



Meander Valley Council

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

# **ORDINARY MINUTES**

**COUNCIL MEETING**

**Tuesday 8 March 2016**

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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 March 2016 at 1:34pm.

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

**APOLOGIES:** Mayor Perkins

**IN ATTENDANCE:** Greg Preece, General Manager  
Beth Williams, Administration Officer  
Malcolm Salter, Director Corporate Services  
David Pyke, Director Governance & Community Services  
Rick Dunn, Director Economic Development & Sustainability  
Martin Gill, Director Development Services  
Matthew Millwood, Director Works  
Dino De Paoli, Director Infrastructure Services  
Jo Oliver, Senior Town Planner  
Leanne Rabjohns, Town Planner  
Justin Simons, Town Planner  
Jonathan Harmey, Senior Accountant  
Craig Plaisted, Economic Development Project Officer

#### **44/2016 CONFIRMATION OF MINUTES:**

Councillor Richardson moved and Councillor White seconded, ***“that the minutes of the Ordinary meeting of Council held on Tuesday 9 February, 2016, be received and confirmed.”***

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

## **45/2016 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:**

Date :	Items discussed:
23 February 2016	<ul style="list-style-type: none"><li>• Councillor Capital Works Projects</li><li>• Asset Management</li><li>• Capacity of Westbury Exchange</li><li>• Local Government Reform</li><li>• Review of Regional Bodies in Northern Tasmania</li><li>• Draft Model Code of Conduct</li><li>• Rural Living Zone – Planning Scheme Amendment</li><li>• Sustainable Environment Committee</li><li>• Westbury Recreation Ground Building Upgrade</li><li>• Wi-Fi Project</li></ul>

## **46/2016 ANNOUNCEMENTS BY THE MAYOR:**

### **Friday 12 February 2016**

- Meeting with TasWater at Bracknell
- Meeting with NTD Local Government Committee

### **Saturday 13 February 2016**

- Westbury Garden Show

### **Tuesday 23 February 2016**

- Council Workshop

### **Thursday 25 February 2016**

- Deloraine ODP – Workshop 2

### **Tuesday 1 March 2016**

- Meeting with West Tamar and Northern Midlands Council to discuss Minister's request to expand shared services study to include voluntary amalgamations

### **Friday 4 March 2016**

- Meeting of the NTD Local Government Committee

## **47/2016 DECLARATIONS OF INTEREST:**

Nil

## **48/2016 TABLING OF PETITIONS:**

Nil

## **49/2016 PUBLIC QUESTION TIME**

### **1. QUESTIONS TAKEN ON NOTICE – FEBRUARY 2016**

#### **1.1 Sarah Sonata, 31 Meander Valley Road, Deloraine**

##### Council's Powers of Entry to Class 1A Residential Buildings

To begin, I would like to clarify that we rent the front 2 rooms of our home to seasonal workers and we occupy the same building. Under these conditions the residential tenancy act 1997 excludes us from being classified as a boarding house. This position is also acknowledged by the tenancy union of Tasmania.

On 2 october 2015 two council officers made an inspection of our property at 31 meander valley road in deloraine. This inspection occurred without the general manager having given notice (local government act 1993, section 20a-3). This inspection occurred without a response to our letter dated 13 july 2015 (some 81 days prior) despite the closing of our letter reading: "*Should you require further specific information please do not hesitate to contact us. Alternatively, we are available if an appointment to discuss the matter is deemed beneficial. Please advise accordingly.*".

At this point at least 4 council officers had knowledge of the investigation (jan Richardson, martin gill, troy bell and greg preece) yet none thought it prudent to respond to our letter or make us aware of the safety concerns they later claim to have held. On that day my family and I were on holiday in queensland and our tenants were at work, nobody was at home. During the course of that inspection the council officers entered our home without the consent of any occupier and without a search warrant (building act 2000 section 258-2). Once inside our home council officers opened each door and went into each room of our home taking photos including children's beds and food on shelves. The photos do not seem to reflect safety issues. In the correspondence that followed council officers have continued to defend the unlawful entry to our home (building act 2000 section 258-2).

In a letter dated 12 november 2015 it is stated:

*"council still believes that based on the complaint received and knowledge of the complainant in the matter, that council officers were justified in their actions"*

My first question, in 2 parts, is to council officers, staff and elected members regarding your above stated belief.

- a) What knowledge was given by a third party, namely the complainant, that can justify the entry to a family home without consent from an occupant, without a search warrant, and without previously seeking any clarification from the owner ?
- b) Secondly, would you consider this action reasonable if council officers had entered your home based purely on their opinion that the occupants are potentially at risk?

In Mr Gill's letter dated 27 October 2015 he states :

*"Following my previous site inspection where I had observed a lack of essential safety measures and following confirmation from you that you had tenants at the property I was of the opinion that the occupants were potentially at risk."*

The previous inspection had occurred in March that year some 199 days prior to the inspection on October 2. During these 199 days nobody made these safety concerns known to us. During these 199 days nobody seemed to feel that the risk was so great, any action was necessary until the unlawful entry on October 2nd 2015.

