



Meander Valley Council  
Working Together

# MINUTES

## ORDINARY COUNCIL MEETING

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**Tuesday, 10 September 2024**

**Time** 3.01pm

**Location** Council Chambers  
26 Lyall Street  
Westbury, Tasmania

**Telephone** (03) 6393 5300

## Attendance

### Chairperson

Mayor Wayne Johnston

### Councillors Present

Deputy Mayor Stephanie Cameron  
Councillor Ben Dudman  
Councillor Michael Kelly  
Councillor Anne-Marie Loader  
Councillor Rodney Synfield  
Councillor John Temple  
Councillor Daniel Smedley

### Apologies

Councillor Kevin House

### Officers Present

Jonathan Harmey	General Manager
Krista Palfreyman	Director Development and Regulatory Services
Craig Davies	Director Corporate Services
David Murray	Director Infrastructure Services
Matthew Millwood	Director Works
Wezley Frankcombe	Manager Governance and Legal
Natasha Whiteley	Team Leader Town Planning (Agenda Item 11.1)
Richard Burk	Traffic and Civil Services Pty Ltd (Agenda Item 11.1)
Peter Jones	Team Leader Engineering (Agenda Item 11.1)
Brenton Josey	Town Planner (Agenda Item 11.2)
James Chen	Senior Civil Engineer (Agenda Item 11.2)
Anthea Rooney	Governance Officer

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## 1. Opening of Meeting and Apologies

Mayor Wayne Johnston opened the Meeting at 3.01pm and noted a leave of absence from Councillor Kevin House.

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## 2. Acknowledgment of Country

I begin today by acknowledging the Pallitore and Panninher past peoples, the Traditional Owners and Custodians of the land on which we gather today and I pay my respects to Elders past and present. I extend that respect to all Aboriginal and Torres Strait Islander peoples here today.

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## 3. Confirmation of Minutes

### Motion

That Council receives and confirms the Minutes of the last Ordinary Council Meeting held on 13 August 2024.

**Moved** Councillor Anne-Marie Loader

**Seconded** Councillor Ben Dudman

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by simple majority**

**Minute Reference: 119/2024**

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## 4. Declarations of Interest

Mayor Wayne Johnston declared an interest in Agenda Item 11.2 - PA\24\0098 - 23 Whiteleys Road, Meander and elected to leave Chambers during discussion and voting on the Agenda Item.

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## **5. Council Workshop Report**

*Local Government (Meeting Procedure) Regulations 2015 – Regulation 8(2)*

### **Topics Discussed – 27 August 2024**

#### **Planning Applications for September Council Meeting**

*Councillors received a review of Planning Applications to be presented to the September Council Meeting.*

#### **Draft Community Strategic Plan 2024-2034**

*Councillors received and discussed a draft copy of the proposed Community Strategic Plan 2024-2034.*

#### **Local Government Association of Tasmania General Meeting – 4 September 2024 – Voting Position**

*Councillors provided voting direction for the Local Government Association of Tasmania General Meeting to be held on 4 September 2024.*

#### **Westbury Streetscape Concept Design**

*Councillors were presented with the concept design of the Westbury Streetscape and a mock up of the Westbury Town Entrance signage.*

#### **Deloraine Recreation Precinct – Play Space Concept Design**

*Councillors were presented with the draft concept design for the Nature Play Space at the Deloraine Recreation Precinct.*

#### **Sale of Public Land**

*Councillors were provided with information regarding the Council's properties.*

#### **Equal Opportunity Tasmania**

*Councillors received Work Health and Safety training from Equal Opportunity Tasmania.*

#### **Further Council Meeting Acknowledgements**

*Councillors discussed the acknowledgement in Council Agendas.*



### Items for Noting

#### **Review and Proposed Amendments to Policy No. 2: Stock Underpasses on Council Roads**

*Councillors provided feedback on proposed amendments for the Council's Policy.*

#### **Review and Proposed Amendments to Policy No. 4: Subsidised Waste Disposal for Community Groups**

*Councillors provided feedback on proposed amendments for the Council's Policy.*

#### **Review and Proposed Amendments – Policy No. 62: Adhesion Orders**

*Councillors provided feedback on proposed amendments for the Council's Policy.*

#### **Review and Proposed Amendments – Policy No. 72: Approval to Occupy Road Reserve Including Dining and Vending**

*Councillors provided feedback on proposed amendments for the Council's Policy.*

## 6. Mayor and Councillors' Reports

### Councillors' Official Activities and Engagements Since Last Meeting

#### Mayor Wayne Johnston

*Attended the following events:*

- 2 September 2024 – delivered the opening address for the Cattle and Sustainability field day
- 3 September 2024 – attended the Citizenship Ceremony
- 4 – 5 September 2024 – attended the Local Government Association of Tasmania General Meeting

#### Deputy Mayor Stephanie Cameron

*Attended the following events:*

- 28 August 2024 – attended the Carrick Structure Plan Drop-In Session
- 3 September 2024 – attended the Citizenship Ceremony

#### Councillor Ben Dudman

*Attended the following events:*

- 28 August 2024 – attended the Carrick Structure Plan Drop-In Session
- 3 September 2024 – attended the Citizenship Ceremony

#### Councillor Anne-Marie Loader

*Attended the following events:*

- 13 August 2024 – attended the Carrick Hall Committee Meeting
- 24 August 2024 – presented at the Young Farmer of the Year Dinner
- 28 August 2024 – attended the Great Western Tiers Tourism Association Meeting
- 28 August 2024 – attended the Carrick Structure Plan Drop-In Session
- 3 September 2024 – attended the Citizenship Ceremony

#### Councillor Rodney Synfield

*Attended the following events:*

- 28 August 2024 – attended the Carrick Structure Plan Drop-In Session
- 3 September 2024 – attended the Citizenship Ceremony

#### Councillor John Temple

*Attended the following events:*

- 28 August 2024 – attended the Carrick Structure Plan Drop-In Session
- 3 September 2024 – attended the Citizenship Ceremony





### **Councillors' Announcements and Acknowledgements**

Councillors acknowledged the work of TasNetworks, the State Emergency Service, other emergency services and the Council's staff for the restoration work after recent weather events.

