



Meander Valley Council
Working Together

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 10 March 2020

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Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 10 March 2020 at 4.00pm.

PRESENT

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

APOLOGIES

Nil

IN ATTENDANCE

John Jordan, General Manager
Merrilyn Young, Executive Assistant
Dino De Paoli, Director Infrastructure Services
Jonathan Harmey, Director Corporate Services
Matthew Millwood, Director Works
Lynette While, Director Community & Development Services
Jo Oliver, Senior Strategic Planner
Marianne MacDonald, Communications Officer

39/2020 CONFIRMATION OF MINUTES

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

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

40/2020 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

Date	Items discussed:
25 February 2020	<ul style="list-style-type: none"> • Meeting with Westbury Region Against the Prison • Citizenship Ceremony • Strategies to communicate with Residents • Climate Change • Community Plan • Presentation from local business owner • Bracknell Hall Upgrade Update • Draft Eastern Play Spaces Strategy • West Parade Deloraine Car Parking Improvements • Review of Policy No. 13 – Subdivision Servicing • Review of Policy No. 71 – Investment of Surplus Funds • Review of Policy No. 65 – Staged Development Schemes Under Strata Titles Act 1998 • Review of Policy No. 79 – Undocumented Building Works • Meeting with community representatives in favour of proposed Northern Prison Project • General Business

41/2020 ANNOUNCEMENTS BY THE MAYOR

19 February 2020

Welcome to delegates to the Australian Meals on Wheels Conference – Prospect Vale

21 February 2020

Westbury Function Centre Official Opening - Westbury

Meeting with Chair and CEO Northern Tasmania Development Corporation - Westbury

28 February 2020

Meeting with Minister for Local Government Mark Shelton - Westbury

Great Western Tiers Art Award Opening - Deloraine

29 February – 1 March 2020

LGAT Elected Members Professional Development Weekend - Launceston

4 March

Northern Tasmania Development Corporation Board meeting – Launceston

42/2020 ANNOUNCEMENTS BY COUNCILLORS

Councillor Susie Bower

15 February 2020

Hadspen Cricket Club – Hadspen

21 February 2020

Westbury Function Centre Official Opening – Westbury

28 February 2020

Great Western Tiers Art Exhibition Opening – Deloraine

2 March 2020

Prospect Vale Park User Group Meeting – Prospect Vale

3 March 2020

Prospect Vale Marketplace Pop-Up Consultation

Carrick Hall Committee Meeting – Carrick

4 March 2020

Blackstone Heights Community Meeting – Blackstone Heights

Councillor Frank Nott

21 February 2020

Westbury Function Centre Official Opening – Westbury

25 February 2020

Eagle Award Presentations -obo- Mayor – Prospect High School

43/2020 DECLARATIONS OF INTEREST

Nil

44/2020 TABLING AND ACTION ON PETITIONS

Nil

45/2020 PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS TAKEN ON NOTICE – FEBRUARY 2020

1.1 Helen Hutchinson

What problems would developing a Climate Emergency Plan present for Council?

Response by John Jordan, General Manager:

Meander Valley Council recognises that while the specific local impacts of climate change are uncertain, it makes sense to minimise pollution and related environmental impacts and adapt to emerging and future risks arising from climate change. Council's efforts to mitigate and adapt to climate change need to be relevant to our community, industry and local circumstance. It is appropriate to incorporate climate change responses into existing planning, risk management and other business practices rather than developing a separate climate emergency plan.

1.2 Martin Hamilton, Westbury

In the agenda for this meeting today, Jonathan Harmey has responded to some questions raised by Councillor Synfield at the last meeting. In one of his response he states that "...elected members and the former GM assisted in identifying sites."

Please advise whether that statement means all elected members or just some. If it was just some, please identify them?

Response by Jonathan Harmey Director Corporate Services:

Upon a request from the State Government in September 2018, Council's former General Manager assisted in identifying land that would meet the State Government's Northern Prison EOI requirements. He advised the elected members of this request, contacted land owners to provide them with information about the State Government's project and the EOI process so that they were able to be involved if they wished. The elected members did not themselves identify sites other than the Ashley Detention Centre property which was identified by Council's elected members in December 2017.

1.3 Linda Poulton, Westbury

- (a) Will Council release a copy of the EOI for the Glen Avon, with any commercial elements redacted, so that we can see the general format of what was submitted?

***Response by Jonathan Harmey, Director Corporate Services:
Council will not make records of any expression of interest, that was submitted to the State Government, available to the public. The selection of the preferred site and documentation relating to a sale of land process is considered to be obtained in confidence. If Council was to receive a Right to Information request for documentation such as this it would assess that request against the requirements of the Right to Information Act 2009.***

1.4 Peter Wileman

At last month's council meeting, you may remember (you have to remember because there are no minutes or records of public question time) I asked about a meeting between Council reps, Justice Department reps and Glen Avon reps in July/August 2018.

Both the Mayor and Jonathan Harmey categorically, unequivocally stated that there was no such meeting. I asked again "No meeting to discuss matters such as the Glen Avon debt etc." – 'Absolutely no meeting' I was assured.

I'd like to table copies of the email setting up the meeting between Martin Gill (with Dino De Paoli acting in Martin Gill's absence) of the Meander Valley Council, Mr Neville Pope of Glen Avon Farms and Ms Kim Perkins of the Justice Department between 27 June 2018 and 15 July 2018.

