obligations as outlined in the Act:
- the objectives outlined in council's strategic plan:
- the needs and expectations of the community:
- the expected change in prices for goods and services:
- the financial management strategy and long term financial plan: and
- the long term asset management plans.

## 4.5 Valuation method used for rating

Council currently has the choice of three valuation bases:

- **Land value:** value of the property excluding all visible improvements (eg building structures):
- **Capital value:** total value of the property including land value: or
- **Assessed Annual Value (AAV):** gross annual rental value, less GST, council rates and land tax. Legislation stipulates the AAV must not be less than 4% of the capital value.

The Valuation of Land Act 2001 determines rating authorities are to be provided with a market-based Fresh Valuation (general revaluation) every six years. Adjustment factors are applied every two years to property valuations when rating authorities are not subject to a revaluation cycle. The adjustment factors help minimise large fluctuations to valuations that can occur between the revaluation cycles.

Council utilises the AAV basis; currently 23 Tasmanian councils choose this basis of valuation for rating purposes with 6 utilising capital value. Council is satisfied with the AAV adopted method and considers that it is positioned well to address capacity to pay considerations. A shift to either land value or capital value would result in shifts in the apportionment of rates across the municipal area which in turn would lead to pressure for further manipulation of rates through variation or other type adjustments to compensate for a valuation base change.

## 4.6 Levying of rates

Rates shall be issued each financial year in accordance with the Act.

### 4.6.1 *Minimum amount*

Pursuant to Section 90 (4) of the Act, council sets a minimum amount payable in respect of the General Rate. The primary reason for imposing a minimum amount is to ensure that all rateable properties make a base contribution to the cost of administering council's activities and maintaining the services and physical infrastructure that supports each property.

### 4.6.2 *General Rate variation*

Pursuant to section 107 of the Act Council will consider the variation of the General Rate between different land use classes of properties within the municipal area to compensate for a significant valuation base change occurring from a Fresh Valuation or biennial adjustment factors. If a council varies a rate, the General Manager must notify the ratepayer in a rates notice of the rate as varied, of the variation factor used

and of the date it takes effect. A ratepayer may only object to a variation in a rate on the basis that the use of the ratepayer's land is not the use of land on which the variation is based.

#### **4.3.3 Service rates and charges**

Council has waste management service charges to assist to recover the cost of the service from the user through annual charges. The current service charge for Waste Management is based on all properties paying a fixed charge for the cost of providing tips and transfer stations plus an additional variable charge for those properties receiving a kerbside collection. The additional charge for the standard 80 litre mobile garbage bin and one mobile recycle bin is increased where ratepayers opt for larger 140 or 240 litre size mobile garbage bins.

#### **4.4 Exemptions and remissions**

##### **4.4.1 Commonwealth and Crown land**

Pursuant to section 87(1) of the Act Land that is owned and occupied exclusively by the Commonwealth, certain Crown Land as specified and land owned by the Hydro Electric Corporation is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land.

##### **4.4.2 Charitable organisations and Aboriginal land**

Pursuant to section 87(1)(d) & (da) of the Act Land that is owned and occupied exclusively for charitable purposes and land that is Aboriginal land, within the meaning of the Aboriginal Lands Act 1995 is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land however properties that satisfy the requirements for exemption from rates under section 87(1)(d) and 87(1)(da) will be provided with an exemption from the Fire Service Contribution in accordance with section 81C(1) of the *Fire Services Act 1979*.

##### **4.4.3 Pensioner and Health Care Card Holder remissions**

Council will not provide a remission above the annual grant or subsidy on rates and charges provided by the State Government. To be entitled to apply, the *Local Government (Rates and Charges Remissions) Act 1991* requires that a ratepayer must be an eligible person and must occupy the property as his or her principal dwelling on or prior to 1 July of the rating year. Under certain circumstances eligible pensioners may be able to claim for the preceding financial year.

#### **4.4.4 Remissions - section 129(d)**

Pursuant to Section 129(d) of the local Government Act 1993 Council, by absolute majority may grant a remission of any rates payable by a ratepayer or a class of ratepayers.

Council provides a delegation to the General Manager under section 22 of the Act, for the Remission of Rates (and interest) by request of a ratepayer under section 129 of the Act, limited to \$2,000.

