



Meander Valley Council  
Working Together

# **ORDINARY MINUTES**

**COUNCIL MEETING**

**Tuesday 9 February 2021**

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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 9 February 2021 at 3.00pm.

**PRESENT**

Mayor Wayne Johnston, Deputy-Mayor Michael Kelly (via Zoom), 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  
Jacqui Parker, Governance Coordinator  
Dino De Paoli, Director Infrastructure Services  
Jonathan Harmey, Director Corporate Services  
Matthew Millwood, Director Works  
Krista Palfreyman, Director Development & Regulatory Services  
Jo Oliver, Senior Strategic Planner  
Jarred Allen, Team Leader, Engineering

**24/2021 CONFIRMATION OF MINUTES**

Councillor Sherriff moved and Councillor King seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 19 January 2021, 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.***

## 25/2021 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

Date	Items discussed:
2 February 2021	<ul style="list-style-type: none"><li>• General Managers Performance Review</li><li>• Communications Calendar</li><li>• Items for Noting:<ul style="list-style-type: none"><li>(a) Review of 2020-21 Capital Works Program Project Budgets</li></ul></li></ul>

## 26/2021 ANNOUNCEMENTS BY THE MAYOR

### **12 January 2021**

Bracknell Hall Community drop-in session

### **21 January 2021**

NTDC strategy meeting - Launceston

### **25 January 2021**

Australia Day function – Prospect Vale

### **26 January 2021**

Australia Day Breakfasts - Westbury and Chudleigh  
Citizenship Ceremony - Chudleigh

### **30 January 2021**

Something in the Valley - Meander

### **2 February 2021**

Council Workshop – Westbury

### **3 February 2021**

TasWater quarterly briefing - Launceston

### **9 February 2021**

NTDC Board meeting - Launceston

## 27/2021 ANNOUNCEMENTS BY COUNCILLORS

### **Bracknell Hall Community drop in session - 12 January 2021**

Councillors Bower, Cameron, King, Nott and Synfield

### **Australia Day Function – 25 January 2021**

Councillors Bower, Cameron, King, Nott and Temple

#### Comment by Cr Stephanie Cameron

In a world dominated by social distancing requirements, our community organisations have been faced with a whole new set of challenges.

Community events often take lots of work from what is usually a small group of volunteers. Throwing in the requirement of the need to complete a COVID safety plan could easily be the undoing of many events.

With that, I would like to congratulate both Westbury Rotary and the Chudleigh Hall Committee on holding their Australia Day Breakfasts this year. Both groups adapted well and held very successful events.

I would also like to thank Kris Eade for his help and guidance in supporting the Chudleigh Hall Committee. He went above and beyond his duty to assist the committee to navigate their way through their requirements, and I know this was much appreciated.

## 28/2021 DECLARATIONS OF INTEREST

Nil

## 29/2021 TABLING AND ACTION ON PETITIONS

Nil

## 30/2021 PUBLIC QUESTION TIME

### 1. PUBLIC QUESTIONS TAKEN ON NOTICE – JANUARY 2021

Nil

### 2. PUBLIC QUESTIONS WITH NOTICE – FEBRUARY 2021

#### 2.1 Mrs Doreen Wileman, Westbury

I see in the recently released Annual Report that the attendance rate of councillors to council meetings was extremely high. Will Council also provide the attendance record of councillors to the various workshops, with the title of the workshop topics, that are offered to Councillors to gain a deeper understanding of the various issues?

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

***Items discussed at workshops are included in the Ordinary Council Meeting Agenda and Minutes.***

***There is no statutory requirement to report on attendance of Councillors at workshops, however, the majority of workshops are attended by all Councillors.***

### 3. PUBLIC QUESTIONS WITHOUT NOTICE – FEBRUARY 2021

#### 3.1 Emma Hamilton, Mary Street, Westbury

Will all Councillors please individually indicate if they were aware of the Council's media release, dated 8th February 2021 about the Meander Valley Gazette, before it was sent out, and whether or not they approved of the content?

