



Meander Valley Council

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

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 13 November 2018

Table of Contents

| | |
|---|-----------|
| 207/2018 DECLARATION OF OFFICE..... | 3 |
| 208/2018 CONFIRMATION OF MINUTES:..... | 3 |
| 209/2018 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:..... | 4 |
| 210/2018 ANNOUNCEMENTS BY THE MAYOR: | 4 |
| 211/2018 DECLARATIONS OF INTEREST:..... | 4 |
| 212/2018 TABLING OF PETITIONS:..... | 4 |
| 213/2018 PUBLIC QUESTION TIME..... | 4 |
| 214/2018 COUNCILLOR QUESTION TIME..... | 5 |
| 215/2018 DEPUTATIONS BY MEMBERS OF THE PUBLIC..... | 10 |
| 216/2018 NOTICE OF MOTIONS BY COUNCILLORS..... | 10 |
| 217/2018 201 VETERANS ROW, WESTBURY - SUBDIVISION (3 LOTS) | 11 |
| 218/2018 45 BLACKSTONE ROAD, BLACKSTONE HEIGHTS RESIDENTIAL OUTBUILDING..... | 17 |
| 219/2018 AMENDMENT 1/2019 - MEANDER VALLEY INTERIM PLANNING SCHEME 2013 – REZONING, SUBDIVISION (2 LOTS TO 2 LOTS) & RESIDENTIAL STRUCTURE (PONTOON WALKWAY) – 35 LONGVISTA ROAD & LONGVISTA ROAD, BLACKSTONE HEIGHTS | 21 |
| 220/2018 NOTICE OF MOTION – RESCIND DECISION 198/2018 – CR MICHAEL KELLY..... | 27 |
| 221/2018 APPOINTMENT OF COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES AND ORGANISATIONS..... | 28 |
| ITEMS FOR CLOSED SECTION OF THE MEETING:..... | 30 |
| 222/2018 CONFIRMATION OF MINUTES..... | 30 |
| 223/2018 LEAVE OF ABSENCE..... | 30 |
| 224/2018 CONTRACT No 197-2018/19 - DESIGN AND CONSTRUCTION OF BANKTON ROAD BRIDGES..... | 30 |

Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 13 November 2018 at 1.30pm.

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

APOLOGIES: Nil

IN ATTENDANCE: Martin Gill, 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
Natasha Whiteley, Town Planner
Justin Marshall, Senior Accountant
Krista Palfreyman, Development Services Co-ordinator
Daniel Smedley, Sport & Community Co-ordinator
Claire Bailey, Sport Facility & Development Officer
Marianne Macdonald, Communications Officer

207/2018 DECLARATION OF OFFICE

Council acknowledges that following the Local Government elections and receipt of the Certificate of Election the Councillors have each made a Declaration of Office in accordance with the requirements of Section 321 of the Local Government Act 1993.

208/2018 CONFIRMATION OF MINUTES:

Councillor Kelly moved and Councillor Connor seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 9 October, 2018, be received and confirmed.”***

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

209/2018 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:

Nil

210/2018 ANNOUNCEMENTS BY THE MAYOR:

Wednesday 10 October 2018

Combined Staff meeting

Tourism Awards finalist announcement

Monday 29 October 2018

Citizenship Ceremony

Saturday 3 November 2018

Tasmanian Craft Fair official dinner

211/2018 DECLARATIONS OF INTEREST:

224/2018 CONTRACT 197/2018/19 – BANKTON ROAD - DEPUTY-MAYOR MICHAEL KELLY

212/2018 TABLING OF PETITIONS:

Nil

213/2018 PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS TAKEN ON NOTICE – OCTOBER 2018

Nil

2. PUBLIC QUESTIONS WITH NOTICE – NOVEMBER 2018

Nil

3. PUBLIC QUESTIONS WITHOUT NOTICE – NOVEMBER 2018

3.1 Mr Geoff Lee, Deloraine

I understand that you have all received a letter from myself regarding trees and hedges in Urban areas. What is the situation and will you do anything towards it?

Question taken on Notice

214/2018 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – OCTOBER 2018

1.1 Cr Ian Mackenzie

a) Sport and Recreation Venues and Sport and Recreation Facilities

- i. Would it be correct to say that council currently receives approximately \$110,000 from sports users of council's sport and recreation venues and Sport and Recreation facilities across MVC municipal area?