#### **4.9 Supplementary rates**

Pursuant to section 92 of the Act, if during the year a supplementary valuation is made of any land, Council may adjust the amount payable in respect of any rate or charge for that land for that financial year and will issue a supplementary rates notice resulting from the adjustment. Adjustments will not be made for Supplementary valuations received close to year end where it is not practicable to do so except for the purposes of a refund due or rectifying an error.

#### **4.10 Payment of rates**

Pursuant to section 124 of the Act Council permits all ratepayers to pay all rates by four approximately equal instalments instead of by one payment. Council has opted not to provide a discount for encouraging early payment of rates in full. Instalment due dates are the last business day in August, October, January and March.

An extensive range of payment methods is provided, for example through internet, phone, mail, direct debit and in person.

#### **4.11 Overdue rates**

Pursuant to section 128 of the Act, if rates, or any one rates instalment, are not paid on or before they fall due, Council may impose a penalty not exceeding 10% of the amount owing, and/or charge a daily interest rate determined by the Council in accordance with the formula specified in the Act. Council has opted not to apply a fixed % penalty but to only apply a daily interest charge which is reviewed each year.

Council supports Policy 92, Financial Hardship Assistance, to provide assistance and relief to community members who are suffering financial hardship.

If a ratepayer does not pay the rates on their property, Council may commence legal action against the ratepayer to recover the outstanding amount. If Council takes such

legal action the ratepayer will also be liable for Council's legal costs associated with any Court action.

Pursuant to section 137 of the Act, if rates are not paid for a period exceeding three years, Council may sell a property or part of a property to recover the unpaid rates. Council can sell it by public auction or by direct sale. Decisions to sell a property for recovery of rates will be made on a case by case basis.

If the owner of a property cannot be found, Council may apply to the Minister to have that property transferred to the Council.

#### **4.12 Objection rights**

Pursuant to section 123 of the Act, a person may object to a rates notice on the grounds that:

- a) the land specified in the rates notice is exempt from the payment of those rates; or
- b) the amount of those rates is not correctly calculated having regard to the relevant factors; or
- c) the basis on which those rates are calculated does not apply; or
- d) he or she is not liable for the payment of the rates specified in the rates notice; or
- e) he or she is not liable to pay those rates for the period specified in the rates notice

An objection is to be made in writing within 28 days after receipt of the rates notice and lodged with the General Manager. The General Manager may amend the rates notice as the General Manager considers appropriate or may refuse to amend the notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager fails to amend the rates notice within 30 days after lodging the objection or refuses to amend the notice.

#### **4.10 Policy review and legal status**

Pursuant to section 86B(4) of the Act, Council must review its rates and charges policy by the end of each successive four year period after 31 August 2012 or when Council makes a significant change in how it applies rates and charges, whichever is earlier.

Pursuant to section 86B(6) of the Act a rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.

## **5. Legislation and Related Council Policies**

Local Government Act 1993, Part 9 – Rates and Charges

Council Policy No. 60 – Asset Management

Council Policy No. 92 – Financial Hardship Assistance

## **6. Responsibility**

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

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King and Sherriff voting for the motion and Councillors Nott, Synfield and Temple voting against the motion.***

# 175/2020 REVIEW OF POLICY NO. 2 - STOCK UNDERPASSES ON COUNCIL ROADS

## 1) Recommendation

***It is recommended that Council confirms the continuation of Policy No. 2 Stock Underpasses on Council Roads with amendments as follows:***

## POLICY MANUAL

**Policy Number: 2**

**Stock Underpasses on Council Roads**

**Purpose:**

To outline the basis upon which Council will allow for the construction of underpasses **on within Council maintained roads reserves.**

**Department:**

Infrastructure Services

**Author:**

Dino De Paoli, Director

**Council Meeting Date:**

~~13 September 2016~~ 8 September 2020

**Minute Number:**

~~199/2016~~ 172/2020

**Next Review Date:**

**September 2020 2024**

## POLICY

### **1. Definitions**

Nil.

### **2. Objective**

To ensure a uniformity of acceptable standard of construction and an appropriate approval process for construction of underpasses that allow for the movement of stock across a road carriageway safely without affecting other users of the carriageway.