At the Council meeting of October 2019, the Acting General Manager Jonathan Harmey said to the public gallery that "Council did not have a role in the selection of the site and it was not Council's application'.

However, in an email dated 12 September 2019 to the Council, Mr Gill stated:

"By way of background, I first met with the Department of Justice in May last year. At that point the Department of Justice showed me the concept designs for the new prison.... This insight helped me prepare the EOI and to target some specific sites".

In another email dated 19 November 2018 to the Northern Prison Team, Mr Gill submits EOI with the following wording: "Please find attached joint EOI application from the Meander Valley and the [named applicant]."

- a) Why were we misled about the level of Martin Gill's involvement in the site selection process and the EOI submission process?

Response by Jonathan Harmey, Director Corporate Services:

Minutes of each Council meeting, including public question time, are accurately recorded and confirmed at the next Council Meeting. The many questions without notice received at Council meetings relating to this topic have been answered consistently and honestly. The public have not been misled about the level of support the former General Manager provided two private land owners in order for their land to be included in the State Government's Expression of Interest process. These two EOI submissions were received by the State Government and it is expected that they were evaluated and compared to the many other EOI documents for other properties in the State Government's site selection process. Any decision to select a property, or not select the property, as the preferred site for the Northern Prison was a State Government process, not a Council process.

2. PUBLIC QUESTIONS WITH NOTICE – MARCH 2020

Nil

3. PUBLIC QUESTIONS WITHOUT NOTICE – MARCH 2020

3.1 Helen Hutchinson, Western Creek

What is the status of Policies 79, 71 and 13 if Policy 91 is approved? Shouldn't these policies mention climate change as a factor in all these?

Question taken on Notice

3.2 Martin Hamilton, Westbury

- a) On the 10 February 2020 you were on ABC Radio. In your radio interview you said that, while the majority of Westbury might be opposed to the prison, the majority of the municipality was in favour of the prison.
What qualitative evidence do you have to be making statements like this, given the government haven't conducted their municipal mail out survey yet?

Response by Mayor Wayne Johnston

I can base that on the representations I have received personally across the Municipality. I can't base it on anything else other than the conversations I have had.

- b) Given elected Councillors, including the Mayor, have said on various occasions you are all elected to represent "the entire municipality" can you tell us what level of support for the project from the government's mail out survey will you as Councillors need to see in order to be comfortable sacrificing Westbury against the community's wishes, in order to appease the government's desire to build a prison here.

Response by Mayor Wayne Johnston

The survey will be a part of what we consider. There are social and economic studies that have to come forward on behalf of the Government. I don't know if any of the Councillors have, I certainly haven't, got in my mind what part the survey will form, if at all. We have to look at all the evidence that is put in front of us if we get to that stage.

- c) Despite continual assertions from Council that people, "came in halfway through the process" and "didn't know of the prison's location until community members did on 30 September" we have since found an article in The Examiner dated 18 November 2018 titled "Wayne Johnston set to be Meander Valley's Mayor. In this article he mentions the idea of a prison at the industrial site – "Mayor Wayne Johnston believes the Westbury Industrial site is under-utilised and wants to focus the area's possible investment including the possibility of a northern jail site and a new abattoir". In the same article he also said "Another area of focus will be on retaining tourists. I think they by-pass Meander Valley. They get off the Spirit and they go straight to Launceston or straight to Cradle Mountain or somewhere else. We need to work with the Great Western Tiers Visitor Centre team for that". On 11 February this year Mayor Johnston was on Tasmania Talks/LAFM. In his interview he said that he would be talking with the new GM on the issue of tourism in the region, trying to find ways to get people to stay over in the region longer. Given the purpose of the Northern Regional Prison is to improve visitor access, so families of inmates can visit and return home same day, can you explain how a maximum security prison visible from our major tourism corridor, the Bass Highway, will encourage tourists to stay longer in our region?

Response by Mayor Wayne Johnston

The statement I made on 18 November as incoming Mayor would have been on the possibility of a prison coming to the north of the State and I did talk about the Westbury Industrial Estate as being under-utilised, unaware at that time that Westbury may have been chosen as the no. 1 preference. I was talking about tourists and wanting tourists to stay in the Meander other than passing through. I can't answer the last piece of your question as I don't know that.

3.3 Heather Donaldson, Westbury

- a) Recently the Green's support for closing Ashley, having two youth detention centres, north and south so that young offenders can have access to families, and using the Ashley site for the northern prison, has gained some momentum. Given that Council have not ever voted for Westbury as a site for this prison, but did vote for a minimum security prison on the Ashley site, and given that a few ex mayors and newspaper editors and some Deloraine letter writers have expressed a determination that this prison be built in Meander Valley, I wonder if the Mayor would care to comment on this latest suggestion.

Response by Mayor Wayne Johnston

I haven't noticed that the Green's have said that, I haven't seen that in the media. Everyone is allowed there view and I won't be making any public comment on it.

- b) The second part of my question concerns the reason Department of Justice gave us as to why Ashley was not a suitable site. They quoted the UN Rights of the Child, Beijing Rules section 37c, that children should not be incarcerated in vicinity of an adult prison. (That rule actually spoke of children being IN an adult prison, or sharing a cell with an adult). Regardless, this was/is their reason for not considering a prison near Ashley.