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## 7. Community Representations

*Community representations are an opportunity for community members or groups to request up to three minutes to address Council on a topic of particular interest.*

*Requests received at least 14 days prior to a Council Meeting will be considered by the Chairperson. For further information, contact the Office of the General Manager on (03) 6393 5317 or email [ogm@mvc.tas.gov.au](mailto:ogm@mvc.tas.gov.au).*

No Community Representations were received as part of this Meeting

## 8. Public Question Time

### 8.1. Public Questions With Notice

*Local Government (Meeting Procedures) Regulations 2015 – Regulation 31(1)*

*(Questions With Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting).*

#### **Question**

*Leigh Wasserfall – Ambient Sound in Reedy Marsh – asked at the Council Meeting on 13 August 2024*

1. With regard to Meander Valley's natural values in Reedy Marsh, does the Council have the authority to make amends about the high noise level being experienced at Reedy Marsh as a result of two operating quarries?
2. How much authority does the Council have to impose noise restrictions on the quarries in our area and is it possible to restrict the very early operating hours and weekend work of the noisy machinery operating at the quarries?

***Krista Palfreyman (Director Development and Regulatory Services)*** advised that the two existing quarries at 190 and 611 Porters Bridge Road, Reedy Marsh, are Level 2 Activities regulated by the Environment Protection Authority Tasmania. The regulation of noise emissions and impacts to sensitive receptors from the two sites is regulated by the Environment Protection Authority Tasmania via their Permit Conditions or Environment Protection Notice. The Council has no authority to impose or vary noise restrictions on the activities.

## Question

*Rebecca Hanby, Westbury – Drainage Issues in William Street and Green Overlay - asked at the Council Meeting on 13 August 2024*

1. What green overlay does the Meander Valley Council have in 2024 and going forward, including what are the permeable ground percentages in new developments, canopy percentages taking into consideration climate change, is there a tree registry for trees of significance, what is being done about wildlife corridors and what is the current hedge protection strategy?

**Thomas Wagenknecht (Senior Strategic Planner)** advised that the Meander Valley Local Provisions Schedule (LPS) contains the Priority Vegetation Area Overlay. This overlay is underpinned by the Regional Ecosystem Model of Tasmanian Biodiversity and applied in accordance with Guideline No. 1: Local Provision Schedule (LPS): zone and code application issued by the Tasmanian Planning Commission.

*The proportion of pervious surfaces in new developments varies greatly depending on the size, scale and location of the development. The State Planning Provisions currently do not require minimum areas of pervious surface but instead regulates allowable site coverage (calculated as the gross roofed area divided by site area) for new development. For example, within both the General Residential Zone and the Village Zone, a site coverage of 50% is permissible. The State Government is currently reviewing Tasmania's residential standards, with a draft recommendation to introduce minimum 'deep soil area' requirements to minimise the extent of impervious surfaces.*

*The Council does not monitor canopy cover for new developments.*

*The LPS provides for the option of a Significant Tree register. No trees are currently listed. Notwithstanding, trees on sites listed on the State heritage register, such as the Village Green, are afforded a level of protection regardless.*

*The Council does not currently have any active projects relating to wildlife corridors but does have a role to play when assessing planning applications that involve vegetation removal. 'On the ground' projects are best facilitated through entities such as NRM North.*

*The Meander Valley Council does not have an endorsed hedge protection strategy. Notwithstanding, some scenic road corridors within the LPS – such as the Bass Highway, Meander Valley Road and Mole Creek Road – enable consideration of hedgerows where they contribute to visual aesthetic values.*

## 8.2. Public Questions Without Notice

### Question

*Helen Hutchinson - Meander Valley Council's Policy No. 91 - Community Assistance*

1. *With reference to Policy No. 91, what actions [related to the recent weather events] have been taken with regard to this?*

**Mayor Wayne Johnston** advised that the Meander Valley Council opened up a support centre on the Friday, Saturday, Sunday and Monday in an effort to assist residents. There were areas in the municipality that lost power and other services where other areas were unaffected. During the first few days, no-one visited the centre which were advertised on Facebook and in the community. There are still areas today that have not had power restored.

**Jonathan Harmey (General Manager)** advised that a support centre was set up at the Deloraine Community Complex and it is still open today. Attendance numbers have fluctuated the centre has been well received by those utilising its facilities.

2. *Again, with reference to Policy No. 91 and considering the design of the new depot now it has gone to tender, have any sustainable elements such as planning for electric vehicle charging, solar panels, battery storage, water tanks, passive design of offices, insulation above building codes, tree planting, etc. been included?*

**Jonathan Harmey (General Manager)** advised that this question will be Taken on Notice and a response provided in the Council Agenda of 8 October 2024.

### Question

*Graham Ropata - Planning Application Documentation for McDonald's Restaurant*

1. *[With regard to the McDonald's Restaurant Planning Application] have you [Councillors] read the 705 document that was first issued when the application came out?*
2. *Have you [Councillors] read the 1,080 page document that was released on 5 September 2024?*

**Mayor Wayne Johnston** advised that individually, the decision to read any Agenda is up to Councillors, however, on a personal note I have read it. A number of other Councillors also indicated that they had also read the information provided. The Mayor also indicated that legislation is the governing factor in the publication of Agendas where the public can access information.