### **3. Scope**

This Policy applies to the Council and its employees and any land owner wishing to install a stock underpass **through within** a Council road **reserve.**

#### **4. Policy**

Council will permit underpasses to be constructed through within a Council maintained road reserve subject to the adjoining property owner obtaining all relevant permits.

The property owner requesting the underpass shall be responsible for all costs. Council may consider a contribution of up to 50% of the capital cost with an upper limit of \$50,000 where there is a significant benefit to road users.

Upon approval for construction of the underpass, the property owner shall enter into a Part 5 agreement under the Land Use Planning and Approval's Act, which formalises the requirements for ongoing maintenance or replacement of the underpass, which will be the responsibility of the property owner. Maintenance of the road pavement and any barriers will be the responsibility of Council.

#### **5. Legislation**

Local Government Act 1993  
Local Government Highways Act 1982  
Land Use Planning and Approvals Act 1993

#### **6. Responsibility**

The responsibility for the operation of this policy rests with the Director, Infrastructure Services.

### **DECISION:**

Cr Kelly moved and Cr Cameron seconded ***“that It is recommended that Council confirms the continuation of Policy No. 2 Stock Underpasses on Council Roads with amendments as follows:***

## **POLICY MANUAL**

**Policy Number: 2**

**Stock Underpasses on Council Roads**

**Purpose:**

To outline the basis upon which Council will allow for the construction of underpasses within Council road reserves.

**Department:**

Infrastructure Services

**Author:**

Dino De Paoli, Director

**Council Meeting Date:**

8 September 2020

**Minute Number:**

172/2020

**Next Review Date:**

**September 2024**



## POLICY

### **1. Definitions**

Nil.

### **2. Objective**

To ensure a uniformity of acceptable standard of construction and an appropriate approval process for construction of underpasses that allow for the movement of stock across a road carriageway safely without affecting other users of the carriageway.

### **3.Scope**

This Policy applies to the Council and its employees and any land owner wishing to install a stock underpass within a Council road reserve.

### **4. Policy**

Council will permit underpasses to be constructed within a Council road reserve subject to the adjoining property owner obtaining all relevant permits.

The property owner requesting the underpass shall be responsible for all costs. Council may consider a contribution of up to 50% of the capital cost with an upper limit of \$50,000 where there is a significant benefit to road users.

Upon approval for construction of the underpass, the property owner shall enter into a Part 5 agreement under the Land Use Planning and Approval's Act, which formalises the requirements for ongoing maintenance or replacement of the underpass, which will be the responsibility of the property owner. Maintenance of the road pavement and any barriers will be the responsibility of Council.

### **5. Legislation**

Local Government Act 1993

Local Government Highways Act 1982

Land Use Planning and Approvals Act 1993

### **6. Responsibility**

The responsibility for the operation of this policy rests with the Director Infrastructure Services.

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Sherriff and Temple voting for the motion and Councillors Nott and Synfield voting against the motion.***

# 176/2020 REVIEW OF POLICY NO. 4 SUBSIDISED WASTE DISPOSAL FOR COMMUNITY GROUPS

## 1) Recommendation

*It is recommended that Council confirms the continuation of Policy No. 4 Subsidised Waste Disposal for Community Groups with amendments as follows:*

## POLICY MANUAL

**Policy Number: 4**

**Subsidised Waste Disposal for Community Groups**

**Purpose:**

The purpose of this Policy is to allow for the reimbursement of community groups for waste disposal fees where the work performed is to benefit the community

**Department:**

Infrastructure Services

**Author:**

Dino De Paoli, Director

**Council Meeting Date:**

11 October 2016 8 September 2020

**Minute Number:**

227/2016 176/2020

**Next Review Date:**

September 2020 2024

## POLICY

### 1. Definitions

Nil.

### 2. Objective

The purpose of this Policy is to allow for the reimbursement to community groups for waste disposal fees where waste is collected from the work performed is to for the benefit of the community.

### 3. Scope

This Policy is to apply to the Council and its employees, external service clubs and community groups who may wish to dispose of material at Council's waste disposal sites and obtain reimbursement of fees paid.