If the Birralea Road site goes ahead, where are the rights of the children who live close to this prison? I know of at least 3 families who have children, or grandchildren who stay, who will be close to a prison. Children who have done nothing wrong. Will Council speak out and support the rights of these Westbury children?

Question taken on Notice

3.4 Chris Donaldson, Westbury

Have the Council, or any of the Councillors, been told officially, or otherwise, the results of the recent phone survey conducted in the 7303 area by SGS for the Department of Justice, in relation to the preferred siting of a maximum security prison at Westbury on Birralee Road?

Response by Mayor Wayne Johnston

No - not to Council, Councillors or any officers of Council

3.5 Anne-Marie Loader

A siting principle for a jail is that there must be local support. The siting principles for the Northern prison state this clearly. The Mayor acknowledged in a recent council meeting that the majority of Westbury are against the proposed prison site on Birralee Road, Westbury. A logical step on from this, as the elected representatives of Meander Valley and in this extreme case, Westbury, would be to move a motion expressing lack of support for this site.

Will you, Mayor Johnston, move such a motion?

Response by Mayor Wayne Johnston

No I won't.

3.5 Crichton Hall, Prospect Vale (tabled and read on behalf of Mr Hall by Cr Nott)

This morning the 8.07 Metro bus off Bimbimbi into Jardine Crescent had to stop and reverse to allow a passenger vehicle down Jardine Crescent to proceed – this is not the first time.

This is not the first time Metro buses turning into Jardine Crescent have had to travel up to 200 metres on the wrong side of the road causing vehicles travelling down Jardine Crescent to come to a halt to allow the bus through.

The two vehicles parked on the eastern side of Jardine Crescent just around the corner of Bimbimbi are partly to blame as they force the buses or any other vehicles for that matter onto the wrong side of the road for almost 200 metres before they are able to correct their position.

Question taken on Notice

46/2020 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – FEBRUARY 2020

1.1 Cr Frank Nott

Metro introduced a new bus service in Bimbimbi Avenue and Jardine Crescent, Prospect Vale from 19 January this year.

There are some traffic issues with buses turning from Bimbimbi Avenue into Jardine Crescent.

Director Dino was advised that there could be issues at this junction.

Yesterday afternoon at around 4pm there was a "close shave" at this location. It was reported to me by the resident on the western corner, Mr Crichton Hall, at 1/17 Bimbimbi Avenue.

Other local residents have mentioned this to me in the last few weeks – Mr Rob Bennell at 20 Bimbimbi Avenue and Mr Rob Peters at 1/14 Bimbimbi Avenue have similar concerns.

This morning at 7.53am I took a photo of vehicles parked illegally close to the junction.

Would Director Dino and Council officers look at this T Junction and provide some solutions or additional road markings/signs to alleviate a possible serious collision?

Response by Dino De Paoli, Director Infrastructure Services:

Council officers inspected the intersection with Cr Nott and other interested residents on the morning of 28 February. Council has requested further advice from the Department of State Growth on the matter. Any decisions regarding improved line marking or signage will be subject to the response from the Department of State Growth.

2. COUNCILLOR QUESTIONS WITH NOTICE – MARCH 2020

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – MARCH 2020

3.1 Cr Frank Nott

As a consequence of the most recent incident on 6 March at this corner, Bimbimbi Avenue and Jardine Cr

Director Dino is aware of the situation and I thank him for the information he has provided from Department of State Growth.

On Mr Hall's behalf and other residents I seek some urgency in dealing with the issues of safety surrounding this location.

Question taken on Notice

3.2 Cr John Temple

- a) Since the February Council meeting has Council received any further information on the State Government's Social Impact Study and Economic Impact Study relating to Westbury and the proposed prison?

Response by Mayor Wayne Johnston

No

- b) Has Council given any consideration as to how it will verify and access information that will be provided in the studies mentioned previously?

Response by Mayor Wayne Johnston

No

- c) Has Council given any further consideration as to whether or not it will hire an independent consultant/s to assess the social and economic benefits and disbenefits to Westbury that may result from the proposed prison before it considers any application from the State Government?

Response by Mayor Wayne Johnston

No

- d) With regard to the recently published notice of survey, if the information from respondents is confidential and therefore presumably their addresses withheld and the survey is municipality wide, how will we gain an understanding of potential variations in opinion between those who live close to and those who live far away from the site of the proposed prison?

Response by Mayor Wayne Johnston

That's a question that will have to be taken up with the State Government as they are running the survey.

Response by John Jordan, General Manager

Councillors, I would anticipate that the results of the survey will be published in a de-personalised way, so that individuals cannot be identified, but presumably the State would be able to differentiate by locality the results and not release personal information.

3.3 Cr Rodney Synfield

How, if the socio economic study is to inform us in no small measure to work through this issue or as one of the contributing factors to it, if we've have had no input into what is generated by that study, and we then say, as has been explained by our Senior Strategic Planner previously, about we may need to find out more information. It's a bit late after they've done the study and asked the questions if we haven't had any input into the processes of the sort of thing we might want by way of that survey.