## 9. Councillor Question Time

### 9.1. Councillors' Questions With Notice

No Councillors' Questions With Notice were received for this Meeting

### 9.2. Councillors' Questions Without Notice

All Councillors' Questions Without Notice asked at the Meeting were answered at the Meeting

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#### Motion

That Council extends its vote of appreciation to the Council's staff who have assisted with the recent emergency recovery effort.

**Moved** Deputy Mayor Stephanie Cameron

**Seconded** Councillor John Temple

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by simple majority**

**Minute Reference: 120/2024**

## 11. Planning Authority Reports

### 11.1. PA\23\0217 - 345-347 Westbury Road, Prospect Vale

<b>Proposal</b>	Food Services (convenience restaurant), consolidation of titles, demolition of structures and signage
<b>Report Author</b>	Natasha Whiteley Team Leader Town Planning
<b>Authorised By</b>	Krista Palfreyman Director Development and Regulatory Services

Josh Hennessy (on behalf of McDonald's) spoke for the Recommendation

Graham Ropata spoke against the Recommendation

Lorraine Degetto spoke against the Recommendation

Yvonne de Wit (on behalf of parents) spoke against the Recommendation

Blanche Manuel (on behalf of *Ratio*) spoke for the Recommendation

#### **Motion**

That Council receives the Agenda Item tabled for PA\23\0217 - 345-347 Westbury Road, Prospect Vale and resolves to approve the application.

Refer to *Details* below for further specification of Council's decision and any conditions or notes.

**Moved** Councillor Anne-Marie Loader

**Seconded** Councillor Daniel Smedley

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader and Councillor Daniel Smedley

**Votes Against** Councillor Rodney Synfield and Councillor John Temple

**Motion carried by simple majority**

**Minute Reference: 121/2024**

## 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*: section 65, *Local Government (Meeting Procedures) Regulations 2015*: section 25(2) and *Land Use and Approvals Act 1993*: sections 57-59.

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

## Recommendation

This application by McDonald's Australia Limited C/O Ratio Consultants, for a Food Services (convenience restaurant), consolidation of titles, demolition of structures and signage, on land located at 345-347 Westbury Road, Prospect Vale (CTs: 217358/9 and 217681/8), is recommended for approval generally in accordance with the Endorsed Plans, and recommended Permit Conditions and Permit Notes.

## Endorsed Plan

- (a) Albus & Co. Building Designers; Dated: 2024; Project Number 24011; Drawing Number: A000, A041, A042, A062, A063, A080, A081, A082, A083, A084, A085, A086, P001, A801 (*required to be amended*);
- (b) Albus & Co. Building Designers; Dated: 2024; Project Number 0317; Drawing Number: A001, A073, A074, A082, A083, A101, A102, A201, A202, A203, A204, A205, P085, P086, A802, A803, A804, A806, A807, A808 (*required to be amended*);
- (c) Taylors; Dated: 2024; Detailed Landscape Plan; Jon No.: 24223/LA; Sheet: L01 & L02 (*required to be amended*);
- (d) Ratio Consultants Pty Ltd; Dated: 24 May 2024; Traffic Impact Assessment Report; Pages 1-66 (*required to be amended*).
- (e) Rubidium Light; 2024; Obtrusive Light Analysis; Pages 1-34 (*required to be amended*);
- (f) Clarity Acoustics; Dated: 21 August 2024; Report Addenda; Pages: 1-7 (*required to be amended*);
- (g) Clarity Acoustics; Dated: 24 May 2024; Planning Application – Acoustic Assessment Report; Report R01 Rev 5 22203; Pages 1-33 (*required to be amended*);
- (h) ES&D Consulting; Dated: 20 August 2024; Memorandum – Response to Meander Valley Council RFI; Pages: 1-6 (*required to be amended*);
- (i) ES&D Consulting; Dated: 24 May 2024; Odour Risk Assessment; File 8924C; Version: Final v4; Pages 1-26 (*required to be amended*);



- (j) Abacus Environmental; Dated: 29 May 2024; Review and Advice Phase 2 Environmental Site Assessment; Ref: ABE0072.01; including as Attachments 1 & 2 – ES&D Consulting Phase 2 EAS Report Versions 3 & 4 respectively.

## Permit Conditions

### Covenants

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 by the consent in writing of Council; and
  - b) 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.

### Demolition

2. The developer must:
  - a) carry out all demolition work in accordance with Safe Work Australia *Demolition Work* Code of Practice or any subsequent versions of the document;
  - b) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
  - c) not undertake any burning of waste materials on site;
  - d) remove all rubbish from the site for disposal at a licensed refuse disposal site; and
  - e) dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos* Code of Practice or any subsequent versions of the document.

### Amended Plans

3. Amended documentation must be submitted to Council for approval to the satisfaction of Council's Town Planner. When approved, these documents will be endorsed and will then form part of the permit. The documents must include:
  - a) Amended architectural set of plans, pylon sign plans and signage plans to show the:
    - i. Removal of the car parking spaces located to the east of the loading bay;
    - ii. Relocation of the eastern portion of the drive through further west to increase the distance from the adjoining properties to the east;

- iii. Reduction of the heights of acoustic boundary fences to the east and south of the site and changes to the acoustic screens;
  - iv. Relocated signage for the drive through; and
  - v. Treatment to prevent the drive through being accessed by vehicles outside the permitted hours of operation in accordance with Condition 4.
- b) Amended landscaping plan to reflect the changes in a) above, including additional landscaping along the eastern boundary and south-eastern corner of the site.
  - c) Amended Traffic Impact Assessment to incorporate the amendments in a) above.
  - d) Amended Obtrusive Light Analysis, including amended lighting plan to incorporate the amendments in a) above and the lighting plan for the drive through when closed for operation in accordance with Condition 8.
  - e) Amended Acoustic Assessment Report (Report Addenda) to reflect the amendments in a) above.
  - f) Amended Odour Risk Assessment (Memorandum) to reflect the amendments in a) above.
  - g) Written confirmation from a certified site contamination practitioner that the depth of excavation for the footing for the pylon signs are suitable, in accordance with Condition 10.