My second question is to Martin Gill and Troy Bell.

Could you please state what additional risks were evident on October 2nd that placed an urgency upon the *observed lack of essential safety measures* some 199 days earlier that justified entering our family home without consent of the occupant?

***Question taken on notice.***

## **2. QUESTIONS WITHOUT NOTICE – MARCH 2016**

Nil

## **50/2016 COUNCILLOR QUESTION TIME**

### **1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – FEBRUARY 2016**

#### **1.1 Cr Bob Richardson**

##### **(a) Fire on Town Common, Westbury**

During the height of the Lake Mackenzie fires, it is understood that a fire occurred on Westbury's Town Common. Apparently, two fire appliances/vehicles attended and extinguished the fire.

I have noticed that there is an increasing amount of long grass/unkempt vegetation. Notable is a wide strip along the southern edge, which use to the mown.

Could Council explain why these fire hazards have not been slashed/mown?

**Response by Matthew Millwood, Director of Works**

**Council undertakes slashing and mowing at the Westbury Town Common at the same or similar frequency to previous years. The maintenance is influenced by seasonal factors and can vary slightly from one year to the next.**

**In recent years, areas of the Town Common have been planted with vegetation (small trees, tussocks etc.) consequently reducing the overall area that Council is able to slash. The plantings undertaken involve buffer planting (southern boundary) and riparian edge and meadow planting adjacent to Quamby Brook – these areas are creating habitat for small marsupials and are detailed in the Westbury Town Common Redevelopment Plan.**

**The Westbury Town Common Redevelopment Plan (concept only) was received by Council at the May 2008 Ordinary Council Meeting with the concept design approved for its presentation to the Westbury community for public consultation. The Westbury Town Common Redevelopment Plan was finalised in May 2009.**

**On 19 August 2015, the Director Development Services presented at the Townscape, Reserves and Parks (TRAP) Special Committee detailing a proposal from former members of the Westbury Working Together subcommittee (Westbury Town Common) to establish a Landcare Group for the Town Common area. The TRAP Special Committee indicated its support for the formation of the Landcare Group providing the group adhered to the recommendations and actions of the Westbury Town Common Redevelopment Plan.**

(b) Cat Management/Control

Early in 2015, Council formed a Group which aimed to develop a mechanism for control and management of cats. Soon after, the Tasmanian Government announced a similar project. Council's response was to place its "Cat Committee" in recess.

Little, certainly of a practical nature, appears to have been done by the State Government.

Have we simply had our attempts delayed, or even foiled?

***Response by Martin Gill, Director Development Services***  
***I am sorry, I do not know the answer to that question.***

## **1.2 Cr Deb White**

Question by Councillor White: In his letter to Council of 29/12/15, Cr Richardson makes reference to the Westbury Pool, and the Westbury Pool Committee. Is Cr Richardson aware that the report commissioned by the Committee concluded that:

"If the Westbury Pool group is able to overcome the critical issues associated with:

- a) attracting establishment funding (\$5,000,000 build with \$0.25m running costs pa) without the involvement of a local council
- b) attracting the number of users (require a catchment population in excess of 13,000 people
- c) attracting and retaining sufficient volunteer staff then

the establishment and operation of a 25 metre public indoor heated swimming pool at Westbury may be viable"?

### ***Response by Cr Bob Richardson***

**I am aware that the Westbury Pool Committee commissioned a Report into the establishment of a pool in Westbury. However, I was unaware of the findings of the consultant.**

**I am interested in the list of "critical issues" as cited by Cr White:**

- a) establishment funding of \$5,000,000 and annual running costs of \$250,00.**

**I note that it did not seem a problem for Deloraine to attract establishment costs for the recent (second) Deloraine Pool (sited at Deloraine Primary School).**

**I also question the \$250,000 annual running costs; Pools at Mole Creek and Caveside cost nowhere near this amount, nor does the (first) Deloraine Pool on the riverbank.**

- b) a requirement of a catchment population of at least 13,000 people.**

**It is noted that this did not seem to be a problem for the recent Deloraine Pool. It should also be noted that the population within a 20km radius of Westbury is about 10,500 (not far from the 13,000 cited). Within 20km of Deloraine there are about 8,500 people – about 20% less than the Westbury 20km catchment.**

- c) "attraction of and retention of volunteers"**



**Westbury has a strong and long history of engagement of volunteers.**

**In short a Westbury Pool is likely to be more viable than pools in other Meander Valley centres.**

**The real question really is: When will Meander Valley Council initiate moves to establish a 25-metre indoor pool in Westbury, and thus begin to restore balance, fairness and equity to ratepayers across the whole municipality? Alternatively, Council should consider a rate reduction in the general rate for those receiving fewer services, should it not?**

**PS. There are not (at least) 13,000 people in (reasonable) catchments for the following population centres which have pools:**