How do you revisit that after its been done, so they do a study, present their documents and we say there is a serious shortcoming in terms of this and in terms of the information we wanted from the community, are we then going to do that, a rehash the survey? What rigour is there in the process that's happened?

Response by John Jordan, General Manager

Council as a Planning Authority has the capacity to request from the applicant, the State Government, more information, so it is not a fait accompli, or a requirement that Council accepts on face value the information as provided. The State as an applicant must support its application and we can seek additional information from the State. Whether the State chooses to provide that is a question for them as an applicant. We can also extend the time period.

The other prospect is, if the information is beyond the expertise of Council and Councillors to confidently understand, we can commission independent expert advice on aspects of their submission/proposal. That is very different to running a duplicate impact assessment.

3.4 Cr John Temple

Is there a risk with the developer unilaterally surveying the municipality that if we need follow up with a survey in order to ask further questions that we may find that by that time respondees are "surveyed out" and not responsive?

Response by Mayor Wayne Johnston

When we act as a Planning Authority we need to be as well informed as we can be and if we need more information we'll have to go out and ask them. That's probably a very broad brush.

Response by John Jordan, General Manager

Your position assumes that the survey result will be a particular type of information and we don't know that and until such time as we know that as a Planning Authority we just have to bide our time.

The survey will be one input along with many others that will inform the decision making of Councillors.

The process allows for a going backwards and forwards until such time as you are satisfied with the information before you is sufficient to make a decision.

The prudent thing to do is to await the survey results, which is all we can do, await the assessment study results and wait for the formal lodgement if the State proceed with that lodgement.

47/2020 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

**48/2020 POLICY REVIEW NO. 65 – STAGED
DEVELOPMENT SCHEMES UNDER STRATA TITLES
ACT 1998**

1) Recommendation

It is recommended that Council discontinues Policy No. 65 – Staged Development Schemes Under Strata Titles Act 1998.

POLICY MANUAL

Policy Number: 65	Staged Development Schemes Under Strata Titles Act 1998
Purpose:	To ensure the orderly construction of staged development schemes under the Strata Titles Act 1998
Department:	Development Services
Author:	Martin Gill, Director
Council Meeting Date:	7 June 2016
Minute Number:	128/2016
Next Review Date:	March 2020

POLICY

1. Definitions

Vicinity: The area within a stage of development that will not require disturbance for the construction of latter stages

2. Objective

The objective of the policy is to provide direction for Council regarding the certification of a strata plan in circumstances where staged development schemes are left partially completed, or where building has not been completed but titles are issued because the developer has gained an exemption from the requirements for a certificate of approval under Part 2 of the Strata Titles Act 1998.

3. Scope

The policy shall apply to all applicants to Council for a staged development scheme under the Strata Titles Act 1998.

4. Policy

1. Council will not approve an application for Approval of Scheme which requires an exemption from the requirements for a certificate of approval under Part 2 of the Strata Titles Act 1998.
2. Council will approve an application for a Staged Development Scheme under the Strata Titles Act 1998 subject to it being in accordance with a permit having been issued under the Land Use Planning & Approvals Act 1993.
3. That for Staged Development Schemes of land for single unit development, Council will require that all of the common areas within the vicinity of each stage, and in restricted sites, all of the excavation and foundation works for the latter staged units are to be completed before a strata plan is certified for the first stage.
4. That for multi storey Staged Development Schemes, each floor level must be totally completed with all relevant Certificates issued and all of the common areas finished for that level before a strata plan is certified for that stage.
5. That authority to approve a Staged Development Scheme under Part 3 of the Strata Titles Act 1998 be delegated to the General Manager.

5. Legislation

- Strata Titles Act 1998
- Land Use Planning and Approval Act 1993
- Local Government (Building and Miscellaneous Provisions) Act 1993

6. Responsibility

The Director of Development Services is responsible for the application of this policy.

DECISION:

Cr Synfield moved and Cr Nott seconded ***“that Council discontinues Policy No. 65 – Staged Development Schemes Under Strata Titles Act 1998.***

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

49/2020 REVIEW OF POLICY NO. 79 – UNDOCUMENTED DOMESTIC BUILDING WORKS

1) Recommendation

It is recommended that Council confirms the continuation of Policy No. 79 - Undocumented Building works with amendments as follows:

POLICY MANUAL

Policy Number: 79	Undocumented Domestic Building Works
Purpose:	To establish guidelines for a procedure for managing undocumented building works.
Department:	Community & Development Services
Author:	Lynette While, Director
Council Meeting Date:	8 August 2017 10 March 2020
Minute Number:	179/2017 49/2020
Next Review Date:	March 2020 2024

POLICY

1. Definitions

Undocumented Building works - Building works carried out without either sufficient documentation or a building permit, in accordance with the requirements of the *Building Act 2016*

Class 1a & 10 Domestic Buildings and Structures

Class 1a

A single dwelling being a detached house, or one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.

Class 10

A non-habitable building or structure -

Class 10a A private garage, carport, shed or the like.

Class 10b A structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like.

Building Certificate – A certificate issued by the General Manager under Regulation 83 of the *Building Regulations 2016* certifying that Council does not intend to take any action in relation to the specified building.

Permit Authority – A Council officer appointed by the General Manager to perform the functions under the Building Act 2016 in respect of Building, Plumbing and Demolition work.