**Response by Cr Rodney Synfield:**

***I have already responded by email to the lady last night and at that stage I hadn't seen it. Personally, no, I wouldn't have said it as per its content. There are bits and pieces that I wouldn't have personally said.***

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

***There has been no media release; Council has posted as a matter of public record, letters written by the General Manager to the editor of the Meander Valley Gazette.***

***The post was at the direction of the GM as a correction of the public record.***

***It should be noted that:***

- ***The focus of Council has been on incorrect reports about Council staff salaries, roles and qualifications.***
- ***The Meander Valley Gazette has refused to publish letters to the editor calling for corrections over several months. The Gazette in an action seemingly at odds with the practices of other publications has also refused to publicly correct the record.***
- ***The General Manager's letters have been placed on Council's website as a step towards correcting the public record in respect of personal staff details; the publication of which serves no public interest.***
- ***The letters to the editor were circulated to all councillors at the time they were submitted to the Meander Valley Gazette and informally discussed from time to time. Councillors were aware of the letters having been sent and publication refused. They were not aware in advance of the post on 8 February 2021.***
- ***The action in addressing a matter impacting staff and the correction of the public record is an action to defend reputations; something within the remit of the GM rather than councillors.***

***Response by Cr Andrew Sherriff:***

***I wasn't aware of the post but I was fully aware of the correspondence within that post, so I haven't got a problem with what was posted and shared. Obviously all the correspondence was sent to all Councillors, so we knew what was going on.***

**Response by Cr Frank Nott:**

***I have nothing to do with Facebook and my thoughts are that if there are going to be comments from the General Manager I believe it should be that every Councillor should be made aware of those before they are forwarded.***

**Response by Cr Michael Kelly:**

**Question to the General Manager**

***Has there been any thought put into writing a Letter to the Editor at The Examiner, actually pointing out how frustrating it is to defend the position of Council?***

**Further response by General Manager, John Jordan:**

***Yes, there has, and we are also considering recourse to the Australian Press Council and working through other avenues in terms of defending the positions and reputations of staff.***

**Comment by Cr John Temple:**

***No I wasn't aware of this Facebook post.***

## **31/2021 COUNCILLOR QUESTION TIME**

### **1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – JANUARY 2021**

Nil

### **2. COUNCILLOR QUESTIONS WITH NOTICE – FEBRUARY 2021**

Nil

### **3. COUNCILLOR QUESTIONS WITHOUT NOTICE – FEBRUARY 2021**

#### **3.1 Cr Tanya King**

At the January 2021 Ordinary Meeting of Council, I asked a question regarding the exploding rabbit population, and would Council write to the Invasive Species Branch of DPIPW and press for a collective response to the growing rabbit problem.



I understand this happened in a timely manner, and the response from the media was strong, with an article in the Examiner and the Tasmanian Country, and the opportunity for comment on ABC radio.

What response has been received from the Invasive Species Branch of DPIPWE as the responsible organisation?

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

**Council has yet to receive a reply from the Department. Council's action to highlight the problem of increasing rabbit populations has triggered extensive media and community interest.**

### 3.2 Cr John Temple

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

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

**No.**

- b) In general, how do you propose we go about improving our relationship with the media, in particular the Gazette?

**Response by Mayor Wayne Johnston:**

**It would be very good to sit down with the Gazette and try to understand why they have the style of reporting that they have. It would be good for a right of reply to be given to Council at times when stories put out there are not quite correct. While we have tried to do that - the General Manager has written to the Editor on numerous occasions and asked for letters to be printed - it hasn't happened. As the General Manager alluded in reply to the last question that is the path we will head down.**

- c) With regard to the latest letter the General Manager has written to the Editor of the Gazette, have there been replies?

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

**We did receive a reply from the Editor and to paraphrase the response, that they regarded it as inappropriate to publish the letters on the grounds that it**

***damaged the reputation of the Gazette. They also indicated that because they were relating to individual staff members, it was more appropriate for individual staff members to make a complaint. One of those staff members has made a complaint without a satisfactory resolution. The Gazette did offer to that staff member an option of taking down from the electronic record on their website reference to the incorrect facts, however, there was no offer of a public retraction which is the normal standard of journalism. It's published; it needs to be published as a retraction.***

- d) What do you see as the next step, would you consider inviting them to a workshop? What practical things can we do now to improve the relationship?

***Response by Mayor Wayne Johnston:***

***We need to see what comes back from the Gazette. We've asked numerous times for the printing of the letter. We'll have to wait and see. We have talked about going to the Australian Press Council with our concerns. We'll take that on advice.***

## **32/2021 DEPUTATIONS BY MEMBERS OF THE PUBLIC**

Nil

## **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.

## **33/2021 AMENDMENT 4/2020 – 100 COUNTRY CLUB AVENUE, PROSPECT VALE**

The Mayor invited Nicola Smith from Niche Planning Studio to address Council regarding the agenda item.