#### **4. Policy**

In recognition of the valuable work carried out by service clubs and other community groups in the Council area a **mechanism process** will be ~~made available~~ established to enable for reimbursement of tipping fees at Council's waste disposal sites. This **mechanism process** is **available dependent** on the following **basis**:

1. The group must be a recognised service club or similar not for profit community group who are carrying out necessary community clean-up work which has the prior approval of Council or other appropriate authorities.
2. Reimbursement of fees will normally only apply to volumes of refuse not exceeding the capacity of a single utility and/or single-axle trailer and the number of entries to Council's waste disposal sites for each service club or not-for-profit group shall be restricted annually to no more than 26.
3. Where a service club or community group may wish to conduct a large scale clean up where the volumes would exceed those listed above, contact must be made with the Director Infrastructure Services for approval of the type of material and appropriate disposal location.
4. Material deposited at Council's waste disposal sites is restricted to normal domestic waste, vegetation waste, construction waste and demolition waste only.
5. Normal tip fees shall be paid at **the** time of disposal by the service club or community group who shall then provide the receipt to the relevant Council officer for approval prior to reimbursement.
6. Where possible material to be disposed of at Council's waste disposal sites shall be sorted for recycling purposes and deposited accordingly.

#### **5. Legislation**

Local Government Act 1993

#### **6. Responsibility**

The responsibility for the operation of this **P**olicy rests with the Director, **I**nfrastructure Services.

### **DECISION:**

Cr Kelly moved and Cr King seconded ***"that It is recommended that Council confirms the continuation of Policy No. 4 Subsidised Waste Disposal for Community Groups with amendments as follows:***

# POLICY MANUAL

**Policy Number: 4**

## **Subsidised Waste Disposal for Community Groups**

**Purpose:**

The purpose of this Policy is to allow for the reimbursement of community groups for waste disposal fees where the work performed is to benefit the community

**Department:**

Infrastructure Services

**Author:**

Dino De Paoli, Director

**Council Meeting Date:**

8 September 2020

**Minute Number:**

176/2020

**Next Review Date:**

**September 2024**

## **POLICY**

### **1. Definitions**

Nil.

### **2. Objective**

The purpose of this Policy is to allow for the reimbursement to community groups for waste disposal fees where waste is collected from work performed for the benefit of the community.

### **3. Scope**

This Policy is to apply to the Council and its employees, external service clubs and community groups who may wish to dispose of material at Council's waste disposal sites and obtain reimbursement of fees paid.

### **4. Policy**

In recognition of the valuable work carried out by service clubs and other community groups in the Council area a process will be established for reimbursement of tipping fees at Council's waste disposal sites. This process is dependent on the following:

1. The group must be a recognised service club or similar not for profit community group who are carrying out necessary community clean-up work which has the prior approval of Council or other appropriate authorities.
2. Reimbursement of fees will normally only apply to volumes of refuse not exceeding the capacity of a single utility and/or single-axle trailer and the number of entries to Council's waste disposal sites for each service club or not-for-profit group shall be restricted annually to no more than 26.

3. Where a service club or community group may wish to conduct a large scale clean up where the volumes would exceed those listed above, contact must be made with the Director Infrastructure Services for approval of the type of material and appropriate disposal location.
4. Material deposited at Council's waste disposal sites is restricted to normal domestic waste, vegetation waste, construction waste and demolition waste only.
5. Normal tip fees shall be paid at the time of disposal by the service club or community group who shall then provide the receipt to the relevant Council officer for approval prior to reimbursement.
6. Where possible material to be disposed of at Council's waste disposal sites shall be sorted for recycling purposes and deposited accordingly.

## **5. Legislation**

Local Government Act 1993

## **6. Responsibility**

The responsibility for the operation of this Policy rests with the Director Infrastructure Services.

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

### Comment by Councillor Tanya King

I am pleased that Council has a policy that supports our community groups and not for profit organisations to look after waste management responsibly.

# 177/2020 REVIEW OF POLICY NO. 72 STREET DINING AND VENDING

## 1) Recommendation

*It is recommended that Council confirms the continuation of Policy No. 72 and renaming to Approval to Occupy Road Reserve including Dining and Vending with amendments as follows:*

## POLICY MANUAL

<b>Policy Number: 72</b>	<b>Approval to Occupy Road Reserve including Dining and Vending</b>
<b>Purpose:</b>	To establish a basis Policy for the approval and controlled management of occupation of Council road reserves for street dining, sale of goods and minor building works vending within townships.
<b>Department:</b>	Infrastructure Development Services
<b>Author:</b>	Dino De Paoli Martin Gill, Director
<b>Council Meeting Date:</b>	9 August 2016 11 August 2020
<b>Minute Number:</b>	176/2016 177/2020
<b>Next Review Date:</b>	<b>August 2020<del>4</del></b>

## POLICY

### 1. Definitions

**Road Occupation Licence:** means Aa licence issued by Council to occupy a the portion of the road reserve pavement adjacent to the premises encroaching thereon.

