****

MINUTES

ORDINARY COUNCIL MEETING



Tuesday 8 November 2022

|  |  |
| --- | --- |
| Time | 3.00pm |
| Location | Council Chambers |
|  | 26 Lyall Street  Westbury, Tasmania |
| Phone | (03) 6393 5300 |

Table of Contents

[Meeting Open - Attendance & Apologies 4](#_Toc256000756)

[Acknowledgment of Country 5](#_Toc256000757)

[Declarations of Office 5](#_Toc256000758)

[Confirmation of Minutes 5](#_Toc256000759)

[Declarations of Interest 7](#_Toc256000760)

[Council Workshop Report 8](#_Toc256000761)

[Mayor & Councillor Report 8](#_Toc256000762)

[Petitions 10](#_Toc256000763)

[Community Representations 10](#_Toc256000764)

[Public Question Time 11](#_Toc256000765)

[Councillor Question Time 12](#_Toc256000766)

[Planning Authority Reports 14](#_Toc256000767)

[310 & 744 Birralee Road & Birralee Road Westbury 14](#_Toc256000768)

[Corporate Services 18](#_Toc256000769)

[Council Audit Panel: Receipt of Meeting Minutes 18](#_Toc256000770)

[Governance 24](#_Toc256000771)

[Councillor Representation - Committees & External Organisations 24](#_Toc256000772)

[Motion to Close Meeting 28](#_Toc256000773)

[Closed Session Agenda 29](#_Toc256000774)

[Release of Public Information 30](#_Toc256000775)

[Meeting End 31](#_Toc256000776)

Meeting Open - Attendance & Apologies

Meeting opened at 3:00 pm.

|  |  |
| --- | --- |
| Chairperson | Mayor Wayne Johnston |
| Councillors present | Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Kevin House  Councillor Barry Lee  Councillor Anne-Marie Loader  Councillor John Temple |
| Apologies | Councillor Michael Kelly |

|  |  |  |
| --- | --- | --- |
| Officers present | John Jordan  Jacqui Parker  Dino De Paoli  Jonathan Harmey  Melissa Lewarn  Matthew Millwood  Krista Palfreyman  Sharon Roberts  Natasha Whiteley  Leanne Rabjohns  Matthew Abell | General Manager  Manager Governance & Performance  (Minute-Taker)  Director Infrastructure Services  Director Corporate Services  Director Community Wellbeing  Director Works  Director Development & Regulatory Services  Administration Officer  Team Leader Planning  Town Planner  Town Planner |

Councillor Michael Kelly attended part of the meeting during its Closed Session.

Acknowledgment of Country

Council acknowledges the Pallitore and Panninher past peoples and the traditional owners and custodians of the land on which we gather for the Council Meeting, with respects paid to elders past and present and extended to all Aboriginal and Torres Strait Islander peoples present.

Declarations of Office

The staff of Meander Valley Council warmly welcomes our new and returning elected members to their role, and congratulates all on their successful campaign in the 2022 local government elections.

Council formally acknowledges the declaration of office made at Westbury Town Hall on Wednesday 2 November 2022, by the following:

* Wayne Johnston, Mayor and Councillor;
* Stephanie Cameron, Deputy Mayor and Councillor;
* Lochie Dornauf, Councillor;
* Ben Dudman, Councillor;
* Kevin House, Councillor;
* Michael Kelly, Councillor;
* Barry Lee, Councillor;
* Anne-Marie Loader, Councillor; and
* John Temple, Councillor.

Council also extends a special thank you to Uncle Hank Horton and Linton Burgess, for conducting our first full Welcome to Country since the implementation of Council’s Policy No. 95- Indigenous Recognition.

Confirmation of Minutes

|  |  |
| --- | --- |
| Motion | Receive and confirm minutes of the last Ordinary Council Meeting held 11 October 2022. |
| Moved | Deputy Mayor Stephanie Cameron |
| Seconded | Councillor John Temple |
| Votes for | Mayor Wayne Johnston  Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Michael Kelly  Councillor Barry Lee  Councillor Anne-Marie Loader  Councillor John Temple |
| Votes against | Nil |
| Abstained | Councillor Kevin House  To abstain from voting at a Council Meeting is to vote in the negative: *Local Government (Meeting Procedure) Regulations 2015:* s28. |
|  | Motion carried by simple majority  Minute reference: 202/2022 |

Declarations of Interest

Nil.

Council Workshop Report

The Council Workshop originally scheduled for 25 October 2022 did not proceed due to its timing within the 2022 local government election process.