### Hours of Operation for Food Service

- 4. The use and development approved by this permit is permitted to operate during the following hours:
  - a) The use of the restaurant (excluding the drive through) is permitted to operate 24 hours a day, 7 days a week as reflected in the following table:

Day	Operating Hours for Restaurant (excluding drive through)
Monday to Sunday	24 hours per day

- b) The use of the drive through is permitted to operate daily only between the hours of 6:00am to 11:00pm as reflected in the following table and must be closed to vehicular access outside this time:

Day	Operating Hours for Drive Through
Monday to Sunday	6.00am to 11.00pm

### **Commercial Vehicle Movements Including Deliveries and Waste Collection**

5. Commercial vehicle movements associated with unloading and loading of vehicles, including delivery vehicles and waste collection vehicles, must:
  - a) For commercial vehicles that require the vehicle to use the full width of the vehicle access and internal access way to manoeuvre (vehicles which are required to use the two lanes) must:
    - i) Not occur between the following hours: 7.30am to 9.00am Monday to Friday; and
    - ii) Not occur between the following hours: 3.00pm to 6.00pm Monday to Friday; and
    - iii) Not occur between the following hours: 10.00am to 1.00pm Saturday and Sunday; and
  - b) Deliveries via Heavy Rigid Vehicles, if not restricted by a) must be within the following hours:
    - i) 7.00am to 6.00pm Monday to Saturday; and
    - ii) 8.00am to 6.00pm Sunday; and
  - c) For all other commercial vehicles, including delivery vehicles, if not restricted by a) or b) above, be within the following hours:
    - i) 7.00am to 9.00pm Monday to Saturday; and
    - ii) 8.00am to 9.00pm Sunday; and
  - d) Waste collection vehicles, if not restricted by a) must be within the following hours:
    - i) 7.00am to 6.00pm Monday to Saturday; and
    - ii) 8.00am to 6.00pm Sunday; and
  - e) No deliveries or waste collection is to occur on public holidays.

### **Right Turn From Site to Westbury Road**

6. Right turn vehicle movements from the site on to Westbury Road, are prohibited between the following hours:
  - a) 3.00pm to 6.00pm Monday to Friday.

### **Drive Through**

7. The drive through must be designed to restrict vehicle access when closed, to the satisfaction of Council's Town Planner.
8. Lighting within the drive through must be switched off when closed to the public, other than for external security lighting which must be baffled so that direct light does not extend into the adjoining properties within the General Residential Zone, to the satisfaction of Council's Town Planner and Environmental Health Officer.

## **Excavation**

9. Excavation must be in accordance with the endorsed Environmental Site Assessment and is limited to be no deeper than:
  - a) Building Foundations: 3m below ground level;
  - b) Acoustic Fence: 2m below ground level;
  - c) Drainage system: 1.5m below ground level.

If excavation is required to exceed these depths, an assessment from a certified site contamination practitioner must be submitted and approved by the Council's Town Planner to ensure that the depth of the footing is suitable for the potentially contaminated soil and does not present a risk to human health or the environment which would alter the findings of the endorsed Environmental Site Assessment. Refer to Note 1.

10. The depth of the footing for the pylon signs must be confirmed and signed off by a certified site contamination practitioner to ensure that the depth of the footing is suitable for the potentially contaminated soil and does not present a risk to human health or the environment which would alter the findings of the endorsed Environmental Site Assessment. Refer to Note 1.

## **Infrastructure Services**

11. The eastern side of Westbury Road is to be upgraded with new or modifications to existing stormwater services, road, footpaths, kerb and channel, median treatments, line marking, signage, access ramps and vehicle crossings for the full frontage of the subject lot including any ancillary works necessary to complete the works to the satisfaction of the Council's Director Infrastructure Services. Refer to Note 3 & 4.
12. Signage, line marking, and/or treatments within the Road Reserve to restrict right turn movements out of the site on to Westbury Road in accordance with Condition 6, must be installed to the satisfaction of the Council's Director Infrastructure Services. Refer to Note 6.
13. Stormwater detention and stormwater quality controls must be installed and maintained to the satisfaction of the Council's Director Infrastructure Services in accordance with Conditions 29. c. iii).
14. Stormwater runoff from the driveway area, road verge, and new building areas must be managed so that concentrated or nuisance flows do not cross property boundaries to adjoining land.

## **Signage**

15. The northern pylon sign is to be illuminated from dusk until 10.00pm daily in accordance with the endorsed Obtrusive Lighting Assessment. At 10.00pm, the illumination of the sign must be switched off until dusk the following day.

16. All signage (other than the northern pylon sign) is permitted to be illuminated between dusk to dawn daily in accordance with the endorsed Obtrusive Light Analysis.
17. All signage located on the site must be contained wholly within the title boundaries.