- |                 |               |                |
|-----------------|---------------|----------------|
| . Campbell Town | . Mole Creek  | . Cressy       |
| . Caveside      | . Oatlands    | . Hastings     |
| . Scottsdale    | . Ross (?)    | . St Marys     |
| . St Helens     | . Deloraine   | . Bothwell (?) |
| . Rosebery      | . Smithton    | . Queenstown   |
| . Huonville     | . George Town | . Avoca ...    |

## **2. COUNCILLOR QUESTIONS ON NOTICE – MARCH 2016**

Nil

## **3. COUNCILLOR QUESTIONS WITHOUT NOTICE – MARCH 2016**

### **3.1 Cr Deb White**

In his response to questions concerning costs for a proposed swimming pool at Westbury, Cr Richardson raises some questions concerning the establishment costs.

Is he aware that:

- The Deloraine Primary School used Education Department funding, including grants made available through the Building the Education Revolution (BER) funds, for their pool, and that
- Westbury Primary School also considered using BER funds to build a pool but chose not to pursue this idea
- Evidence of community support for a pool is not strong, the Pool Committee dwindling to currently (I believe) 2 persons.

***Response by Cr Richardson – question taken on notice.***

### **3.2 Cr Bob Richardson**

Could Council please be advised of the state of progress of the proposed Fish River Mini-Hydro Scheme development?

**Response by Jo Oliver, Senior Town Planner**

**The application is currently subject to an appeal to the Resource Management & Planning Appeals Tribunal (RMPAT). The applicant has made an application under s.22 of the RMPAT Act 1993 to amend the application, which is currently being considered by the RMPAT.**

3.3 Cr Andrew Connor

Can Council officers provide an update on the progress of the development of a second supermarket and commercial precinct in Prospect Vale near the junction of Westbury Road and Country Club Avenue?

An application concerning this site was passed at a special meeting of council shortly before Christmas several years ago, but there has been little visible action yet on the site.

**Response by Martin Gill, Director Development Services**

**Council officers have been working with the proponent to finalise details of the design, including drainage and traffic management.**

**Council officers understand that the proponent has been finalising costing subject to this detail planning and working with the company looking to occupy the development to finalise requirements and agreements. It is not uncommon with larger developments that gaining a planning permit initiates a process of then securing funding and negotiating the detail of development.**

**It is also our understanding that these conversations have led to a broader discussion among a number of private parties and potential developers about the future role of the Donald Avenue area and the importance of the Strathroy land been opened up for development.**

3.4 Cr Ian Mackenzie

I note with interest in the recent Meander Valley Community News and ask as Meander Valley Council is a platinum sponsor of Westbury Irish Festival, why wasn't this advertised and promoted?

**Response by David Pyke, Director Governance & Community Services**

**I am aware of an email from Andrea Badcock, Chairperson of the Westbury Irish Festival, expressing her disappointment that the promotion of this year's Irish Festival was not included in the March edition of Council's Community News. Council relies on information being forwarded from clubs and organisations to enable this newsletter to be produced. An invite was extended to the Community Development Manager to attend a Festival meeting in 2015 to obtain information, however, this was not done this year.**

***Once Council was made aware of the omission by Andrea on 3 March, an update of the Community News promoting the Westbury Irish Festival was sent out on 4 March.***

## **51/2016 DEPUTATIONS BY MEMBERS OF THE PUBLIC**

Nil

## **52/2016 NOTICE OF MOTIONS BY COUNCILLORS**

**57/2016** CR DEB WHITE – POKER MACHINE INDUSTRY REFORM

## **53/2016    EXTRACTIVE INDUSTRY – 1521 ILLAWARRA ROAD, CARRICK**

### **1) Introduction**

This report considers the planning application PA\16\0053 for an Extractive Industry – expansion of an existing quarry for land located at 1521 Illawarra Road, Carrick (CT 12512/1).

### **2) Recommendation**

***That the application for a use and development for an Extractive Industry – expansion of a quarry, for land located at 1521 Illawarra Road, Carrick (CT 12512/1), by O Diprose, requiring the following discretions:***

- ***26.3.1 Uses if not a single dwelling***
- ***E4.6.1 Use and road or rail infrastructure***
- ***E6.7.1 Construction of Car Parking Spaces and Access Strips***
- ***E6.7.2 Design and Layout of Car Parking***

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

- 1. The use and/or development must be carried out as shown and described in the endorsed plans:**
  - a) Van Diemen Consulting – Planning and Environmental Effects Report;**
  - b) Van Diemen Consulting – Traffic Impact Assessment;****to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.**
- 2. Prior to the commencement of use, the car parking spaces and associated manoeuvring area must be formed, to the satisfaction of Council’s Town Planner.**
- 3. EPA PERMIT REQUIREMENTS**

**The person responsible for the activity must comply with the Permit Conditions – Environmental No. 9354 contained in Schedule 2 of Permit Part B, which the Board of the Environmental Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to Section**

**25(5) of the *Environmental Management and Pollution Control Act 1994*. Permit Part B is attached together with Schedules 1, 2 and 3 and forms part of this permit.**

Note:

1. 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.
2. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
3. 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).
5. If any Aboriginal relics are uncovered during works;
  - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au)); and
  - c) The relevant approval processes will apply with State and Federal government agencies.