Mayor & Councillor Report

|  |  |  |
| --- | --- | --- |
| Councillor Activities Since Last Meeting | |  |
| 17 Oct | Community Event  Brand Tasmania Workshop | *Attended by Cr White* |
| 18 Oct | Council Event  Deloraine Flood Recovery Drop-In Session | *Attended by Crs Cameron & Synfield* |
| 19 Oct | Meeting with Prime Minister  The Honourable Anthony Albanese MP – Flood Recovery Visit, Deloraine | *Attended by Mayor Johnston* |
| 20 Oct | Meeting with Premier  The Honourable Jeremy Rockliff MP – Flood Recovery Visit, Deloraine | *Attended by Cr Cameron* |
| 21 Oct | Meeting with Governor-General  His Excellency General the Honorable David Hurley AS DSC (Retd) and Her Excellency Mrs Linda Hurley – Flood Recovery Visit, Deloraine & Meander | *Attended by Mayor Johnston* |
| 25 Oct | Meeting  Tamar Estuary Management Team, Launceston | *Attended by Mayor Johnston* |
| 25 Oct | Council Event  Citizenship Ceremony, Westbury | *Presented by Mayor Johnston*  *Attended by Crs Cameron, Synfield & White* |
| 25 Oct | Council Event  Councillor End of Term Dinner, Prospect Vale | |

|  |  |
| --- | --- |
| Councillor Announcements & Acknowledgements | |
| Nil |  |

Petitions

Nil.

Community Representations

Nil requests received.

Public Question Time

This Month’s Public Questions With Notice

Nil.

Minute reference: 226/2022

This Month’s Public Questions Without Notice

*Question 1: Annette & Stephen Camino, Hagley (received via email)*

*When are we likely to expect the installation of a dump point at Westbury?  I have reattached all the relevant information we provided council back in 2019 re assistance available from the Campervan and Motorhome Club of Australia yet nothing has been done to progress this issue. I have also reattached our Question on Notice to council 3 1/2 years ago at the 12/3/2019 Council Meeting.*

Dino De Paoli, Director Infrastructure Services advised following the request from S & A Camino to Council in March 2019 to install a recreational vehicle waste dump point in Westbury, a project budget proposal was presented to Council for consideration in the draft 2019-20 capital works program and discussed at Council Workshop.  At that point in time a preferred location or concept design for a dump point had not been determined.  Although the project was not supported for the 2019-20 program, Council could request that officers include another project for consideration in the draft 2023-24 capital works program that will be reviewed early in the new calendar year.

*Question 2: Annette Camino, Hagley*

*I guess I just discovered recently that Westbury is expected to celebrate its 200th anniversary next year. What plans does Council have to celebrate this momentous event?*

John Jordan, General Manager that Council was aware of the upcoming anniversary and was considering celebrations.  The Community Wellbeing team in Council are looking at this and there have been a couple of ideas expressed from the community.  With the new Council elected, this will become a focus point.

Minute reference: 227/2022

Councillor Question Time

This Month's Councillor Questions With Notice

Nil.

Minute reference: 228/2022

This Month's Councillor Questions Without Notice

Question 1: Councillor John Temple

*Any updates on Northern Regional Prison Project*?

John Jordan, General Manager advised that he and the Director of Community Wellbeing had met with Ms Michelle Foster and consultants from the prison project team.  The discussion focused on the proposed social and economic impact assessment for the proposed prison.  The General Manager advised that feedback to the project covered the:

* Need to consider community feedback on past assessments, including the views expressed at the public meeting held in Deloraine;
* Potential to make use of the Ashley facility for community purposes;
* Need to engage neighbours affected directly by the proposed prison;
* Labour market and employment, and the capacity of low-risk prisoners to work on community projects; and
* Concern of some elements in the community about alternative rehabilitation and corrective models.

The General Manager advised that he understood the project team would now move forward with the design and scoping of required studies and formalised consultation.

Question 2: Councillor John Temple

*Are other locations for the Ashley project still in contemplation?*

John Jordan, General Manager advised that no, none that we are aware of.

Question 3: Councillor Anne-Marie Loader

*We all (councillors) received an email into the councillor inbox about the roll out of FOGO bins in Carrick. What’s happening with that?*

Dino De Paoli, Director Infrastructure outlined the history from the previous year of Council decision making in relation to the roll out FOGO services, including the decision to include Prospect Vale, Hadspen, and Travellers Rest.  At the time there was consideration given to how far FOGO would be rolled out and Carrick was not included, primarily because of viability and less interest than other areas to the east.  The Director highlighted this did not preclude Carrick and other areas coming online for FOGO in the future and that it was a matter for Council to consider the level of service and costs.  The extent to which different service delivery models were applied across the municipality and their efficiency and costs were key considerations.  The matter is ultimately a question for Councillors to determine considering these factors, with the first step perhaps, being a survey to determine the level of interest in Carrick.

Question 4: Councillor Anne-Marie Loader

*Were the residents of Prospect Vale surveyed?*

Dino De Paoli, Director Infrastructure Services advised that no survey was undertaken for Prospect Vale.