### 2. Objective

The objective is to provide guidelines for the management of street vending and dining within the Meander Valley, taking into considerations the needs of pedestrians, shoppers and business operators, to encourage a vibrant and enjoyable shopping precinct within townships.

To support business development and growth through the controlled occupancy of Council's road reserves and provide a basis for the assessment of license applications.

### **3. Scope**

Applies to all townships and shopping precincts within the Meander Valley.

This policy applies to all road reserves within the municipality for which Council is responsible.

### **4. Policy**

1. Meander Valley Council will support street dining, sale of goods, operation of mobile food vans and minor, non-permanent building works –and street vending in any urban areas of the road reserve subject to assessment of associated risks.
2. The assessment of applications for road occupancy will be undertaken in line with legislative requirements, sound risk management processes, and prioritise public safety.
3. Guidelines for occupancy will be developed to support the policy and be made available to the community for information.
4. Licenses will be issued by Council for a 12 month or 24 month period depending on the nature of the occupancy.
5. Council may terminate a licence should a safety incident occur or a licensee fail to comply with occupancy guidelines.
6. Licence holders must hold public liability and products liability insurance cover in accordance with the guidelines for the duration of the licence period.

where there is an adequate and properly formed footpath and roadway adjacent to the premises making an application for a licence subject to the following

In accordance with the controls set out in Section 21 of the Local Government (Highways) Act 1982 Council:

#### **4.1 Method of Control**

- (a) Street dining and street vending is to be controlled by the issue of licences from Council, to be known as Road Occupation Licences, other than when a business undertakes either of these activities for less than 10 occasions per year.
- (b) Licences are to specify the conditions of use outlined in these guidelines.
- (c) For business providing on street dining, Licences will only be issued to food premises complying with the Food Act 2003 requirements and can only be used on pavement immediately outside the premises.
- (d) Notwithstanding the fact that guidelines can be satisfied Council is under no obligation to issue a licence and each licence is issued solely at Council's discretion.
- (e) Licences may be terminated if guidelines are not complied with, following due warning for non-compliance.

(f) Licences will be issued or renewed annually from 1<sup>st</sup> July.

#### **4.2 Road Occupation Licences**

Council will issue successful applicants with a Road Occupation Licence that will be valid for one year from the commencement date. No fee will be charged by Council. The applicant will be responsible for applying to renew the licence on an annual basis.

#### **4.3 Indemnity**

Licence holders are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining. Council is to be named on the policy and cover must be to a minimum value of \$5 million.

A certificate of insurance must be produced which covers the term of the licence proposed, and must not be cancelled during the duration of the licence.

#### **4.4 Operational Requirements**

(a) All equipment, furniture and signs to be removed at cessation of each days trading by the license holder including screens and support posts, footpath sockets to be plugged.

(b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.

(c) The licence holder must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.

(d) The licence holder must maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to emptying waste bins, washing pavements on a daily basis, and promptly cleaning and washing away any liquid, food, debris, broken glass or waste from the area resulting from the activity.

(e) The existing street rubbish bins are not to be used by the licence holder for disposal of table waste.

#### **4.5 Health and Other Regulations**

(a) Food premises applying for a licence must have premises registered by Council's Environmental Health Officer under the Food Act 2003.

(b) Any other permits required by law must be obtained by the licence holder, who is also responsible to comply with other Council regulations.

#### **4.6 Guidelines for Placement of Street Dining Furniture**

(a) Street dining is permitted in two zones:-



- Shopfront Zone: 1m wide parallel strip abutting and running the length of the shopfront
- Kerb Zone: parallel strip running the length of the shopfront, 900mm back from the kerb.

A minimum clear width of 1.7m for pedestrians shall be maintained at all times between the two zones.

Street dining may be allowed to within 600mm of a kerb where no parking occurs. Where parking occurs, a width of 1.2m shall be maintained every 6m to allow access from parked vehicles to the footpath. Where street crossing points occur a 2m wide unobstructed access is to be maintained.