2. Objective

The objectives of this policy are to provide:

- An appropriate cut-off date whereby building works constructed before ~~this date~~ **1993** are generally deemed to comply with Section 12 of the *Building Act 2016* and the relevant Building regulations, where **insufficient** records exist; and
- A clear process to establish the legal status of domestic buildings and structures.

3. Scope

The Policy is applicable to existing Class 1a & 10 Domestic buildings and structures where insufficient records exist of building permits or other valid authorisations as prescribed in the *Building Act 2016*.

This policy is not applicable to any work on any Class 2 – 9 Commercial buildings.

4. Policy

It is policy that;

1. **Subject to inspection**, any Class 1a **building works** constructed prior to 1993 will NOT be pursued as illegal building works if the Permit Authority is satisfied that the building was constructed in a manner that was likely to comply with the relevant building standards at the estimated time of construction.
2. **Subject to inspection**, any Class 10 domestic building works which were constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the date of construction and will NOT be pursued as illegal building works.

3. Inspection of any building works subject to this policy will be undertaken at the property owner's expense by an accredited building surveyor or other licensed authority deemed by Council as appropriate.
4. Inspection and assessment is to assess the general compliance with relevant standards at the actual or estimated time of construction AND that the works do not present any obvious safety issues and as applicable are suitable for occupation.
5. Subject to inspection, Class 10 and Class 1a domestic building works will be considered to be fit for purpose, due to their performance over the last 20 (or more) years.
6. Council's Permit Authority will determine if a building was built prior to 1993.
7. Subject to ensuring the basic health and safety of any occupants of the building, the General Manager will, at the request of the property owner, issue a Building Certificate for a building constructed prior to 1993.
8. In determining a matter under this policy ~~whether a building provides for the health and safety of any occupants,~~ Council may at its discretion: ~~undertake the following:~~
 - Request additional information in response to a provided report;
 - Request or prepare a report to determine the condition of the building works, and/or identifying the building works are suitable for occupation, if applicable;
 - Determine the year of construction (where possible); and
 - ~~Request or prepare a condition report for the building works;~~
 - Require the property owner to carry out any works required to make the building safe
9. Undocumented building works determined to have been constructed during or after 1993 will be dealt with in accordance with the requirements of the *Building Act 2016*.

5. Legislation & Related Council Policies

- Building Act 2016
- Building Regulations 2016
- Meander Valley Council Customer Service Charter

6. Responsibility

Responsibility for the operation of this policy rests with the Director of Governance & Community and Development Services

DECISION:

Cr Cameron moved and Cr Sherriff seconded ***“that Council confirms the continuation of Policy No. 79 - Undocumented Building works with amendments as follows:***

POLICY MANUAL

Policy Number: 79

Undocumented Domestic Building Works

Purpose:

To establish a procedure for managing undocumented building works.

Department:

Community & Development Services

Author:

Lynette While, Director

Council Meeting Date:

10 March 2020

Minute Number:

49/2020

Next Review Date:

March 2024

POLICY

1. Definitions

Undocumented Building works - Building works carried out without either sufficient documentation or a building permit, in accordance with the requirements of the *Building Act 2016*

Class 1a & 10 Domestic Buildings and Structures

Class 1a

A single dwelling being a detached house, or one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.

Class 10

A non-habitable building or structure -

Class 10a A private garage, carport, shed or the like.

Class 10b A structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like.

Building Certificate – A certificate issued by the General Manager under Regulation 83 of the *Building Regulations 2016* certifying that Council does not intend to take any action in relation to the specified building.

Permit Authority – A Council officer appointed by the General Manager to perform the functions under the Building Act 2016 in respect of Building, Plumbing and Demolition work.

2. Objective

The objectives of this policy are to provide:

- An appropriate cut-off date whereby building works constructed before 1993 are generally deemed to comply with Section 12 of the *Building Act 2016* and the relevant Building regulations, where insufficient records exist; and
- A clear process to establish the legal status of domestic buildings and structures.

3. Scope

The Policy is applicable to existing Class 1a & 10 Domestic buildings and structures where insufficient records exist of building permits or other valid authorisations as prescribed in the *Building Act 2016*.

This policy is not applicable to any work on any Class 2 – 9 Commercial buildings.

4. Policy

It is policy that;

1. Subject to inspection, any Class 1a building constructed prior to 1993 will NOT be pursued as illegal building works if the Permit Authority is satisfied that the building was constructed in a manner that was likely to comply with the relevant building standards at the estimated time of construction.
2. Subject to inspection, any Class 10 domestic building works which were constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the date of construction and will NOT be pursued as illegal building works.
3. Inspection of any building works subject to this policy will be undertaken at the property owner's expense by an accredited building surveyor or other licensed authority deemed by Council as appropriate.