Response by Martin Gill, General Manager

It would be around \$120,000. (previously answered in October minutes)

- ii. What % of that would come from Prospect Vale/Blackstone?

Response by Jonathan Harmey, Director Corporate Services

26%

- iii. What % of that would come from Westbury?

Response by Jonathan Harmey, Director Corporate Services

15%

- iv. What % of that would come from Deloraine?

Response by Jonathan Harmey, Director Corporate Services

45%

- v. What % of that would come from Bracknell?

Response by Jonathan Harmey, Director Corporate Services

3%

1.2 Cr Bob Richardson

- a) Recently I have received concerns from citizens in Westbury. Those concerns relate to roadside spraying of road verges. Both these people requested what chemical(s) were being used, and was glyphosate one of them. Both complainants reported activity within the Westbury township. One also reported erratic driving behaviour of the spray unit, which was reportedly weaving in and out of parked vehicles on Meander Valley Road, seemingly without regard to traffic. The operator seemed not

to be wearing protective clothing. Spraying was being directed up to 8m from the operator.

i. If glyphosate wasn't used what was?

Response by Matthew Millwood, Director Works

The subject herbicide used to treat broadleaf weeds at Westbury during the period 20-25 September 2018 was Lontrel.

b) Council has undertaken to construct two more netball courts during 2018/19 to add to the existing six(?) in Deloraine. Meanwhile other similar sized population centres have no, or minimal, netball facilities. Could Council confirm that the Deloraine netball funding commitment in 2018/19 is north of \$550,000?

Could Council also confirm that, recently \$128,000 was spent on 6 (six) basketball rings?

Meanwhile, Westbury schoolchildren are required to walk to/from school, and other facilities, next to open drains, sometimes on roads, "mixing it" with traffic and young parents with prams and those disability scooters are required to travel on sub-standard footpaths and/or on nature strips where there are no property footpaths at all.

Could Council confirm that there is no allocation in the 2018/19 Capital Works (or maintenance) budgets for extension to the concrete footpath network and elimination of open drains?

Response by Jonathan Harmey, Director Corporate Services

In May 2018 Council approved the 2018-19 capital works project for Netball Courts, lighting and fencing at the Deloraine Community Complex of \$510,000, subject to external grant funding contributions of \$229,000 being received. Council's financial commitment to the project would therefore be \$281,000.

In the 2015-16 financial year Council approved \$110,000 for the construction of basketball rings with the final cost of the project being \$112,969. External contributions of \$40,909 were provided towards the project. Council's financial commitment to the project would therefore be \$72,060.

Response by Dino De Paoli, Director Infrastructure Services

Council did not approve a budget allocation in the 2018/2019 Capital Works program for improvements to the footpath network in Westbury. Council did approve \$110,000 in capital works funding for piping the open drain in King Street,

between Jones to Taylor Street, and undertaking improvements to the Taylor Street stormwater catchment.

- c) Council officers, in response to questions over some time, have indicated that Council has a policy for preferred local purchases.

Why does Council continue to purchase sandwich lunches from Deloraine (I am sure that local suppliers could supply sandwiches and a few party pies?)

Australia Post is one of Australia's largest suppliers of office stationary with local agencies throughout the nation.

Is there any reason that Council has never sought a quote for supply of office stationary from the local post office?

Response by Jonathan Harmey, Director Corporate Services

Council purchases catering from a number of suppliers, it is correct that sandwich lunches have been purchased from the Deloraine Deli at times. Other items including party pies have been purchased from the Westbury IGA. Both the Deloraine Deli and Westbury IGA are local Meander Valley suppliers.

Council's procurement practices are guided by the Code for Tenders and Contracts 2015, available from Council's website. The code aims to provide opportunities for local suppliers. It is expected that all of the stationary orders are below the \$20,000 procurement value and therefore made in compliance with section 5.8.1 of the code. Council regularly seeks price reductions for consumables as we seek to provide efficient services to the community, Council may seek a quote for stationary from Australia Post in the future.

- d) For how much longer does Council think ratepayers from the former Westbury Municipality will be prepared to continue to cross-subsidise ratepayers in the former Deloraine Municipality. This applies to Capital Works (including those contributed by State and Federal Governments) and recurrent funds?

Response by Martin Gill, General Manager

Council generally approves the Capital Works Program in May each year and property rates and charges in June each year. The municipalities of Westbury and Deloraine were amalgamated in 1993. There have been twenty six (26) capital works programs and operating budgets completed where the location of capital works projects and determination of property rates and charges have been considered and discussed by Council.