- (b) No encroachment is allowed beyond the side boundaries of any property.
- (c) No furniture is to be placed within 1m of any street furniture or street tree.
- (d) The licence holder is responsible for maintaining the required clearances at all times.
- (e) Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- (f) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

#### **4.7 Guidelines for Placement of Vending Equipment**

- a) Street vending is only permitted in a 1m wide strip adjacent and parallel to the applicant's shopfront.
- b) No encroachment is allowed beyond the side boundaries of any property.
- c) No vending is allowed within 1m of any street furniture or street tree.
- d) The licence holder is responsible for maintaining the required clearances at all times.
- e) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

#### **4.8 Guidelines for Vending Equipment and Merchandise**

- a) Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of Council.
- b) Merchandise displayed by the licence holder is to be consistent with the type and quality of goods displayed in the licence holder's premises. All merchandise is to be properly contained on or within the vending equipment.

#### **4.9 Furniture Design Parameters**

##### **(a) (i) Tables and Chairs**

Tables and chairs to be strongly constructed and designed for a public environment (preferably timber or metal) finish to be durable and colour to be compatible with 'gunmetal' street furniture colour.

##### **(ii) Screens**

Screens defining the outer dining areas to be based on removable posts, set in sockets installed by Council at the applicants cost or secured to the satisfaction of Council. Posts and screen frames to be colour compatible with 'gunmetal' street furniture. Screen material to be durable vinyl or other approved material, colour compatible with frames and other street furniture. Details of posts and sockets are available from Council.

##### **(iii) Umbrellas**

Umbrellas to be of durable construction, designed for a public environment and set in approved weighted bases capable of maintaining hold down in strong winds.

- (b) Advertising logo or signs are not allowed on tables, however, logos only may be permitted on umbrellas, screens and chair backs.
- (c) Special furniture or furniture not complying with guidelines may be submitted for consideration.

#### **4.10 Guidelines for Portable Pavement Signs**

- a) 2 signs are allowed per premises, or 1 per tenant where multiple tenants exist in a premises
- b) Signs must be securely anchored to the pavement or other stable object
- c) Signs must be removed each night
- d) Signs can only be placed in shopfront zone and kerbside zone
- e) Signs must not exceed dimensions listed below
- f) Signs do not require a Road Occupation Licence
- g)

#### **4.11 Signage Definition:**

A sign not permanently attached to a building or structure or to the ground. It includes the following types:

### **A Frame**

A sandwich board, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

### **T Frame**

A board secured to a base, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

### **Menu Board**

A sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed and is not greater than 1 square metre in area.

### **Mobile**

A freestanding sign which can be easily moved around a site and has a maximum height of 1.5 metres and maximum width of 1 metre.

## **4.12 Application Process**

(a) An applicant is required to submit the following:-

- ❖ a written application together with a plan to a suitable scale showing the size, number, colour and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
- ❖ A copy of public liability insurance showing indemnity in favour of Council

(b) When all information has been received Council's Development Services Director will decide within (14) days to issue a licence. In the event of approval the applicant will have to meet all the requirements of the licence before commencement of street dining or street vending. Where an application is refused Council will provide grounds for refusal.

(c) In the event of an application being refused the applicant has the right to appeal to the General Manager for a review of the decision.

## **5. Legislation**

*Local Government (Highways) Act 1982*

*Traffic Act 1925*

*Vehicle & Traffic Act 1999*

## **6. Responsibility**

Responsibility for the operation of the policy rests with the Director Infrastructure Development Services Director.

Cr Kelly moved and Cr Cameron seconded ***“that Council confirms the continuation of Policy No. 72 and renaming to Approval to Occupy Road Reserve including Dining and Vending with amendments as follows:***

## POLICY MANUAL

<b>Policy Number: 72</b>	<b>Approval to Occupy Road Reserve including Dining and Vending</b>
<b>Purpose:</b>	To establish a basis for the approval and controlled management of occupation of Council road reserves for street dining, sale of goods and minor building works.
<b>Department:</b>	Infrastructure Services
<b>Author:</b>	Dino De Paoli, Director
<b>Council Meeting Date:</b>	11 August 2020
<b>Minute Number:</b>	177/2020
<b>Next Review Date:</b>	<b>August 2024</b>

### POLICY

#### **1. Definitions**

Occupation Licence: licence issued by Council to occupy a portion of the road.