**DECISION:**

Cr King moved and Cr Connor seconded ***“that the application for a use and development for an Extractive Industry – expansion of a quarry, for***

*land located at 1521 Illawarra Road, Carrick (CT 12512/1), by O Diprose, requiring the following discretions:*

- **26.3.1 Uses if not a single dwelling**
- **E4.6.1 Use and road or rail infrastructure**
- **E6.7.1 Construction of Car Parking Spaces and Access Strips**
- **E6.7.2 Design and Layout of Car Parking**

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

1. The use and/or development must be carried out as shown and described in the endorsed plans:
  - c) Van Diemen Consulting – Planning and Environmental Effects Report;
  - d) Van Diemen Consulting – Traffic Impact Assessment;to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.
2. Prior to the commencement of use, the car parking spaces and associated manoeuvring area must be formed, to the satisfaction of Council's Town Planner.
3. **EPA PERMIT REQUIREMENTS**

The person responsible for the activity must comply with the Permit Conditions – Environmental No. 9354 contained in Schedule 2 of Permit Part B, which the Board of the Environmental Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to Section 25(5) of the *Environmental Management and Pollution Control Act 1994*. Permit Part B is attached together with Schedules 1, 2 and 3 and forms part of this permit."

As an amendment to the motion, Councillor Synfield and Councillor Mackenzie seconded that a condition be added that reads as follows: ***"that an impermeable vegetation screen or an earth mound be located to the western side of the existing quarry to address the visual aspect of the quarry when viewed from Carrick township, to the satisfaction of Council's Town Planner."***

***The amendment was put and was declared CARRIED with Councillors Connor, Kelly, Mackenzie, Richardson, Synfield and Youd voting FOR the motion and Councillors King, White voting AGAINST the motion.***

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

## **54/2016 REPRESENTATIONS TO DRAFT PLANNING SCHEME AMENDMENT 4/2015 – RURAL LIVING**

### **1) Introduction**

The purpose of this report is for Council to assess and adopt a formal response to the representations made to the exhibition of the draft planning scheme amendment 4/2015, in accordance with Section 39 of the former provisions of the Land Use Planning and Approvals Act (LUPAA) 1993.

### **2) Recommendation**

#### **1. It is recommended that Council:**

***Recommend the following modifications to draft amendment 4/2015 to the Tasmanian Planning Commission:***

***a) Section 13.4.1 A4 b) be reinstated.***

***b) The subdivision provisions of the Rural Living Zone are amended to make the 10 hectare minimum lot size mandatory for land fronting Parkham Road as follows:***

***Add a new performance criteria P1(e) to Section 13.4.2.2 Lot Area, Building Envelope and Frontage:***

***P1 Each lot must***

***d) ...; and***

***e) not be located on land with frontage to Parkham Road.***

***c) Retain CT 228500/1 at Whitchurch Lane, Weetah in the Rural Resources Zone.***

***d) Section 13.4.2.2 P1c)i) is modified as follows:***

***c) be consistent with the Local Area Objectives and Desired Future Character Statements having regard to:***

***i) the topographical or natural features of the site within the context of the area; and***



**e) Section 13.1.5 Local Area Objectives – Reedy Marsh is modified as follows:**

- b) where development is unavoidably visible, ensure that materials are non-reflective and the design integrates with the landscape**
- c) The retention or planting of vegetation and lower densities is the preferred means to integrate and screen development throughout the zone.**

**f) Section 13.4.2.2 - Lot Area, Building Envelopes and Frontage is modified to include a 2 hectare lot size for Rural Living Zone land not located within the boundaries of the Specific Area Plan at Carrick in Table 13.1 as follows:**

<b>Reedy Marsh</b>	<b>15ha</b>
<b>Birralee Chudleigh Elizabeth Town Liffey Lower Golden Valley Mole Creek Pateena Rd/Meander Valley Rd Rosevale Weetah</b>	<b>10ha</b>
<b>Davis Road Meander</b>	<b>4ha</b>
<b>Carrick</b>	<b>Specific Area Plan 2ha – if not located within the Specific Area Plan</b>
<b>Hadspen</b>	<b>Specific Area Plan</b>
<b>Kimberley Red Hills</b>	<b>No new lots created</b>

Ugbrook Upper Golden Valley Weegen Western Creek	
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**2. It is recommended that Council:**

***Forward Council's decision regarding modifications to the draft amendment, report and attachments, to the Tasmanian Planning Commission.***

**DECISION:**

Cr Mackenzie moved and Cr King seconded **"that it is recommended that Council:**