### **Acoustic Fencing and Screens**

18. All acoustic fencing must be installed in accordance with the endorsed plans and Acoustic Assessment Report, to the satisfaction of the Council's Town Planner. The overall maximum height of the acoustic fences (including retaining walls) must be measured from the existing ground level on the subject site.
19. The common boundary fence at the south-western corner of the site within 4.5m of the frontage with Westbury Road, must not be tapered where it increases in height from 1.2m to 1.8m in height. It must be installed in accordance with the endorsed plans and Acoustic Assessment Report, to the satisfaction of the Council's Town Planner. The overall maximum height of the acoustic fence must be measured from the existing ground level on the subject site.
20. All acoustic screens must be installed in accordance with the endorsed plans and Acoustic Assessment Report, to the satisfaction of the Council's Town Planner.

### **Operational Requirements**

21. All refrigerated delivery vehicles must have the refrigeration condenser unit switched off at all times whilst on site, in accordance with the endorsed Acoustic Assessment Report.
22. The rooftop air conditioner units must operate in low-speed mode at night, between 10.00pm-7.00am in accordance with the endorsed Acoustic Assessment Report.
23. The air speed for the rooftop exhaust units must be at least 2m per second in accordance with endorsed Odour Risk Assessment.

### **Environmental Monitoring Plan**

24. An Environmental Monitoring Plan, prepared by a suitably qualified person, must be submitted to the satisfaction of the Council's Town Planner and Environmental Health Officer. The plan must include, but is not limited to the following details:
  - a) Noise Monitoring:
    - i. A plan, by a suitably qualified person, detailing the proposed methodology for noise monitoring, in accordance with the Tasmanian Noise Measurement Procedures Manual;

- ii. Monitoring must be undertaken in accordance with the noise monitoring plan and a verification report submitted to Council within 3 months of the commencement of the use;
  - iii. Further monitoring must be undertaken and a subsequent verification report submitted to Council after 12 months of operation.
  - iv. The verification acoustic assessments by a suitably qualified person, are to confirm that the noise levels are in accordance with the modelling contained within the endorsed Acoustic Assessment Report.
  - v. Should levels exceed those identified in the endorsed Acoustic Assessment Report, suitable mitigation measures must be proposed by a suitably qualified person and submitted to the Council for approval, prior to mitigation measures being installed.
- b) Odour Monitoring:
- i. A plan, by a suitably qualified person, detailing the proposed methodology for odour monitoring;
  - ii. Monitoring must be undertaken in accordance with the Odour Monitoring Plan and a verification report submitted to the Council within 3 months of the commencement of the use;
  - iii. Further monitoring must be undertaken and a subsequent verification report submitted to the Council after 12 months of operation;
  - iv. The verification odour assessments by a suitably qualified person, are to confirm that odour emitted from the site is not causing an unreasonable loss of amenity to adjoining residential properties in accordance with the endorsed Odour Risk Assessment Report.
  - v. Should odour emissions be considered unreasonable, suitable mitigation measures must be proposed by a suitably qualified person and submitted to the Council for approval, prior to mitigation measures being installed.
- c) A public complaints register must be maintained for a minimum of 12 months from the commencement of the use and made available for inspection by a Council Officer upon request. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that a nuisance has been caused by the use:
- i. the date and time at which the complaint was received;
  - ii. contact details for the complainant (where provided);
  - iii. the subject-matter of the complaint;
  - iv. any investigations undertaken with regard to the complaint; and
  - v. the manner in which the complaint was resolved, including any mitigation measures implemented.

Once approved, the Environmental Management Plan will be endorsed and will form part of this permit.

### **Operational Management Plan**

25. An Operational Management Plan must be submitted to the satisfaction of the Council's Town Planner and must include:
- a) Onsite management requirements to comply with the components of the endorsed:
    - i) Acoustic Assessment Report;
    - ii) Traffic Impact Assessment Report;
    - iii) Odour Risk Assessment Report; and
    - iv) Conditions of this Permit.
  - b) Traffic Management Plan regarding on-site management for the delivery vehicles to enter and exit the site where the full width of the access is required to be used.

Once approved, the Operational Management Plan will be endorsed and will form part of this permit.

### **Construction Management Plan**

26. A Construction Management Plan, prepared by a suitably qualified person, must be submitted to the satisfaction of the Council's Town Planner, Environmental Health Officer and Director Infrastructure Services. The plan must include, but is not limited to the following details:
- a) Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on the site);
  - b) Proposed hours of construction;
  - c) Traffic Management Plan, including traffic guidance scheme and pedestrian management;
  - d) Sediment and erosion control including procedures for washing down vehicles, to prevent soil and debris being carried on to Westbury Road;
  - e) Dust control;
  - f) Management of environmentally hazardous materials;
  - g) Site facilities, including parking management for contractors, trades and deliveries; and
  - h) Demolition plan incorporating the requirements of Condition 2.

Once approved, the plan will be endorsed and will form part of the permit.

27. The development must be constructed in accordance with the endorsed Construction Management Plan.

### **Landscaping**

28. The landscaping must be:
- a) Installed in accordance with the endorsed landscape plan; and
  - b) Maintained in a healthy state; and

- c) Must not be removed or destroyed without the written consent of the Council's Town Planner.