4. Inspection and assessment is to assess the general compliance with relevant standards at the actual or estimated time of construction AND that the works do not present any obvious safety issues and as applicable are suitable for occupation.
5. Subject to inspection, Class 10 and Class 1a domestic building works will be considered to be fit for purpose, due to their performance over the last 20 (or more) years.
6. Council's Permit Authority will determine if a building was built prior to 1993.
7. Subject to ensuring the basic health and safety of any occupants of the building, the General Manager will, at the request of the property owner, issue a Building Certificate for a building constructed prior to 1993.
8. In determining a matter under this policy, Council may at its discretion:
 - Request additional information in response to a provided report;
 - Request or prepare a report to determine the condition of the building works, and/or identifying the building works are suitable for occupation, if applicable;
 - Determine the year of construction (where possible); and
 - Require the property owner to carry out any works required to make the building safe
9. Undocumented building works determined to have been constructed during or after 1993 will be dealt with in accordance with the requirements of the *Building Act 2016*.

5. Legislation & Related Council Policies

- Building Act 2016
- Building Regulations 2016
- Meander Valley Council Customer Service Charter

6. Responsibility

Responsibility for the operation of this policy rests with the Director of Community and Development Services.

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

50/2020 POLICY REVIEW NO. 71 – INVESTMENT OF SURPLUS COUNCIL FUNDS

1) Recommendation

It is recommended that Council confirms the continuation of Policy No.71 – Investment of Surplus Council Funds with amendments as follows:

POLICY MANUAL

Policy Number: 71	Investment of Surplus Council Funds
Purpose:	To provide guidelines for the investment of surplus Council funds.
Department:	Corporate Services
Author:	Malcolm Salter Jonathan Harmeey, Director
Council Meeting Date:	xxxxxxxxxxxx10 March 2020
Minute Number:	xxxxxxxx50/2020
Next Review Date:	March 2020 2024

POLICY

1. Definitions

Surplus Council Funds – are funds that are not required to be expended in the course of normal Council operations.

Authorised deposit taking institution – a body corporate in relation to which an authority under subsection 9 (3) of the Banking Act (No. 6 of 1959 as amended) is in force.

Investment arrangement – an arrangement that relates to acquiring, consolidating, dealing with, or disposing of certificates of deposit, bonds or notes issued or proposed to be issued.

2. Objective

The objective of this policy is to ensure that the best possible rate of return is achieved from the investment of surplus Council funds whilst, at the same time, ensuring the security of those funds.

3. Scope

This policy applies to all investments of surplus Council funds.

4. Policy

- 4.1 The level of Council funds available for investment is to be reviewed at least weekly. During the review process likely cash inflows and outflows for the immediate future will be assessed to establish either the availability of surplus funds or the need to redeem existing investments.
- 4.2 Funds may be deposited with any Commonwealth, State or Authorised Deposit Taking Institution. To control the overall credit quality of the deposits, the following maximum holding limits will apply:

S&P Long Term Credit Rating *	Maximum % holding
AAA to AA-	100%
A+ to A-	70%
BBB+ to BBB-	50%
Not Rated	50%

** or equivalent*

- 4.3 Where surplus funds are available the following procedures will apply:

Not less than two (2) quotations shall be obtained from authorised deposit taking institutions whenever an investment arrangement is proposed. The best quote of the day will be successful after allowing for credit rating, timing of investment return, administrative and banking costs.

An 'Investment of Surplus Funds Form' is to be completed which will include the following information:

- Amount of cash to be invested
- The duration of the investment
- Details of products including security (i.e. S&P rating, State or Commonwealth) and interest rates offered by the institutions approached
- Name of the institution and product selected
- Endorsement of the selection by any two of the following Council officers; the Senior Accountant, the Director Corporate Services and the General Manager.

5. Legislation & Related Council Policies

Section 64 & 75 of the Local Government Act 1993
Australian Government Financial Claims Scheme
Banking Act 1959
Meander Valley Council Financial Management Strategy

6. Responsibility

Responsibility for the operation of this policy rests with the Director Corporate Services. The Director Corporate Services is responsible for the application of this policy.

DECISION:

Cr King moved and Cr Cameron seconded ***“that Council confirms the continuation of Policy No.71 – Investment of Surplus Council Funds with amendments as follows:***

POLICY MANUAL

Policy Number: 71	Investment of Surplus Council Funds
Purpose:	To provide guidelines for the investment of surplus Council funds.
Department:	Corporate Services
Author:	Jonathan Harmey, Director
Council Meeting Date:	10 March 2020
Minute Number:	50/2020
Next Review Date:	March 2024

POLICY

1. Definitions

Surplus Council Funds – funds that are not required to be expended in the course of normal Council operations.

Authorised deposit taking institution – a body corporate in relation to which an authority under subsection 9 (3) of the Banking Act (No. 6 of 1959 as amended) is in force.

Investment arrangement – an arrangement that relates to acquiring, consolidating, dealing with, or disposing of certificates of deposit, bonds or notes issued or proposed to be issued.

2. Objective

The objective of this policy is to ensure that the best possible rate of return is achieved from the investment of surplus Council funds whilst, at the same time, ensuring the security of those funds.

3. Scope

This policy applies to all investments of surplus Council funds.

4. Policy

- 4.1 The level of Council funds available for investment is to be reviewed at least weekly. During the review process likely cash inflows and outflows for the immediate future will be assessed to establish either the availability of surplus funds or the need to redeem existing investments.
- 4.2 Funds may be deposited with any Commonwealth, State or Authorised Deposit Taking Institution. To control the overall credit quality of the deposits, the following maximum holding limits will apply:

S&P Long Term Credit Rating *	Maximum % holding
AAA to AA-	100%
A+ to A-	70%
BBB+ to BBB-	50%
Not Rated	50%

** or equivalent*

- 4.3 Where surplus funds are available the following procedures will apply:

Not less than two (2) quotations shall be obtained from authorised deposit taking institutions whenever an investment arrangement is proposed. The best quote of the day will be successful after allowing for credit rating, timing of investment return, administrative and banking costs.