A review of the capital works programs from the last 10 years undertaken by Council officers and presented to Council in 2017 indicated that no area within Meander Valley has received a disproportionate distribution of Council funds.

1.3 Cr Andrew Connor

a) Senior Management costs

A 'letter to the editor' in the October 2018 issue of the Meander Valley Gazette claims that the cost to Council of senior management (1 General Manager + 4 Directors) during the 2016-2017 financial year was \$1,258,000.

Will Council respond to this letter and clarify that during the 2016-2017 financial year, the stated cost also contained payments to 3 former Directors and a former General Manager including their leave and termination entitlements?

Response by Jonathan Harmey, Director Corporate Services

The letter by B. Lee published in the October 2018 edition of the Meander Valley Gazette refers to note 41 in the 2016-17 financial statements, available from Council's website. Councillor Connor is correct that where the letter to the Gazette states five (5) employees are included in total values, note 41 states that nine (9) employees are included in the total values. The values do also include some leave and termination entitlements, vehicle values and superannuation payments of those nine (9) employees. The remuneration amounts published in the Gazette are calculated on a five (5) employee basis, are incorrect and misleading.

2. COUNCILLOR QUESTIONS WITH NOTICE – NOVEMBER 2018

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – NOVEMBER 2018

3.1 Cr Tanya King

I have recently been contacted by several Westbury ratepayers regarding the Town Common.

People are concerned about the lack of mowing and maintenance of the Westbury town common, and the long grass at the moment reportedly makes it dangerous for dog owners to use the common.

I am told that with the grass at the current length, the grass seed heads are proving hazardous for dogs.

It seems that the town common is not currently being used to its capacity, or for its intended use.

There also seems to be some confusion in the Community about the purpose of the Common, and I understand that there has been unnecessarily aggressive behaviour exhibited by a user of the common.

The people that have contacted me are all seeking to enjoy this rare off lead environment for their well-behaved dogs, whose owners like to socialise and interact in a unique setting.

Could an update on mowing and maintenance please be reported?

Response by Matthew Millwood, Works Director

Typically the Common would be slashed in mid-November. It does change from year to year depending on the season being early or late. We are currently in the process of getting that organised at the moment and I trust that will occur within the next week or so. It is normally the 2nd or 3rd week so we are about on par.

What measures could be reasonably adopted to promote more harmonious use of the town common?

Question taken on Notice

3.2 Cr John Temple

At the recent Council election the information booklet supplied to all electors had the potential to favour some candidates and substantially disadvantage other candidates.

Will Council consider writing to the Commissioner of the TEC suggesting that the Robson Rotation be also applied to candidate information?

Response by Martin Gill, General Manager

I will follow up with Councillor Temple

3.3 Cr Andrew Connor

Reflecting on Councillor King's query about the length of grass in the Town Common. Can Council officers advise on whether maintenance of the Town Common, in particular the length of grass, for most of the park is covered by a management plan or similar agreement?

This plan or agreement would acknowledge that the Town Common is a recognised wildlife habitat, where longer grass provides refuge for several species and is not kept to the same short length of grass as the Village Green, for example.

Response by Martin Gill, General Manager
This matter will be discussed at a future workshop.

215/2018 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

216/2018 NOTICE OF MOTIONS BY COUNCILLORS

220/2018 RESCIND DECISION 198/2018 – DEPUTY-MAYOR MICHAEL KELLY

COUNCIL MEETING AS A PLANNING AUTHORITY

The Mayor advised that for items 217/2018 to 219/2018 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

217/2018 201 VETERANS ROW, WESTBURY - SUBDIVISION (3 LOTS)

1) Introduction

This report considers application PA\19\0042 for Subdivision (3 lots) on land located at 201 Veterans Row, Westbury (CT 140324/2).