### **Prior to the Commencement of any Works**

29. Prior to the commencement of any works, the following must be completed to the satisfaction of the Council:
- a) The final plan of survey for the consolidation of lots, submitted to the satisfaction of the Council's Town Planner and sealed by the Council, for forwarding to the Recorder of Titles Office;
  - b) Amended documentation must be submitted to the satisfaction of the Council's Town Planner in accordance with Condition 3;
  - c) Detailed engineering design documentation (including plans) must be submitted and approved to the satisfaction of the Council's Director Infrastructure Services. Detailed engineering design documentation must be prepared by a suitably qualified civil engineer (or other person approved by the Council's Director Infrastructure Services). The design documentation must be in accordance with the applicable Australian Standards, Austroads guidelines, and the Tasmanian Standards Drawings or modified to the satisfaction of the Council's Director Infrastructure Services. The detailed engineering design documentation (including plans) must provide for:
    - i) The upgrading of the eastern side of Westbury Road in accordance the endorsed Traffic Impact Assessment Report and Condition 11.
    - ii) Signage, line marking and/or treatments to restrict right turn movements in accordance with Condition 6.
    - iii) Stormwater detention and stormwater quality controls and include:
      - d) the on-site detention system accommodating the 1% AEP storm event. Both the 5-minute and 10-minute time of concentration scenarios for the detention system are to be designed for (refer to Note 8);
      - e) The stormwater property connection detail including the diameter of the existing property connection;
      - f) the modelling data file; and
      - g) the stormwater treatment system designed and sized to meet the requirements of the State Stormwater Policy.
    - h) Construction Management Plan submitted to the satisfaction of the Council's Town Planner, Environmental Health Officer and Director Infrastructure Services in accordance with Condition 26.

### **Prior to the Commencement of Use**

30. Prior to the commencement of the use the following must be completed to the satisfaction of the Council:
- a) A certification report completed by a suitably qualified person, to confirm that the external lighting has been installed and operates in accordance



with the endorsed Obtrusive Lighting Assessment and is compliant with Australian Standard AS/NZS 4282:2023 to the satisfaction of the Council's Town Planner and Environmental Health Officer.

- b) A certification report completed by a suitably qualified person, to confirm that the acoustic design measures (ie. acoustic fences and screens, speed humps, metal grates) have been installed in accordance with the endorsed Acoustic Assessment Report, to the satisfaction of the Council's Town Planner and Environmental Health Officer.
- c) The infrastructure works must be completed as shown in the endorsed plans or as modified by the Council in the approved engineering design documentation, to the satisfaction of the Council's Director Infrastructure Services and in accordance with Conditions 11, 12 & 13.
- d) Submission of appropriate supporting documents from the supervising engineer to demonstrate compliance with the approved engineering design documentation, Tasmanian Standard Drawings and applicable standards for all works located within the road reserve that will be handed over to the Council, to the satisfaction of the Council's Director Infrastructure Services.
- e) Provision of as-constructed documentation for infrastructure located within the road reserve that will be taken over by the Council (eg. footpath, kerb and channel, road widening and median treatments) to the satisfaction of the Council's Director Infrastructure Services.
- f) A statement from the stormwater design engineer confirming that the stormwater on-site detention system is installed in accordance with Condition 13.
- g) Submission of a bond to cover the defects period equal to a minimum of 5% of the value of assets to be handed over to the Council plus any outstanding works or defects to the satisfaction of the Council's Director Infrastructure Services. Refer note 7.
- h) Appropriate signage and line marking must be installed to the satisfaction of the Council's Town Planner to prevent the access way and circulation area to the eastern side of the car parking, being used for dual lane queuing from the drive through entrance, which would prevent vehicles exiting the car park, unless otherwise approved by the Council's Town Planner. Refer to Note 2.
- i) An Environmental Monitoring Plan submitted to the satisfaction of the Council's Town Planner and Environmental Health Officer in accordance with condition 24;
- j) An Operational Management Plan, submitted to the satisfaction of the Council's Town Planner and Environmental Health Officer in accordance with Condition 25.
- k) The development is constructed substantially in accordance with the endorsed plans including but not limited to:

- i) Acoustic Fencing and Screening in accordance with Condition 18, 19 and 20;
- ii) Car parking spaces, access ways and circulations areas sealed and delineated and drained to the reticulated stormwater system, in accordance with the endorsed plans and Traffic Impact Assessment Report;
- iii) Landscaping; and
- iv) Signage.

### **Tas Gas Networks**

- 31. Tas Gas Networks (TGN) owns and operate gas pipelines in the road reserve of Westbury Road, any works near to these pipelines shall comply with TGN policies and procedures and must have a *Before You Dig* enquiry with reasonable notice.
- 32. Tas Gas Networks has an existing gas service connection to the property, 347 Westbury Road, Prospect Vale. Tas Gas Networks shall be contacted to arrange the isolation, removal and or safe method of work(s) near this asset before any works are performed on or adjacent to this service as part of this development.

### **TasWater**

- 33. The development must be in accordance with the Amended Submission to Planning Authority Notice issued by TasWater (TWDA No 2023/00517-MVC) attached.

### **Permit Notes**

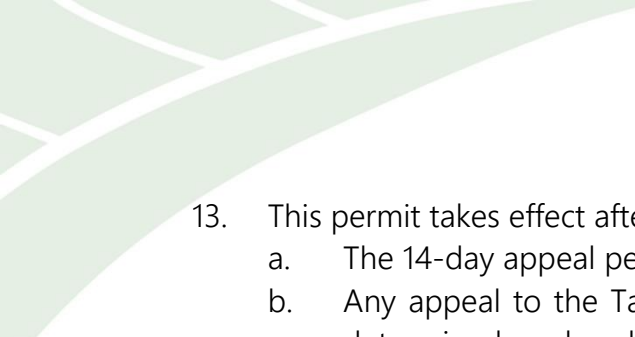
- 1. The endorsed Environmental Site Assessment concluded that the proposed excavation satisfied P1 (b) of clause C14.6.1 of the Tasmanian Planning Scheme – Meander Valley which states:  
  
*Excavation ... must not have an adverse impact on human health or the environment, having regard to: ... (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or ...*
- 2. The eastern side of the car park provides for two-way traffic. This must remain free to enable vehicles to exit the car park. If queuing on-site causes the backing up of traffic on Westbury Road, the car park arrangement may need to be reconsidered.
- 3. All works in the road reserve associated with the development must be completed by a suitably qualified contractor using appropriate work health and safety and traffic management processes. Prior to any construction being undertaken in the road reserve, separate consent is required by the Road Authority. An Application for Works in Road Reservation form is enclosed, all enquiries should be directed to the Council's Infrastructure Department on 03 6393 5312.