An 'Investment of Surplus Funds Form' is to be completed which will include the following information:

- Amount of cash to be invested
- The duration of the investment
- Details of products including security (i.e. S&P rating, State or Commonwealth) and interest rates offered by the institutions approached
- Name of the institution and product selected
- Endorsement of the selection by any two of the following Council officers; the Senior Accountant, the Director Corporate Services and the General Manager.

5. Legislation & Related Council Policies

Section 64 & 75 of the Local Government Act 1993

Banking Act 1959

Meander Valley Council Financial Management Strategy

6. Responsibility

Responsibility for the operation of this policy rests with the Director Corporate Services.

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

51/2020 POLICY REVIEW NO.13 - SUBDIVISION SERVICING

1) Recommendation

It is recommended that Council confirms the continuation of Policy No.13 - Subdivision Servicing with amendments as follows:

POLICY MANUAL

Policy Number: 13

Subdivision Servicing

Purpose:

The purpose of this policy is to require all newly created lots to be fully serviced by the owner or developer to the appropriate standard and requirements of Council.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

~~9 February 2016~~ 10 March 2020

Minute Number:

~~39/2016~~ 51/2020

Next Review Date:

~~March 2020~~ March 2024

POLICY

1. Definitions

Nil

2. Objective

To provide guidelines for developers servicing newly created lots.

3. Scope

This policy applies to development of any public or private land.

4. Policy

All new lots created by subdivision are to be fully serviced by the owner or developer to the standard consistent with the locality and to the requirements of the Council Engineer. Such services may include the provision of roads, kerbs, vehicle access, footpaths, nature strips

and landscaping, and drainage works including the extension of services from the nearest available Council location.

Where the provision of such services may place an intolerable or unaffordable burden on existing Council infrastructure, then Council may refuse the subdivision. This refusal may be reviewed at a future date when there is adequate capacity available within the Council infrastructure.

In circumstances where Council deems that it is not reasonable or feasible to provide a gravity stormwater connection to service all areas of new lots; partial lot control or pumped solutions will be considered for future development on those lots at the discretion of Council's engineer.

5. Legislation

Local Government (Building & Miscellaneous Provisions) Act 1993

6. Responsibility

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

DECISION:

Cr Nott moved and Cr King seconded ***“that Council confirms the continuation of Policy No.13 - Subdivision Servicing with amendments as follows:***

POLICY MANUAL

Policy Number: 13

Subdivision Servicing

Purpose:

The purpose of this policy is to require all newly created lots to be fully serviced by the owner or developer to the appropriate standard and requirements of Council.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

10 March 2020

Minute Number:

51/2020

Next Review Date:

March 2024

POLICY

1. Definitions

Nil

2. Objective

To provide guidelines for developers servicing newly created lots.

3. Scope

This policy applies to development of any public or private land.

4. Policy

All new lots created by subdivision are to be fully serviced by the owner or developer to the standard consistent with the locality and to the requirements of the Council Engineer. Such services may include the provision of roads, kerbs, vehicle access, footpaths, nature strips and landscaping, and drainage works including the extension of services from the nearest available Council location.

Where the provision of such services may place an intolerable or unaffordable burden on existing Council infrastructure, then Council may refuse the subdivision. This refusal may be reviewed at a future date when there is adequate capacity available within the Council infrastructure.

In circumstances where Council deems that it is not reasonable or feasible to provide a gravity stormwater connection to service all areas of new lots; partial lot control or pumped solutions will be considered for future development on those lots at the discretion of Council's engineer.

5. Legislation

Local Government (Building & Miscellaneous Provisions) Act 1993

6. Responsibility

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

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

52/2020 NEW POLICY NO. 91 - CLIMATE CHANGE MITIGATION AND ADAPTATION

1) Recommendation

It is recommended that Council:

1. *Acknowledges* climate change as a factor to be managed and Meander Valley Council's commitment to work with other levels of government, industry and the community to responsibly mitigate and adapt to the local effects of climate change;
2. *Approves:* Policy 91 Climate Change Mitigation and Adaptation Policy; and
3. *Notes,* the policy will underpin specific measures to responsibly implement measures to minimise emissions and address the emerging risks from climate change.

POLICY MANUAL

Policy Number: 91	Climate Change Mitigation and Adaptation Policy
Purpose:	Provide a basis for acting to mitigate and adapt to the effects of climate change
Department:	Governance
Author:	John Jordan, General Manager
Council Meeting Date:	10 March 2020
Minute Number:	52/2020
Next Review Date:	March 2024

POLICY

1. Definitions

Adaptation: The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate harm or exploit beneficial opportunities. In natural systems, human intervention may facilitate adjustment to expected climate and its effects (*adapted from IPCC – Assessment Report 5*).

Climate Change: A change in the state of the climate that can be identified (e.g. using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer (*IPCC – Assessment Report 5*).