**1. Recommend the following modifications to draft amendment 4/2015 to the Tasmanian Planning Commission:**

**a) Section 13.4.1 A4 b) be reinstated.**

**b) The subdivision provisions of the Rural Living Zone are amended to make the 10 hectare minimum lot size mandatory for land fronting Parkham Road as follows:**

***Add a new performance criteria P1(e) to Section 13.4.2.2 Lot Area, Building Envelope and Frontage:***

***P1 Each lot must***

***d) ...; and***

***e) not be located on land with frontage to Parkham Road.***

**c) Retain CT 228500/1 at Whitchurch Lane, Weetah in the Rural Resources Zone.**

**d) Section 13.4.2.2 P1c)i) is modified as follows:**

***d) be consistent with the Local Area Objectives and Desired Future Character Statements having regard to:***

***i) the topographical or natural features of the site within the context of the area; and***

**e) Section 13.1.5 Local Area Objectives – Reedy Marsh is modified as follows:**

- b) where development is unavoidably visible, ensure that materials are non-reflective and the design integrates with the landscape**
- c) The retention or planting of vegetation and lower densities is the preferred means to integrate and screen development throughout the zone.**

**f) Section 13.4.2.2 - Lot Area, Building Envelopes and Frontage is modified to include a 2 hectare lot size for Rural Living Zone land not located within the boundaries of the Specific Area Plan at Carrick in Table 13.1 as follows:**

<b>Reedy Marsh</b>	<b>15ha</b>
<b>Birralee Chudleigh Elizabeth Town Liffey Lower Golden Valley Mole Creek Pateena Rd/Meander Valley Rd Rosevale Weetah</b>	<b>10ha</b>
<b>Davis Road Meander</b>	<b>4ha</b>
<b>Carrick</b>	<b>Specific Area Plan 2ha – if not located within the Specific Area Plan</b>
<b>Hadspen</b>	<b>Specific Area Plan</b>
<b>Kimberley Red Hills</b>	<b>No new lots created</b>

<b>Ugbrook Upper Golden Valley Weegen Western Creek</b>	
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Mr Graham Nott, Mr Ken Manning, Mr Lyndsay Daw, Mr Nick Flittner, and Mr Paul Bennett (Ashgrove Farm & Cheese) spoke to the motion.

As an amendment to the motion, Councillor Richardson moved and Councillor Synfield seconded "***that sub-section 1.a) and 1.e) be removed from the motion***".

***The amendment was put and was declared LOST with Councillors Richardson, Synfield and Connor voting for the motion and Councillors Kelly, King, Mackenzie and White voting AGAINST the motion and Councillor Youd ABSTAINED from voting.***

***The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie and White voting for the motion, and Councillors Richardson and Synfield voting AGAINST the motion and Councillor Youd ABSTAINED from voting.***

Cr Connor moved and Cr Mackenzie seconded "**that:**

**2. It is recommended that Council:**

***Forward Council's decision regarding modifications to the draft amendment, report and attachments, to the Tasmanian Planning Commission."***

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

The meeting was adjourned at 3:04pm.

The meeting recommenced at 3:20pm.

Councillor Mackenzie moved and Councillor King seconded “**that ED&S1 be brought forward on the agenda.**”

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

## **55/2016 TASMANIAN CRAFT FAIR REQUEST FOR FUNDING**

### **1) Introduction**

The purpose of this report is for Council to consider a request from the Rotary Club of Deloraine for Council to provide its venues free of charge for the Tasmanian Craft Fair for the next three years.

### **2) Recommendation**

***It is recommended that Council's financial support for the Tasmanian Craft Fair:***

- 1. remain at the current estimated value of \$3,000 per year and is reported in Council's Annual Report, or***
- 2. be increased to a value of \$7,000 per year for a three year period including the cost of venue hire, and is reported in Council's Annual Report.***

### **DECISION:**

Cr Mackenzie moved and Cr Connor seconded ***"that Council's financial support for the Tasmanian Craft Fair:***

***be increased to a value of \$7,000 per year for a three year period including the cost of venue hire, and is reported in Council's Annual Report."***

Mr John Dare spoke to the motion.

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

# **56/2016 REVIEW OF POLICY NO 63 – ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT**

## **1) Introduction**

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

## **2) Recommendation**

***It is recommended that Council does not continue with Policy No. 63 Environmental Compliance and Enforcement Policy.***

## **POLICY MANUAL**

**Policy Number: 63**

**Environmental Compliance and Enforcement**

**Purpose:**

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

**Department:**

Development Services

**Author:**

Tim Watson, Director

**Council Meeting Date:**

14 August 2012

**Minute Number:**

127/2012

**Next Review Date:**

**September 2015**

## **POLICY**

### **1. Definitions**

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

### **2. Objective**

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

### **3. Scope**

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

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

#### **4. Policy**

##### *Policy for compliance*

Council will:

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

Strategies for achieving the policy objectives include:

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

##### *Policy for enforcement*

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

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



## **5. Legislation**

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

Compliance

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

### **Regulatory**

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

## **6. Responsibility**

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

## **DECISION:**

Cr Synfield moved and Cr Connor seconded ***“that Council does not continue with Policy No. 63 Environmental Compliance and Enforcement Policy.”***

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

## **57/2016 NOTICE OF MOTION – POKER MACHINE INDUSTRY REFORM – CR DEB WHITE**

### **1) Introduction**

The purpose of this report is for Council to consider a Notice of Motion from Councillor Deb White concerning reforms in the poker machine industry and an invitation from Brighton Council to join the Tasmanian Community Coalition.