#### **2. Objective**

To support business development and growth through the controlled occupancy of Council's road reserves and provide a basis for the assessment of license applications.

#### **3. Scope**

This policy applies to all road reserves within the municipality for which Council is responsible.

#### **4. Policy**

1. Meander Valley Council will support street dining, sale of goods, operation of mobile food vans and minor, non-permanent building works in areas of the road reserve subject to assessment of associated risks.
2. The assessment of applications for road occupancy will be undertaken in line with legislative requirements, sound risk management processes, and prioritise public safety.
3. Guidelines for occupancy will be developed to support the policy and be made available to the community for information.

4. Licenses will be issued by Council for a 12 month or 24 month period depending on the nature of the occupancy.
5. Council may terminate a licence should a safety incident occur or a licensee fail to comply with occupancy guidelines.
6. Licence holders must hold public liability and products liability insurance cover in accordance with the guidelines for the duration of the licence period.

## **5. Legislation**

*Local Government (Highways) Act 1982*

*Traffic Act 1925*

*Vehicle & Traffic Act 1999*

## **6. Responsibility**

Responsibility for the operation of the policy rests with the Director Infrastructure Services.

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

## 178/2020 REVIEW OF BUDGETS FOR THE 2020-21 CAPITAL WORKS PROGRAM

### 1) Recommendation

*It is recommended that Council;*

**1. Approves receipt of additional capital grant and contribution revenue as follows;**

	<b>Project Name</b>	<b>Current Revenue Budget</b>	<b>Additional Revenue</b>	<b>Revised Revenue Budget</b>
<b>a</b>	<b>East Barrack Street - Renewal of footpath East Parade to Grenoch Home, Deloraine.</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$25,000</b>
<b>b</b>	<b>Tower Hill Street - New footpath West Barrack St, Deloraine.</b>	<b>\$0</b>	<b>\$40,000</b>	<b>\$40,000</b>
<b>c</b>	<b>Osmaston Road - Exton/Bogan Rd intersection safety improvements.</b>	<b>\$0</b>	<b>\$115,000</b>	<b>\$115,000</b>
<b>d</b>	<b>Country Club Ave / Las Vegas Intersection - Prospect Vale</b>	<b>\$40,000</b>	<b>\$30,000</b>	<b>\$70,000</b>
<b>e</b>	<b>Hadspen Memorial Centre – Change room extension, Hadspen</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$120,000</b>

**2. Approves additional capital works expenditure as follows;**

	<b>Project Name</b>	<b>Current Expenditure Budget</b>	<b>Additional Expenditure</b>	<b>Revised Expenditure Budget</b>
<b>a</b>	<b>East Barrack Street - Renewal of footpath East Parade to Grenoch Home, Deloraine.</b>	<b>\$50,000</b>	<b>\$25,000</b>	<b>\$75,000</b>
<b>b</b>	<b>Tower Hill Street - New footpath West Barrack St, Deloraine.</b>	<b>\$80,000</b>	<b>\$40,000</b>	<b>\$120,000</b>

<b>c</b>	<b>Osmaston Road - Exton/Bogan Rd intersection safety improvements.</b>	<b>\$230,000</b>	<b>\$115,000</b>	<b>\$345,000</b>
<b>d</b>	<b>Country Club Ave / Las Vegas Intersection - Prospect Vale</b>	<b>\$165,000</b>	<b>\$30,000</b>	<b>\$195,000</b>
<b>e</b>	<b>Hadspen Memorial Centre – Change room extension, Hadspen</b>	<b>\$120,000</b>	<b>\$60,000</b>	<b>\$180,000</b>

**3. Notes that there will be no overall change to Council’s budgeted underlying deficit for 2020-21 as additional external revenue will offset additional capital expenditure.**

## DECISION:

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

- 1. Approves receipt of additional capital grant and contribution revenue as follows;**