4. It is recommended that the developers designer engages early with the Council's Infrastructure Services Department to discuss optimal treatment options and requirements.
5. It is noted that the stormwater quality control device is shown near the entrance to the site. Maintenance of the device should not impede traffic flow along Westbury Road.
6. The Council reserves the right to adjust the timing of the *No Right Turn* restriction onto Westbury Road subject to traffic activity level or crash propensity.
7. Once commencement of use has been achieved, a Certificate of Practical Completion will be issued to the developer placing the works to be handed over to the Council on a defects period of 12 months.
8. The Council notes that there may be an opportunity to re-direct overland flow from the site towards Westbury Road. If this is achievable, a reduced ARI may be considered by the Council. To discuss the requirements of detention, please contact the Council's Infrastructure Department on 03 6393 5312.
9. If a Council Officer is satisfied that serious or material environmental harm or environmental nuisance is or has occurred, as defined under the *Environmental Pollution Control Act 1994*, the Council may amend this Permit to mitigate the respective harm or nuisance. This may include reducing the hours of operation as per Condition 4.b) Operating Hours for Drive Through. The respective reports as per condition 24 Environmental Management Plan may be used to establish an environmental harm or nuisance.
10. Registration of a Food Business under the *Food Act 2003* will be required. Please contact the Council's Environmental Health Officer on 03 6393 5300.
11. It is recommended that the customer (or their consultant) submit an application via the TasNetworks website portal at their earliest convenience to upgrade the electricity supply connection to support this development.

The application portal can be found here: [Connections Hub - TasNetworks](#)

An early engagement meeting is recommended to discuss requirements, costings and timing which can be requested via email [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au)

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

- 
13. This permit takes effect after:
    - a. The 14-day appeal period expires; or
    - b. Any appeal to the Tasmanian Civil and Administrative Tribunal (TASCAT) is determined or abandoned; or
    - c. Any other required approvals under this or any other Act are granted.
  14. Planning appeals can be lodged with TASCAT Registrar within 14 days of the Council serving notice of its decision on the applicant. For further information, visit the TASCAT website.
  15. This permit is valid for two years only from the date of approval. It will lapse if the development is not substantially commenced. The Council has discretion to grant an extension by request.
  16. 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 Offices on request.
  17. 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.

## Amendment

That Council receives the Agenda Item tabled for PA\23\0217 - 345-347 Westbury Road, Westbury and resolves to approve the application with the following Amendment to Condition 4:

### Hours of Operation for Food Service

4. The use and development approved by this permit is permitted to operate during the following hours:
- a) The use of the restaurant (excluding the drive through) is permitted to during the following hours:

Day	Operating Hours for Restaurant
Monday to Sunday	24 hours per day

- b) The use of the drive through is permitted to operate daily only between the hours of 6:00am to 10:00pm as reflected in the following table and must be closed to vehicular access outside this time:

Day	Operating Hours for Drive Through
Monday to Sunday	6.00am – 10.00pm

**Moved** Councillor John Temple

**Seconded** Councillor Rodney Synfield

**Votes For** Councillor Rodney Synfield and Councillor John Temple

**Votes Against** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor, Anne-Marie Loader and Councillor Daniel Smedley

**Motion lost by simple majority**

**Minute Reference: 122/2024**

## 11.2. PA\24\0098 - 23 Whiteleys Road, Meander

<b>Proposal</b>	Subdivision (4 lots) and drainage works
<b>Report Author</b>	Brenton Josey Town Planner
<b>Authorised By</b>	Krista Palfreyman Director Development and Regulatory Services

Mayor Wayne Johnston withdrew from the Meeting at 4.21pm

Deputy Mayor Stephanie Cameron suspended the Meeting for a break at 4.22pm

The Meeting resumed following the break at 4.27pm

Stephen Johnston spoke against the Recommendation

Greg Varcoe spoke against the Recommendation

Cheryl Varcoe spoke against the Recommendation

### **Motion**

That Council receives the Agenda Item tabled for PA\24\0098 - 23 Whiteleys Road, Meander and resolves to approve the application.

Refer to *Details* below for further specification of Council's decision and any conditions or notes.

**Moved** Councillor Ben Dudman

**Seconded** Councillor Michael Kelly

**Votes For** Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple, Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by simple majority**

**Minute Reference: 123/2024**

## 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*: section 65, *Local Government (Meeting Procedures) Regulations 2015*: section 25(2) and *Land Use and Approvals Act 1993*: sections 57-59.

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

## Recommendation

The application by Cohen & Associates for a Subdivision (4 lots) on land located at 23 Whiteleys Road, Meander (CT: 166035/2) with drainage works on 7 and 9 Whiteleys Road, Meander (CTs: 178715/2 and 178715/3) is recommended for approval generally in accordance with the Endorsed Plans, recommended Permit Conditions and Permit Notes.

## Endorsed Plan

- (a) Plan of Subdivision in accordance with Condition 1;
- (b) Bushfire Hazard Management Plan in accordance with Condition 1.