**AUTHOR:** Jo Oliver  
Senior Strategic Planner

### **Recommendation**

***It is recommended 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 4/2020 to the Meander Valley Interim Planning Scheme 2013 to:***

- a) rezone part of 100 Country Club Avenue, Prospect Vale (CT's 119422/1& 33678/1) from Major Tourism Zone to General Residential Zone; and***
- b) insert a Specific Area Plan as F9 Country Club Specific Area Plan,***

***in accordance with the certification document at Attachment 1.***

***2. Pursuant to Section 35.(1)(b), modify the draft amendment by:***

- a) amending the title of the Specific Area Plan to 'F9 Country Club Specific Area Plan' together with consequential clause numbering changes;***
- b) amending section CCE-SF6.8.1 Lot Design – to include a standard to activate the subdivision components (as modified by 2c) and 2d) below) in Figure SF6.1 – SAPF6;***
- c) amending Figure SF6.1 – SAPF6 to include an area of public open space in the Specific Area Plan, over the top of central ridgeline; and***
- d) amending Figure SF6.1 – SAPF6 to show the northern internal road extending to the north west boundary corner on the Pitcher Parade frontage,***

***in accordance with the certification document at Attachment 1.***

**3. Pursuant to Section 35.(1)(b), certify the modified draft amendment as being in accordance with Sections 30O. and 32. of the Act.**

## **DECISION:**

Cr Cameron moved and Cr Sherriff 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 4/2020 to the Meander Valley Interim Planning Scheme 2013 to:**

**a) rezone part of 100 Country Club Avenue, Prospect Vale (CT's 119422/1& 33678/1) from Major Tourism Zone to General Residential Zone; and**

**b) insert a Specific Area Plan as F9 Country Club Specific Area Plan, in accordance with the certification document at Attachment 1.**

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**c) amending Figure SF6.1 – SAPF6 to include an area of public open space in the Specific Area Plan, over the top of central ridgeline; and**

**d) amending Figure SF6.1 – SAPF6 to show the northern internal road extending to the north west boundary corner on the Pitcher Parade frontage,**

**in accordance with the certification document at Attachment 1.**

**3. Pursuant to Section 35.(1)(b), certify the modified draft amendment as being in accordance with Sections 30O. and 32. of the Act.**

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

## 34/2021 REVIEW OF BUDGETS FOR THE 2020-21 CAPITAL WORKS PROGRAM

**AUTHOR:** Dino De Paoli  
Director Infrastructure Services

### Recommendation

*It is recommended that Council approves the following project budget changes to the 2020-21 Capital Works Program.*

<b>Project Name</b>	<b>Current Budget</b>	<b>Proposed Budget Variation</b>	<b>Revised Budget</b>
<b>Open Drain Program, Bracknell</b>	<b>\$80,000</b>	<b>-\$80,000</b>	<b>\$0</b>
<b>Henrietta St Bracknell Stormwater Upgrade</b>	<b>\$15,000</b>	<b>\$80,000</b>	<b>\$95,000</b>
<b>Open Drain Program, Westbury</b>	<b>\$183,500</b>	<b>-\$66,000</b>	<b>\$117,500</b>
<b>Taylor St, Westbury Stormwater Upgrade</b>	<b>\$130,000</b>	<b>\$66,000</b>	<b>\$196,000</b>
<b>Mobile Organics Bins</b>	<b>\$270,000</b>	<b>-\$270,000</b>	<b>\$0</b>
<b>Westbury Landfill Site - Cell Expansion</b>	<b>\$190,800</b>	<b>\$240,000</b>	<b>\$430,800</b>
<b>Mobile Garbage Bins</b>	<b>\$26,000</b>	<b>\$30,000</b>	<b>\$56,000</b>

### DECISION:

Cr King moved and Cr Cameron seconded ***“that Council approves the following project budget changes to the 2020-21 Capital Works Program.***