2) Recommendation

It is recommended that the application for Use and Development for Subdivision (3 lots) on land located at 201 Veterans Row, Westbury CT 125610/1 by PDA Surveyors, requiring the following discretions:

12.4.3.1 General Suitability

12.4.3.2 Lot Area, Building Envelopes and Frontage

be APPROVED, generally in accordance with the endorsed plans:

a) PDA Surveyors – Plan of Subdivision – Ref: 41646-P01;

b) Scott Livingstone – Bushfire Hazard Management Report: Subdivision – dated 9 August 2018;

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**

- 2. The vehicular crossover servicing proposed Lots 2 and 3 must be constructed in accordance with LGAT standard drawing TSD-R03-V1 and TSD-R04-V1, to the satisfaction of Council’s Director Infrastructure Services. The crossover to Lot 2 is to be unsealed and the crossover for Lot 3 is to be sealed.**

- 3. A 2m wide drainage easement is required over the open drain through Lots 1 and 2. The easement is to be in the favour of Lots 1 and 2.**
- 4. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:**
 - a) The developer must pay Council \$2,850.00 as a Public Open Space Contribution, a sum equivalent to 5% of the unimproved value of the approved lots.**
 - b) The driveway crossovers are to be completed, in accordance with Condition 2.**
 - c) An amended Plan of Subdivision is to be submitted showing the Drainage easement, in accordance with Condition 3 above.**

Note:

- 1. Separate consent is required from Council acting at the Road Authority for any works (including hedge removal) within the road reserve. Prior to the commencement of any works within the road reserve, including the approved driveway crossover, a completed Application for Works in the Road Reservation form (attached) must be completed and returned to Council.**
- 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 6393 5320 or via email: mail@mvc.tas.gov.au.**
3. 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.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.

5. If 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.
6. 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.
7. 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.
8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr Connor moved and Cr Sherriff seconded ***"that the application for Use and Development for Subdivision (3 lots) on land located at 201 Veterans Row, Westbury CT 125610/1 by PDA Surveyors, requiring the following discretions:***

- 12.4.3.1 General Suitability
- 12.4.3.2 Lot Area, Building Envelopes and Frontage

be APPROVED, generally in accordance with the endorsed plans:

- a) PDA Surveyors – Plan of Subdivision – Ref: 41646-P01;***
- b) Scott Livingstone – Bushfire Hazard Management Report: Subdivision – dated 9 August 2018;***

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.****

- 2. The vehicular crossover servicing proposed Lots 2 and 3 must be constructed in accordance with LGAT standard drawing TSD-R03-V1 and TSD-R04-V1, to the satisfaction of Council's Director Infrastructure Services. The crossover to Lot 2 is to be unsealed and the crossover for Lot 3 is to be sealed.**

- 3. A 2m wide drainage easement is required over the open drain through Lots 1 and 2. The easement is to be in the favour of Lots 1 and 2.**

- 4. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:
 - a) The developer must pay Council \$2,850.00 as a Public Open Space Contribution, a sum equivalent to 5% of the unimproved value of the approved lots.**

 - b) The driveway crossovers are to be completed, in accordance with Condition 2.**

 - c) An amended Plan of Subdivision is to be submitted showing the Drainage easement, in accordance with Condition 3 above.****

Note:

- 1. Separate consent is required from Council acting at the Road Authority for any works (including hedge removal) within the road reserve. Prior to the commencement of any works within the road reserve, including the approved driveway crossover, a completed Application for Works in the Road Reservation form (attached) must be completed and returned to Council.**

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 6393 5320 or via email: mail@mvc.tas.gov.au.**
3. 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.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If 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.
6. 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.
7. 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.
8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

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

Comment by Cr Tanya King

Is it true that the property proposed for subdivision was only purchased in February of this year?

Why have we bothered to take the time to develop an outline development plan for another town within our municipality, that specifically prescribes house blocks in and around the town centre, with larger, lifestyle blocks around the perimeter of the town?

218/2018 45 BLACKSTONE ROAD, BLACKSTONE HEIGHTS **RESIDENTIAL OUTBUILDING**

1) Introduction

This report considers application PA\19\0052 for Residential Outbuilding on land located at 45 Blackstone Road, Blackstone Heights CT 51678/133.

2) Recommendation

It is recommended that application for Use and Development for a Residential Outbuilding on land located at 45 Blackstone Road, Blackstone Heights CT 51678/133 by Prime Design, requiring the following discretions:

12.4.1.5 Outbuildings and Ancillary Structures

be APPROVED, generally in accordance with the endorsed plans:

a) Prime Design – Project Number: PD18241 – Drawing Number: 01, 02, 03, 04 7 05.

and subject to the following conditions:

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

Note:

- 1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.**
- 2. 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 6393 5322 or Council's Plumbing Surveyor on 0419 510 770.**
- 3. 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.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
 5. If 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.
 6. 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.
 7. 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.
 8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr King moved and Cr Kelly seconded ***“that the application for Use and Development for a Residential Outbuilding on land located at 45 Blackstone Road, Blackstone Heights CT 51678/133 by Prime Design, requiring the following discretions:***