### **2) Recommendation (Cr Deb White)**

***It is recommended that Council accept Brighton Council's invitation to join the Tasmanian Community Coalition.***

## **DECISION:**

Cr White moved and Cr Connor seconded ***"that Council accept Brighton Council's invitation to join the Tasmanian Community Coalition."***

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

### Comment by Cr Richardson:

The issue of gambling and the control/management thereof is becoming increasingly problematical.

Australians have typically been involved in games of chance – from the raffle ticket to lotto to horse and greyhound racing, as well as poker machines and casinos.

The range of gambling options now includes on-line gambling, which is vigorously promoted on TV, especially during major sporting events.

Gambling will not go away; however it needs to be controlled. Tasmania made a bad mistake when casinos and poker machines were placed under one licence.

Compare this with NSW where licenses were widely allocated; community organisations including RSL and sporting groups now provide magnificent community facilities, across NSW, especially rural and regional NSW.

Gambling won't go away, but it can be better controlled and the profits much better used. Local community monitoring is likely to be more effective than that of large corporations or remote bureaucracies.

## **58/2016 LOCAL GOVERNMENT REFORM**

### **1) Introduction**

The purpose of this report is for Council to consider a request from the Minister for Planning and Local Government, the Hon. Peter Gutwein MP, to include consideration of voluntary amalgamation options when undertaking the proposed regional resource sharing project.

### **2) Recommendation**

***It is recommended that Council participate in modelling of amalgamations on the condition that:***

- 1. Consistent with Council's decision of September 2015, "discussions around amalgamations must be supported by State Government led financial/social modelling providing a pathway for the future for Tasmania as a whole", and that this is fully funded by the State Government***
- 2. All Northern and North West Councils agree to participate***
- 3. Any analysis enables comparison across all Northern, Southern and North-West Region Councils***
- 4. State Government continues to financially support the shared services modelling***

### **DECISION:**

Cr Connor moved and Cr White seconded ***"that Council participate in modelling of amalgamations on the condition that:***

- 1. Consistent with Council's decision of September 2015, "discussions around amalgamations must be supported by State Government led financial/social modelling providing a pathway for the future for Tasmania as a whole", and that this is fully funded by the State Government***
- 2. Any analysis enables comparison across all Northern, Southern and North-West Region Councils***
- 3. State Government continues to financially support the shared services modelling."***

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

## **59/2016 COUNCIL AUDIT PANEL MEETING MINUTES**

### **1) Introduction**

The purpose of this report is for Council to receive the minutes of the Council Audit Panel meetings held on the 18 December 2015 and 23 February 2016.

### **2) Recommendation**

***It is recommended that Council receive the minutes of the Council Audit Panel meetings held on the 18 December 2015 and 23 February 2016.***

### **DECISION:**

Cr Mackenzie moved and Cr Youd seconded ***“that Council receive the minutes of the Council Audit Panel meetings held on the 18 December 2015 and 23 February 2016.”***

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

# **60/2016 REVIEW OF POLICY NO 55 – TOWNSCAPE INCENTIVE GRANT SCHEME**

## **1) Introduction**

The purpose of this report is for Council to review Policy No. 55 - Townscape Incentive Grant Scheme.

## **2) Recommendation**

***It is recommended that Council adopt the amended Policy No 55 - Townscape Incentive Grant Scheme, as follows and increase the annual budget allocation from \$1,500 to \$5,000:***

## **POLICY MANUAL**

<b>Policy Number: 55</b>	<b>Townscape Incentive Grant Scheme</b>
<b>Purpose:</b>	To provide administrative guidelines for Council's Townscape Rate Incentive Grant Scheme.
<b>Department:</b>	Governance & Community Services
<b>Author:</b>	David Pyke, Director
<b>Council Meeting Date:</b>	8 March 2016
<b>Minute Number:</b>	
<b>Next Review Date:</b>	<b><i>February 2020</i></b>

## **POLICY**

### **1. Definitions**

*Buildings* – means principal building and does not include any outbuildings.

*Landscaping* – means improving the aesthetic appearance of the property by changing contours, ornamental features or plantings.

### **2. Objective**

The objective is to provide assistance to property owners in the municipality by way of an incentive grant to improve the external appearance of their buildings.

### **3. Scope**

This policy applies to all buildings within the Meander Valley Council area.