<b>Project Name</b>	<b>Current Budget</b>	<b>Proposed Budget Variation</b>	<b>Revised Budget</b>
<b>Open Drain Program, Bracknell</b>	<b>\$80,000</b>	<b>-\$80,000</b>	<b>\$0</b>
<b>Henrietta St Bracknell Stormwater Upgrade</b>	<b>\$15,000</b>	<b>\$80,000</b>	<b>\$95,000</b>
<b>Open Drain Program, Westbury</b>	<b>\$183,500</b>	<b>-\$66,000</b>	<b>\$117,500</b>
<b>Taylor St, Westbury Stormwater Upgrade</b>	<b>\$130,000</b>	<b>\$66,000</b>	<b>\$196,000</b>
<b>Mobile Organics Bins</b>	<b>\$270,000</b>	<b>-\$270,000</b>	<b>\$0</b>
<b>Westbury Landfill Site - Cell Expansion</b>	<b>\$190,800</b>	<b>\$240,000</b>	<b>\$430,800</b>
<b>Mobile Garbage Bins</b>	<b>\$26,000</b>	<b>\$30,000</b>	<b>\$56,000</b>

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

## 35/2021 TASRAIL JOINT ASSETS INTERFACE AGREEMENT

**AUTHOR:** Dino De Paoli  
Director Infrastructure Services

### Recommendation

***It is recommended that Council;***

- 1) approves the Rail and Local Government Joint Assets Interface Agreement dated September 2020 with TasRail in accordance with s107(2)(c) of the Rail Safety National Law (South Australia) Act 2012; and***
- 2) delegates to the General Manager under s22 of the Local Government Act 1993 the exercise and performance of the functions and powers of Council as a public road owner under both the Rail Safety National Law (Tasmania) Act 2012 and the Rail Infrastructure Act 2007 as follows;***

**Table 1: Rail Safety National Law (Tasmania) Act 2012**

- Rail Safety National Law set out in the Schedule to the Rail Safety National Law (South Australia) Act 2012**

<b>No</b>	<b>Statutory Ref</b>	<b>Functions or Power</b>	<b>Conditions or Restrictions</b>
<b>1</b>	<b>s. 107(2)</b>	<b>Interface coordination—rail infrastructure and public roads.</b>	
<b>2</b>	<b>s. 109</b>	<b>Identification and assessment of risks.</b>	
<b>3</b>	<b>s. 111(2)</b>	<b>Register of interface agreements.</b>	

**Table 2: Rail Infrastructure Act 2007**

<b>No</b>	<b>Statutory Ref</b>	<b>Functions or Power</b>	<b>Conditions or Restrictions</b>
<b>1</b>	<b>s. 36</b>	<b>Maintenance responsibilities at railway crossings – public roads</b>	

2	s. 40	<b>Railway entity to reinstate public road after removing tracks from level crossing</b>	
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## DECISION:

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

- 1) ***approves the Rail and Local Government Joint Assets Interface Agreement dated September 2020 with TasRail in accordance with s107(2)(c) of the Rail Safety National Law (South Australia) Act 2012; and***
- 2) ***delegates to the General Manager under s22 of the Local Government Act 1993 the exercise and performance of the functions and powers of Council as a public road owner under both the Rail Safety National Law (Tasmania) Act 2012 and the Rail Infrastructure Act 2007 as follows;***

<b>Table 1: Rail Safety National Law (Tasmania) Act 2012</b>			
<b>• Rail Safety National Law set out in the Schedule to the Rail Safety National Law (South Australia) Act 2012</b>			
<b>No</b>	<b>Statutory Ref</b>	<b>Functions or Power</b>	<b>Conditions or Restrictions</b>
<b>1</b>	<b>s. 107(2)</b>	<b><i>Interface coordination—rail infrastructure and public roads.</i></b>	
<b>2</b>	<b>s. 109</b>	<b><i>Identification and assessment of risks.</i></b>	
<b>3</b>	<b>s. 111(2)</b>	<b><i>Register of interface agreements.</i></b>	

<b>Table 2: Rail Infrastructure Act 2007</b>			
<b>No</b>	<b>Statutory Ref</b>	<b>Functions or Power</b>	<b>Conditions or Restrictions</b>
<b>1</b>	<b>s. 36</b>	<b><i>Maintenance responsibilities at railway crossings – public roads</i></b>	



<b>Table 2: Rail Infrastructure Act 2007</b>			
<b>No</b>	<b>Statutory Ref</b>	<b>Functions or Power</b>	<b>Conditions or Restrictions</b>
<b>2</b>	<b>s. 40</b>	<b>Railway entity to reinstate public road after removing tracks from level crossing</b>	

**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 King 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 4.10pm.

### **36/2021 CONFIRMATION OF MINUTES**

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

### **37/2021 LEAVE OF ABSENCE**

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

Council returned to Open Session at 4.18pm.

The meeting closed at 4.18pm.

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