	<b>Project Name</b>	<b>Current Revenue Budget</b>	<b>Additional Revenue</b>	<b>Revised Revenue Budget</b>
<b>a</b>	<b>East Barrack Street - Renewal of footpath East Parade to Grenoch Home, Deloraine.</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$25,000</b>
<b>b</b>	<b>Tower Hill Street - New footpath West Barrack St, Deloraine.</b>	<b>\$0</b>	<b>\$40,000</b>	<b>\$40,000</b>
<b>c</b>	<b>Osmaston Road - Exton/Bogan Rd intersection safety improvements.</b>	<b>\$0</b>	<b>\$115,000</b>	<b>\$115,000</b>
<b>d</b>	<b>Country Club Ave / Las Vegas Intersection - Prospect Vale</b>	<b>\$40,000</b>	<b>\$30,000</b>	<b>\$70,000</b>
<b>e</b>	<b>Hadspen Memorial Centre – Change room extension, Hadspen</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$120,000</b>

**2. Approves additional capital works expenditure as follows;**

	<b>Project Name</b>	<b>Current Expenditure Budget</b>	<b>Additional Expenditure</b>	<b>Revised Expenditure Budget</b>
<b>a</b>	<b>East Barrack Street - Renewal of footpath East Parade to Grenoch Home, Deloraine.</b>	<b>\$50,000</b>	<b>\$25,000</b>	<b>\$75,000</b>
<b>b</b>	<b>Tower Hill Street - New footpath West Barrack St, Deloraine.</b>	<b>\$80,000</b>	<b>\$40,000</b>	<b>\$120,000</b>
<b>c</b>	<b>Osmaston Road - Exton/Bogan Rd intersection safety improvements.</b>	<b>\$230,000</b>	<b>\$115,000</b>	<b>\$345,000</b>
<b>d</b>	<b>Country Club Ave / Las Vegas Intersection - Prospect Vale</b>	<b>\$165,000</b>	<b>\$30,000</b>	<b>\$195,000</b>
<b>e</b>	<b>Hadspen Memorial Centre – Change room extension, Hadspen</b>	<b>\$120,000</b>	<b>\$60,000</b>	<b>\$180,000</b>

**3. Notes that there will be no overall change to Council's budgeted underlying deficit for 2020-21 as additional external revenue will offset additional capital expenditure.**

**The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.**



## **ITEMS FOR CLOSED SECTION OF THE MEETING:**

Councillor Kelly moved and Councillor Bower seconded ***“that pursuant to Regulation 15(2) 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 Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

Council moved to Closed Session at 6.07pm

### **179/2020 CONFIRMATION OF MINUTES**

(Reference Part 2 Regulation 34(2) Local Government (Meeting Procedures) Regulations 2015)

### **180/2020 LEAVE OF ABSENCE**

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

### **181/2020 CONTRACT NO. 220 - 2020-21 - DESIGN AND CONSTRUCTION OF BRIDGE NO.1862 RAILTON ROAD, COILER CREEK**

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

### **182/2020 BRACKNELL HALL REDEVELOPMENT FUNCTIONAL BRIEF**

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

### **183/2020 DELORAINE SQUASH COURTS FUNCTIONAL BRIEF**

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

**184/2020 CONTRACT NO. 223 – 2020-21 ASPHALT & BITUMINOUS SEALING OF ROADS**

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

**185/2020 APPEAL 65/20P TO PLANNING APPLICATION REFUSAL PA\20\0206 - 34 MARRIOTT STREET, WESTBURY – SUBDIVISION (3 LOTS TO 2 LOTS) & MULTIPLE DWELLINGS (3 UNITS)**

(Reference Part 2, Section 15(4) Local Government (Meeting Procedures) Regulations 2015)

**186/2020 DISCUSSION OF A RESOLVED MATTER**

Council returned to Open Session at 7.04pm

**187/2020 DECISIONS FOR PUBLIC INFORMATION**

Cr Johnston moved and Cr Bower seconded ***“that the following decisions were taken by Council in Closed Session and are to be released for the public’s information.”***

- 1. Award Contract No.220 - 2020-21 – Design and Construction of Bridge No.1862, to Bridge Pro Engineering.***
  
- 2. Awards Schedule 1 (Asphalt) and Schedule 2 (Bituminous sealing - single coat and two coat sealing) of Contract No. 223 - 2020-21 Asphalt & Bituminous Sealing of Roads to Fulton Hogan Industries.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

The meeting closed at 7.04pm

.....  
Wayne Johnston  
**Mayor**