### **4. Policy**

#### ***Background***

The main ideas behind this scheme are to improve the external appearance of the buildings for locals and tourists, and to see our older historic buildings properly restored in authentic colour schemes and enhanced through sympathetic landscaping. The incentive scheme especially lends itself to the following type of buildings:

- Buildings classified by the National Trust;
- Buildings on the National Estate Register;
- Buildings on the Tasmanian Heritage Register;
- Significant buildings within the municipality.

It was decided that the incentive grant would be calculated using the factors contained in the Policy Principles. The application of this policy is for the purpose of providing for an "incentive" rather than for Council to pay large amounts of the restoration costs.

#### ***Principles***

All applications received will be considered in accordance with the following guidelines.

- Applicant makes submission on the prescribed form. (This form broadly outlines the proposed upgrading/restoration/landscaping works and indicates that the applicant will be seeking a grant for the works).
- Assistance will be given to the applicant concerning colour schemes, if required.
- Once received the application will be referred to the Director of Governance and Community Services for assessment.
- Applicant will then be notified of assessment outcome.
- Applicant can then proceed with work and as soon as it is completed advise the Director of Governance & Community Services that the property is ready for a final inspection.
- After the final inspection is carried out a recommendation on the amount of grant, up to a maximum of \$6001,200, will be determined by the Director of Governance and Community Services and submitted to the next Townscape Reserves and Parks Committee meeting for approval.

- The grant approved will then be deducted from the next rate demand or if the rates have been paid in full, a cheque will be forwarded to the applicant.
- Any application received after the current year's budget allocation has been expended will be carried over to the next financial year.

The following factors will be considered in assessing the amount of Incentive Grant to be given:

- Cost of project;
- Impact of project on general townscape;
- Situation and type of building;
- Proposed work to be carried out (painting only or painting and buildings restoration or landscaping);
- Any signage;
- Amount of rates paid.

## **5. Legislation**

Section 77 of the Local Government Act 1993 applies.

## **6. Responsibility**

The Director, Governance & Community Services is responsible for the application of this policy.

## **DECISION:**

Cr Connor moved and Cr Richardson seconded ***“that Council adopt the amended Policy No 55 - Townscape Incentive Grant Scheme, as follows and increase the annual budget allocation from \$1,500 to \$5,000:***

# POLICY MANUAL

**Policy Number: 55**

**Townscape Incentive Grant Scheme**

**Purpose:**

To provide administrative guidelines for Council's Townscape Rate Incentive Grant Scheme.

**Department:**

Governance & Community Services

**Author:**

David Pyke, Director

**Council Meeting Date:**

8 March 2016

**Minute Number:**

**Next Review Date:** *February 2020*

## POLICY

### **1. Definitions**

*Buildings* – means principal building and does not include any outbuildings.

*Landscaping* – means improving the aesthetic appearance of the property by changing contours, ornamental features or plantings.

### **2. Objective**

The objective is to provide assistance to property owners in the municipality by way of an incentive grant to improve the external appearance of their buildings.

### **3. Scope**

This policy applies to all buildings within the Meander Valley Council area.

### **4. Policy**

#### ***Background***

The main ideas behind this scheme are to improve the external appearance of the buildings for locals and tourists, and to see our older historic buildings properly restored in authentic colour schemes and enhanced through sympathetic landscaping. The incentive scheme especially lends itself to the following type of buildings:

- Buildings classified by the National Trust;
- Buildings on the National Estate Register;
- Buildings on the Tasmanian Heritage Register;
- Significant buildings within the municipality.

It was decided that the incentive grant would be calculated using the factors contained in the Policy Principles. The application of this policy is for the purpose of providing for an “incentive” rather than for Council to pay large amounts of the restoration costs.

#### ***Principles***

All applications received will be considered in accordance with the following guidelines.



- Applicant makes submission on the prescribed form. (This form broadly outlines the proposed upgrading/restoration/landscaping works and indicates that the applicant will be seeking a grant for the works).
- Assistance will be given to the applicant concerning colour schemes, if required.
- Once received the application will be referred to the Director of Governance and Community Services for assessment.
- Applicant will then be notified of assessment outcome.
- Applicant can then proceed with work and as soon as it is completed advise the Director of Governance & Community Services that the property is ready for a final inspection.
- After the final inspection is carried out a recommendation on the amount of grant, up to a maximum of \$6001,200, will be determined by the Director of Governance and Community Services and submitted to the next Townscape Reserves and Parks Committee meeting for approval.
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- Any application received after the current year's budget allocation has been expended will be carried over to the next financial year.

The following factors will be considered in assessing the amount of Incentive Grant to be given:

- Cost of project;
- Impact of project on general townscape;
- Situation and type of building;
- Proposed work to be carried out (painting only or painting and buildings restoration or landscaping);
- Any signage;
- Amount of rates paid.

## **5. Legislation**

Section 77 of the Local Government Act 1993 applies.

## **6. Responsibility**

The Director, Governance & Community Services is responsible for the application of this policy.