12.4.1.5 Outbuildings and Ancillary Structures

be APPROVED, generally in accordance with the endorsed plans:

a) Prime Design – Project Number: PD18241 – Drawing Number: 01, 02, 03, 04 7 05.

and subject to the following conditions:

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

Note:

- 1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.**
- 2. 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 6393 5322 or Council's Plumbing Surveyor on 0419 510 770.**
- 3. 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.
- 4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.**

5. If 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.
6. 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.
7. 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.
8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

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

219/2018 AMENDMENT 1/2019 - MEANDER VALLEY INTERIM PLANNING SCHEME 2013 – REZONING, SUBDIVISION (2 LOTS TO 2 LOTS) & RESIDENTIAL STRUCTURE (PONTOON WALKWAY) – 35 LONGVISTA ROAD & LONGVISTA ROAD, BLACKSTONE HEIGHTS

1) Introduction

The purpose of this report is to amend the Meander Valley Interim Planning Scheme 2013 (the Scheme) to change the zoning of a portion of public land at Longvista Road, Blackstone Heights in order to facilitate an adjustment of the boundary between two (2) lots. The amendment and application includes:

- rezoning a portion of land located at Longvista Road, Blackstone Heights (CT: 141734/8) from Open Space Zone to Environmental Management Zone and Low Density Residential Zone;
- a subdivision proposal to adjust the boundary between Longvista Road (CT: 141734/8) and 35 Longvista Road (CT: 29894/12) Blackstone Heights; and
- the use and development of a residential structure (pontoon walkway).

2) Recommendation

Pursuant to Sections 33(3) and 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, the following amendment to the Meander Valley Interim Planning Scheme 2013 is initiated and in accordance with Section 35, is certified as being in accordance with Sections 300 and 32 of the Act:

- a) Rezone the portion of land described in the certification document at Longvista Road, Blackstone Heights with Certificate of Title reference 141734/8 from Open Space Zone to Environmental Management Zone and Low Density Residential Zone***

and

Pursuant to Section 43C. of the former provisions of the Land Use Planning and Approvals Act 1993 and the Meander Valley Interim

Planning Scheme 2013, approve the application for Use and Development for Residential Use - Subdivision (2 Lots to 2 Lots) and Residential Structure (pontoon walkway) on land located at Longvista Road, Blackstone Heights (CT: 141734/8) and 35 Longvista Road, Blackstone Heights (CT: 29894/12) generally in accordance with the endorsed plans:

- a) Cohen & Associates P/L; Date 20/08/18; Ref: 38-86(7735); Sheets: 1, 2 & 3.***
- b) Rebecca Green & Associates; Bushfire Hazard Assessment Report; Date: 26 August 2018; Job No: RGA-B912.***
- c) Site Plan - Aerial Photo showing location of Pontoon with Local Government Boundary line.***
- d) Photo 1 – Photo of pontoon structure.***

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
 - a) Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**

- 2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No *insert number*) attached.**

Notes:

- 1. This permit does not override the terms of any sale agreement.**

- 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 6393 5320 or via email: mail@mvc.tas.gov.au.

3. 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.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If 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.
6. 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.
7. 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.
8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr Kelly moved and Cr Connor seconded ***“that pursuant to Sections 33(3) and 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, the following amendment to the Meander Valley Interim Planning Scheme 2013 is initiated and in accordance with Section 35, is certified as being in accordance with Sections 300 and 32 of the Act:***

- a) Rezone the portion of land described in the certification document at Longvista Road, Blackstone Heights with Certificate of Title reference 141734/8 from Open Space Zone to Environmental Management Zone and Low Density Residential Zone***

and

Pursuant to Section 43C of the former provisions of the Land Use Planning and Approvals Act 1993 and the Meander Valley Interim Planning Scheme 2013, approve the application for Use and Development for Residential Use - Subdivision (2 Lots to 2 Lots) and Residential Structure (pontoon walkway) on land located at Longvista Road, Blackstone Heights (CT: 141734/8) and 35 Longvista Road, Blackstone Heights (CT: 29894/12) generally in accordance with the endorsed plans:

- a) Cohen & Associates P/L; Date 20/08/18; Ref: 38-86(7735); Sheets: 1, 2 & 3.***
- b) Rebecca Green & Associates; Bushfire Hazard Assessment Report; Date: 26 August 2018; Job No: RGA-B912.***
- c) Site Plan - Aerial Photo showing location of Pontoon with Local Government Boundary line.***
- d) Photo 1 – Photo of pontoon structure.***

and subject to the following conditions:

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

- c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
- 2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No *insert number*) attached.**

Notes:

- 1. This permit does not override the terms of any sale agreement.**
- 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 6393 5320 or via email: mail@mvc.tas.gov.au.**
3. This permit takes effect after:
 - d) The 14 day appeal period expires; or
 - e) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
 - f) Any other required approvals under this or any other Act are granted.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If 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.