Mitigation: A human intervention to reduce the sources or enhance the sinks of greenhouse gases (GHGs) (*adapted from IPCC – Assessment Report 5*).

2. Objective

To acknowledge climate change as a factor to be managed and Meander Valley Council's commitment to work with other levels of government, industry and the community to responsibly mitigate and adapt to the local effects of climate change.

3. Scope

This policy applies to all Meander Valley Council operations, practices, services and community facilities; including the management of natural areas.

Responses and specific actions to mitigate and adapt to the effects of climate change will be progressed in line with this policy through normal planning and risk management systems.

4. Policy

1. Meander Valley Council acknowledges the world's climate is changing due to increasing concentrations of greenhouse emissions in the atmosphere.
2. All levels of government, industry and the community need to minimise greenhouse gas emissions. Coordinated and integrated action is needed to mitigate and adapt to climate change and the Meander Valley Council supports the Australian and State Governments acting to contribute to global climate change mitigation in a way that responsibly achieves environmental, economic and social sustainability.
3. Meander Valley Council recognises that while the specific local impacts of climate change are uncertain, it makes sense to minimise pollution and related environmental impacts and adapt to emerging and future risks arising from climate change.
4. Meander Valley Council will within the limits of its capacity work with governments of all levels, neighbouring regional councils, industry and the community to reduce greenhouse emissions and manage the economic, social and environmental risks from climate change.

5. Legislation

Climate Change (State Action) Act 2008

6. Responsibility

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

DECISION:

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

- 1. Acknowledges climate change as a factor to be managed and Meander Valley Council’s commitment to work with other levels of government, industry and the community to responsibly mitigate and adapt to the local effects of climate change;***
- 2. Approves: Policy 91 Climate Change Mitigation and Adaptation Policy; and***
- 3. Notes, the policy will underpin specific measures to responsibly implement measures to minimise emissions and address the emerging risks from climate change.***

POLICY MANUAL

Policy Number: 91	Climate Change Mitigation and Adaptation Policy
Purpose:	Provide a basis for acting to mitigate and adapt to the effects of climate change
Department:	Governance
Author:	John Jordan, General Manager
Council Meeting Date:	10 March 2020
Minute Number:	52/2020
Next Review Date:	<i>March 2024</i>

POLICY

1. Definitions

Adaptation: The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate harm or exploit beneficial opportunities. In natural systems, human intervention may facilitate adjustment to expected climate and its effects (*adapted from IPCC – Assessment Report 5*).

Climate Change: A change in the state of the climate that can be identified (e.g. using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer (*IPCC – Assessment Report 5*).

Mitigation: A human intervention to reduce the sources or enhance the sinks of greenhouse gases (GHGs) (*adapted from IPCC – Assessment Report 5*).

2. Objective

To acknowledge climate change as a factor to be managed and Meander Valley Council's commitment to work with other levels of government, industry and the community to responsibly mitigate and adapt to the local effects of climate change.

3. Scope

This policy applies to all Meander Valley Council operations, practices, services and community facilities; including the management of natural areas.

Responses and specific actions to mitigate and adapt to the effects of climate change will be progressed in line with this policy through normal planning and risk management systems.

4. Policy

1. Meander Valley Council acknowledges the world's climate is changing due to increasing concentrations of greenhouse emissions in the atmosphere.
2. All levels of government, industry and the community need to minimise greenhouse gas emissions. Coordinated and integrated action is needed to mitigate and adapt to climate change and the Meander Valley Council supports the Australian and State Governments acting to contribute to global climate change mitigation in a way that responsibly achieves environmental, economic and social sustainability.
3. Meander Valley Council recognises that while the specific local impacts of climate change are uncertain, it makes sense to minimise pollution and related environmental impacts and adapt to emerging and future risks arising from climate change.

4. Meander Valley Council will within the limits of its capacity work with governments of all levels, neighbouring regional councils, industry and the community to reduce greenhouse emissions and manage the economic, social and environmental risks from climate change.

5. Legislation

Climate Change (State Action) Act 2008

6. Responsibility

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

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

Comment by Cr Tanya King

I am happy to support this policy on the grounds that it is a strategic, evidence-based acknowledgment of climate change, and a sensible way for Council to get involved in mitigation.

In reference to the Notice of Motion brought to Council in December 2019, rather than declaring an emergency and proposing no action, the initiative in front of us today acknowledges the issue, and moving forward gives the opportunity to behave strategically and sensibly to manage the effects of climate change.

I particularly look forward to better management of fire fuel loading and improved management of natural areas.

ITEMS FOR CLOSED SECTION OF THE MEETING:

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

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

Council moved to Closed Session at 4.42pm

53/2020 CONFIRMATION OF MINUTES

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

54/2020 LEAVE OF ABSENCE

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

55/2020 MANAGEMENT AND OPERATION OF DELORAINE AND CLUAN REFUSE DISPOSAL SITES AND MOLE CREEK TRANSFER STATION

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

56/2020 APPEAL 17/20P TO PLANNING APPLICATION REFUSAL PA\20\0077 - 87 FIVE ACRE ROW, WESTBURY – SUBDIVISION (4 LOTS)

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

Council returned to Open Session at 5.44pm

The meeting closed at 5.44pm

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Wayne Johnston
Mayor