Minute reference: 229/2022Planning Authority Reports

310 & 744 Birralee Road & Birralee Road Westbury

Planning Authority Report

310 & 744 Birralee Road & Birralee Road Westbury

|  |  |
| --- | --- |
| Proposal | Utilities (road upgrades) |
| Report Author | Matthew Abell & Leanne Rabjohns  Town Planners |
| Authorised by | Krista Palfreyman  Director Development & Regulatory Services |
| Application reference | PA\23\0055 |

|  |  |  |
| --- | --- | --- |
| Motion | Council receives the agenda report tabled for PA\23\0055 and resolves to approve this application.  Refer to “Details” below for further specification of Council’s decision and any conditions or notes. | |
| Moved | | Deputy Mayor Stephanie Cameron | |
| Seconded | | Councillor Barry Lee | |
| Votes for | | Mayor Wayne Johnston  Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Kevin House  Councillor Michael Kelly  Councillor Barry Lee | |
| Votes against | | Councillor Anne-Marie Loader  Councillor John Temple | |
| Abstained | | Nil  To abstain from voting at a Council Meeting is to vote in the negative: *Local Government (Meeting Procedure) Regulations 2015:* s28. | |
|  | | Motion carried by simple majority  Minute reference: 230/2022 | |

The Chairperson invited Aaron Reader, Madeleine Swan, Alexander Gorman, Leanne Barwick and Saskia Reitveld to address the meeting.

Details

Council must take qualified advice before making a decision and ensure that its reasons for any planning decisions are (a) minuted and (b) based on the Planning Scheme.

See *Local Government Act 1993*: s65, *Local Government (Meeting Procedures) Regulations 2015*: s25(2) and *Land Use and Approvals Act 1993*: ss57-59.

After receiving qualified advice about this planning application and its compliance with the Planning Scheme, Council resolved to approve as follows:

Recommendation

This application by Department of State Growth C/O Pitt & Sherry for Utilities (road upgrades) on land located at 310 Birralee Road, 744 Birralee Road & Birralee Road, Westbury (CT’s: 181577/1, 142529/1 & 158918/1) is generally in accordance with the Endorsed Plans, and recommended Permit Conditions and Permit Notes.

Endorsed Plan

1. Pitt & Sherry; Dated: 25 August 2022; Planning Permit Application for the Road Upgrades to Birralee Road; Pages 1-6;

Map showing road upgrade Areas 1-3; and

2. Pitt & Sherry; Dated: 9 August 2022; Drawing Number: S-P.20.2000-00-CIV-SKT-150, S-P.20.2000-00-CIV-SKT-151 & S-P.20.2000-00-CIV-SKT-152.

Permit Conditions

No conditions recommended.

Permit Notes

1. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact Council.

2. This permit takes effect after:

a. The 14-day appeal period expires; or

b. appeal to the Tasmanian Civil & Administrative Tribunal (TASCAT) is determined or abandoned; or

c. Any other required approvals under this or any other Act are granted.

3. Planning appeals can be lodged with TASCAT Registrar within 14 days of Council serving notice of its decision on the applicant. For further information, visit the TASCAT website.

4. This permit is valid for two years only from the date of approval. It will lapse if the development is not substantially commenced. Council has the discretion to grant an extension by request.

5. All permits issued by the permit authority are public documents. Members of the public may view this permit (including the endorsed documents) at the Council Office on request.

6. If any Aboriginal relics are uncovered during works:

a. All works to cease within delineated area, sufficient to protect unearthed or possible relics from destruction;

b. Presence of a relic must be reported to Aboriginal Heritage Tasmania; and

c. Relevant approval processes for state and federal government agencies will apply.

During consideration of planning item 230/2022, there was discussion on the level of consultation and interaction by the Department of State Development with landowners.  It was deemed not appropriate to address these concerns as a Planning Authority.  With the option for Councillors to propose a motion when siting as Council outside of the Planning Authority role was highlighted.

The Chair advised that the meeting was no longer acting as a Planning Authority and the normal Council meeting resumed.

Councillor Motion

The Chair advised that the meeting was now acting as a Planning Authority.

310 & 744 Birralee Road & Birralee Road Westbury

Councillor Motion in respect of Birralee Road (230/2022).