6. 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.
7. 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.
8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

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

220/2018 NOTICE OF MOTION – RESCIND DECISION 198/2018 **– CR MICHAEL KELLY**

1) Introduction

The purpose of this report is for Council to consider a Notice of Motion from Cr Kelly.

2) Recommendation (Cr Kelly)

That Council, under regulation 18 of the Local Government (meeting Procedures) Regulations 2015, by absolute majority, rescind decision 198/2018 made at the Ordinary Council Meeting October 2018.

DECISION:

Cr Kelly moved and Cr Bower seconded ***“that Council, under regulation 18 of the Local Government (meeting Procedures) Regulations 2015, by absolute majority, rescind decision 198/2018 made at the Ordinary Council Meeting October 2018.”***

The motion was declared CARRIED BY AN ABSOLUTE MAJORITY with Councillors Bower, Cameron, Johnston, Kelly, King, Nott and Sherriff voting for the motion and Councillors Connor and Temple voting against the motion.

221/2018 APPOINTMENT OF COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES AND ORGANISATIONS

1) Introduction

The purpose of this report is to consider Council representation on various committees and organisations.

2) Recommendation

It is recommended that Council resolve to appoint the following representatives:

| Organisation | Representative |
|---|--|
| <i>Northern Tasmania Development Corporation</i> | Elected member <ul style="list-style-type: none"> • Mayor Local Government Committee <ul style="list-style-type: none"> • Mayor • General Manager |
| <i>TasWater</i> | Shareholder <ul style="list-style-type: none"> • Mayor Proxy <ul style="list-style-type: none"> • Deputy Mayor |
| <i>Local Government Association of Tasmania</i> | Elected member <ul style="list-style-type: none"> • Mayor Proxies <ul style="list-style-type: none"> • Deputy Mayor • General Manager |

DECISION:

Cr Bower moved and Cr Cameron seconded *“that Council resolve to appoint the following representatives:*

| Organisation | Representative |
|---|---|
| <i>Northern Tasmania Development Corporation</i> | Elected member <ul style="list-style-type: none"> • Mayor Wayne Johnston Local Government Committee <ul style="list-style-type: none"> • Mayor Wayne Johnston |

| | |
|---|---|
| | <ul style="list-style-type: none"> • General Manager Martin Gill |
| TasWater | Shareholder <ul style="list-style-type: none"> • Mayor Wayne Johnston Proxy <ul style="list-style-type: none"> • Deputy Mayor Michael Kelly |
| Local Government Association of Tasmania | Elected member <ul style="list-style-type: none"> • Mayor Wayne Johnston Proxies <ul style="list-style-type: none"> • Deputy Mayor Michael Kelly • General Manager Martin Gill |

The motion was declared CARRIED with Councillors Bower, Cameron, Connor, Johnston, Kelly, King, Nott, Sherriff 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)(g) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public to discuss the following items.”***

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

The meeting moved into Closed Session at 2.02pm

222/2018 CONFIRMATION OF MINUTES

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 9 October, 2018.

223/2018 LEAVE OF ABSENCE

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

224/2018 CONTRACT No 197-2018/19 - DESIGN AND CONSTRUCTION OF BANKTON ROAD BRIDGES

(Reference Part 2 Regulation 15(2)(d) in dealing with matters relating to contracts for the supply and purchase of goods or services)

The meeting re-opened to the public at 2.15pm

Cr Kelly moved and Cr Sherriff seconded ***“that the following decision taken by Council in Closed Session be released for the public’s information:-***

the awarding of Contract No. 197-2018/19 – Design and Construction of Bridge No’s 5325, 5326 and 5327 located on Bankton Road at Dairy Plains to TasSpan Pty Ltd.”

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

The meeting closed at 2.17pm

.....
WAYNE JOHNSTON (MAYOR)