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

## **62/2016 NORTHERN LIGHTS – REGIONAL STREET LIGHT REPLACEMENT PROGRAM**

### **1) Introduction**

The purpose of this report is to seek Council's commitment to fund the replacement of mercury vapour and compact fluorescent lamp (CFL) street lights in Meander Valley with Light Emitting Diode (LED) streetlights, as part of a larger collaborative Northern Lights program with other northern councils.

### **2) Recommendation**

***It is recommended that Council commits to the Northern Lights program and allocates capital funding up to \$798,000 (plus overheads) to replace all 1,092 mercury vapour and compact fluorescent lamp (CFLs) street lights with light emitting diode (LED) street lights.***

### **DECISION:**

Cr Mackenzie moved and Cr White seconded ***"that Council commits to the Northern Lights program and allocates capital funding up to \$798,000 (plus overheads) to replace all 1,092 mercury vapour and compact fluorescent lamp (CFLs) street lights with light emitting diode (LED) street lights."***

Cr Mackenzie left the room at 4:10pm

Cr Mackenzie returned at 4:11pm

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

Cr Mackenzie left the room at 4:13pm

Cr Mackenzie returned at 4:15pm

## **63/2016 UNION BRIDGE UPGRADE FUNDING COMMITMENT**

### **1) Introduction**

The purpose of this report is to seek Council's commitment to funding the proposed Union Bridge Upgrade in the 2016-2017 and 2017-2018 financial years to match the Australian Government's funding commitment under the Bridges Renewal Programme.

### **2) Recommendation**

***It is recommended that Council include the upgrade of the Union Bridge Road bridge over the Mersey River in its capital works program for the 2016-2017 and 2017-2018 financial years and commits to the allocation of \$1,110,000 in matching funding toward the project.***

### **DECISION:**

Cr Synfield moved and Cr King seconded ***"that Council include the upgrade of the Union Bridge Road bridge over the Mersey River in its capital works program for the 2016-2017 and 2017-2018 financial years and commits to the allocation of \$1,110,000 in matching funding toward the project."***

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

## **64/2016 REVIEW OF BUDGETS FOR THE 2015-2016 CAPITAL WORKS PROGRAM**

### **1) Introduction**

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

### **2) Recommendation**

***It is recommended that Council approve the following changes to the 2015-2016 Capital Works Program.***

<b><i>Project Name</i></b>	<b><i>Original Budget</i></b>	<b><i>Variation</i></b>	<b><i>New Budget</i></b>
<b><i>New footpath, from No.53 Meander Valley Rd to South St intersection - Carrick</i></b>	<b><i>\$0</i></b>	<b><i>\$40,000</i></b>	<b><i>\$40,000</i></b>
<b><i>New footpath, from Church St to Monds Lane - Carrick</i></b>	<b><i>\$0</i></b>	<b><i>\$50,000</i></b>	<b><i>\$50,000</i></b>
<b><i>Upgrade and sealing of Lyttleton St from Emu Plains Rd to Marriott St - Westbury</i></b>	<b><i>\$0</i></b>	<b><i>\$120,000</i></b>	<b><i>\$120,000</i></b>
<b><i>Westbury Roads</i></b>	<b><i>\$0</i></b>	<b><i>\$500,000</i></b>	<b><i>\$500,000</i></b>
<b><i>Construction of new public toilet – Westbury Recreation Ground</i></b>	<b><i>\$0</i></b>	<b><i>\$100,000</i></b>	<b><i>\$100,000</i></b>
<b><i>Blackstone Heights - Open drainage program</i></b>	<b><i>\$0</i></b>	<b><i>\$100,000</i></b>	<b><i>\$100,000</i></b>
<b><i>Carrick - Open drainage program</i></b>	<b><i>\$0</i></b>	<b><i>\$100,000</i></b>	<b><i>\$100,000</i></b>
<b><i>Westbury - Open drainage program</i></b>	<b><i>\$0</i></b>	<b><i>\$100,000</i></b>	<b><i>\$100,000</i></b>
<b><i>Westbury Recreation Ground – New double BBQ with shelter and new bus shelter on Meander Valley Rd.</i></b>	<b><i>\$0</i></b>	<b><i>\$40,000</i></b>	<b><i>\$40,000</i></b>
<b><i>Totals</i></b>	<b><i>\$0</i></b>	<b><i>\$1,150,000</i></b>	<b><i>\$1,150,000</i></b>

## **DECISION:**

Cr Synfield and Cr Mackenzie seconded ***“that Council approve the following changes to the 2015-2016 Capital Works Program.”***

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

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

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

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 9 February, 2016.

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

The meeting moved into Closed Session at 4:22pm.

## **65/2016 CONFIRMATION OF MINUTES**

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 9 February, 2016.

## **66/2016 LEAVE OF ABSENCE**

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

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

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

The meeting re-opened to the public at 4:27pm.

The meeting closed at 4:29pm.

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MICHAEL KELLY (DEPUTY MAYOR)