Cr John Temple introduced a motion to address the concerns of representors in respect of the planning application for Birralee Road.   The meeting discussed the broad concerns and the apparent inadequacy of consultation and engagement with the representors present, noting that there were 10 representors.  Council adopted the following motion, presented by Cr Temple:

|  |  |
| --- | --- |
| Motion | That:  1. In relation to the Birralee Road development, the Mayor write to the Minister for Infrastructure; and  2. The General Manager liaises with Department of State Growth to advocate and, as appropriate, facilitate good communication with the landowners to provide a satisfactory response to landowner concerns. This may include issues such as fencing, tree planting, balls on power lines, bridges, entrances, and underpasses, as well as privacy and sound screening. |
| Moved | Councillor John Temple |
| Seconded | Councillor Ben Dudman |
| Votes for | Mayor Wayne Johnston  Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Kevin House  Councillor Barry Lee  Councillor Anne-Marie Loader  Councillor John Temple |
| Votes against | Nil |
| Abstained | Nil  To abstain from voting at a Council Meeting is to vote in the negative: *Local Government (Meeting Procedure) Regulations 2015:* s28. |
|  | Motion carried by simple majority  Minute reference: 231/2022 |

Mayor Johnston left the meeting at 4.00pm, and Deputy Mayor Cameron became Chair.

Corporate Services

Council Audit Panel: Receipt of Meeting Minutes

 Corporate Services

Council Audit Panel: Receipt of Meeting Minutes

|  |  |
| --- | --- |
| Report Author | Jonathan Harmey  Director Corporate Services |

|  |  |
| --- | --- |
| Motion | That Council receives the minutes of the Audit Panel meeting held on 27 September 2022. |
| Moved | Councillor John Temple |
| Seconded | Councillor Lochie Dornauf |
| Votes for | Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Kevin House  Councillor Barry Lee  Councillor Anne-Marie Loader  Councillor John Temple |
| Votes against | Nil |
| Abstained | Nil  To abstain from voting at a Council Meeting is to vote in the negative: *Local Government (Meeting Procedure) Regulations 2015:* s28. |
|  | Motion carried by simple majority  Minute reference: 232/2022 |

Attachment\_14.1.1\_Audit\_Panel\_Minutes\_-

Attachment\_14.1.1\_Audit\_Panel\_Minutes\_- page 2

Attachment\_14.1.1\_Audit\_Panel\_Minutes\_- page 3

Attachment\_14.1.1\_Audit\_Panel\_Minutes\_- page 4

Attachment\_14.1.1\_Audit\_Panel\_Minutes\_- page 5

Governance

Councillor Representation - Committees & External Organisations

Governance

Councillor Representation - Committees & External Organisations

|  |  |
| --- | --- |
| Report Author | Jacqui Parker  Manager Governance and Performance |
| Authorised by | John Jordan  General Manager |

|  |  |
| --- | --- |
| Motion | That Council appoints representatives to Council committees and external organisations as per the attached schedule. |
| Moved | Councillor Anne-Marie Loader |
| Seconded | Councillor Kevin House |
| Votes for | Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Kevin House  Councillor Barry Lee  Councillor Anne-Marie Loader  Councillor John Temple |
| Votes against | Nil |
| Abstained | Nil  To abstain from voting at a Council Meeting is to vote in the negative: *Local Government (Meeting Procedure) Regulations 2015:* s28. |
|  | Motion carried by simple majority  Minute reference: 233/2022 |

Attachment\_15.1.3\_Councillors\_Appointme

Attachment\_15.1.3\_Councillors\_Appointme page 2

Motion to Close Meeting

|  |  |
| --- | --- |
| Motion | Close the meeting to the public for discussion of matters in the list of agenda items below.  See *Local Government (Meeting Procedures) Regulations 2015:* s15(1). |
| Moved | Councillor John Temple |
| Seconded | Councillor Ben Dudman |
| Votes for | Deputy Mayor Stephanie Cameron  Councillor Lochie Dornauf  Councillor Ben Dudman  Councillor Kevin House  Councillor Barry Lee  Councillor Anne-Marie Loader  Councillor John Temple |
| Votes against | Nil |
|  | Motion carried by absolute majorityMinute reference: 234/2022 |

Closed Session Agenda

Confirmation of Closed Minutes

Refer to *Local Government (Meeting Procedures) Regulations 2015:* s34(2).

#### Minute reference: 235/2022

Leave of Absence Applications

Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(h).

#### Minute reference: 236/2022

Council Audit Panel: Re-appointment of Independent Chair

Refer to *Local Government (Meeting Procedures) Regulations 2015*: s15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval, and renewal.

Minute reference: 237/2022

Extension to Contract No.167-2015-16 - Management and Operation of Deloraine and Cluan Refuse Disposal Sites and Mole Creek Transfer Station

Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval, and renewal.

Minute reference: 238/2022

Release of Public Information

Release of Public Information

Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(8).

The Council in closed session approved (243/2022), the following information for release:

Council approves the re-appointment of Mr Andrew Gray to the positions of Independent Member and Independent Chair of Council’s Audit Panel, and delegates the General Manager to negotiate a contract for the positions for a period of two (2) years in accordance with Section 6 of the Local Government (Audit Panels) Order 2014 and Section 5 of Council’s Audit Panel Charter.

Minute reference: 239/2022

Meeting End

Meeting closed at 4:46 pm.

Mayor Wayne Johnston

Chairperson