## Permit Conditions

1. Prior to the commencement of any works, amended documentation must be submitted for approval to the satisfaction of the Council. When approved, the amended documentation will be endorsed and will then form part of the permit. The amended documentation must include:

- (a) An amended Plan of Subdivision showing the realignment of the proposed drainage easement on 23 Whiteleys Road to accommodate the necessary drainage infrastructure as required by Conditions 2, 5 and 6.
  - (b) An amended Bushfire Hazard Management Plan reflecting the changes required in Condition 1 (a) to the satisfaction of the Council's Town Planner.
- 2. Prior to the commencement of any works the following must be submitted to the Council:
  - (a) Detailed engineering design documentation for stormwater services, road and vehicle crossing construction, including the extension of any of the Council's services required, to the satisfaction of the Council's Director Infrastructure Services. Detailed engineering documentation must be prepared by a suitably qualified civil engineer or other person approved by the Council's Director Infrastructure Services. The design documentation must incorporate the following:
    - i. Be in accordance with the Tasmanian Subdivision Guidelines and the Tasmanian Standard Drawings or modified to the satisfaction of the Council's Director Infrastructure Services.
    - ii. Soil stabilisation and erosion control in accordance with Condition 11.
    - iii. Details of road upgrades and associated roadside drainage for the extent of Whiteleys Road from the current sealed section of Whiteleys Road to shared boundary of 23 and 25 Whiteleys Road, in accordance with Condition 3.
    - iv. New vehicle crossings in accordance with Condition 4.
    - v. Calculations and layout plan for the major drainage system to accommodate a 1% Annual Exceedance Probability (AEP) storm event with climate change as per Australian Rainfall and Runoff 2019 RCP 8.5 scenario in 2100, and in accordance with Conditions 5 and 6.
    - vi. Details of the new underground drainage system, including invert levels showing the stormwater connection points for all lots and upgrade to the existing stormwater system to provide sufficient drainage capacity, in accordance with Conditions 6 and 7.
- 3. Whiteleys Road is to be upgraded to LGAT Local Road Hierarchy S3 standard from the current seal section of Whiteleys Road to the shared boundary of 23 and 25 Whiteleys Road in accordance with Tasmanian Standard Drawing R02-v3 to the satisfaction of the Council's Director Infrastructure Services. Refer to Note 1.

The Council will make a financial contribution to the road upgrades equivalent to a 50% share of the construction cost applicable to the sealing and widening.

- 4. Vehicle crossings must be constructed in accordance with Tasmanian Standard Drawings TSD-R03 and R04 to the satisfaction of the Council's Director Infrastructure Services. Refer to Note 1.



5. Overland flow paths that form part of the major drainage system must be constructed in accordance with the Australian Institute for Disaster Resilience's Handbook Collection – *Managing the Floodplain Handbook - Guideline 7-3 Flood Hazard*, to the satisfaction of the Council's Director Infrastructure Services.
6. No stormwater infrastructure works are permitted on properties outside those nominated in the application. Refer to Note 2.
7. Each lot must be provided with a stormwater lot connection, completed in accordance with Tasmanian Standard Drawing TSD-SW25, to the satisfaction of the Council's Director Infrastructure Services.
8. Soil stabilisation and erosion control measures must be implemented prior to the commencement of works and must be maintained for the duration of works and until such time as a ground cover is re-established, to the satisfaction of Council's Town Planner. The control measures must prevent pollutant and sediment runoff from discharging directly or indirectly into the Council's drains or private property
9. 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 by the consent in writing of the Council; and
  - (b) Such covenants or similar controls are submitted and received written approval by the Council prior to the submission of a Plan of Survey and associated title documentation for sealing.
10. Drainage easements are to be created over the Council's stormwater infrastructure within the new allotments in favour of the Council. Easement widths are to comply with Tasmanian Subdivision Guidelines, or as approved by the Council's Director Infrastructure Services.
11. The works required by the endorsed Bushfire Hazard Management Plan are to be completed to the satisfaction of the Tasmanian Fire Service or an accredited bushfire practitioner. Documentation of compliance is to be submitted to the satisfaction of the Council's Town Planner.
12. The developer must pay to the Council a public open space contribution of \$2,872, equivalent to 5% of the unimproved value of the approved lots.
13. Prior to the sealing of final plan:
  - (a) The infrastructure works must be completed as shown in the approved engineering design documentation, to the satisfaction of the Council's

- Director Infrastructure Services and in accordance with Conditions 2, 3, 4, 5 and 7.
- (b) Provision of the as-constructed documentation of infrastructure works to be taken over by the Council, to the satisfaction of the Council's Director Infrastructure Services.
  - (c) Easements shown on the final plan of survey, as per Condition 10.
  - (d) Documentation of compliance by the Tasmania Fire Service or an accredited bushfire practitioner submitted to the Council demonstrating that the works as required by the endorsed Bushfire Hazard Management Plan have been completed, in accordance with Condition 11 to the satisfaction of the Council's Town Planner.
  - (e) Payment of the public open space contribution in accordance with Condition 12.
14. The lots approved by this permit must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.
15. The constructed overland flow path must remain free from obstructions at all times to the satisfaction of the Council's Director Infrastructure Services.

### Permit Notes

1. The Council will provide details on the process for achieving practical completion for the subdivision and the documentation required at the time of providing approval for the engineering.
2. Nominated properties in the application are 23 Whiteleys Road, Meander (CT: 166035/2) with drainage works on 7 and 9 Whiteleys Road, Meander (CTs: 178715/2 and 178715/3).
3. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
4. This permit takes effect after:
  - (a) The 14-day appeal period expires; or
  - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal (TASCAT) is determined or abandoned; or
  - (c) Any other required approvals under this or any other Act are granted.
5. Planning appeals can be lodged with TASCAT Registrar within 14 days of the Council serving notice of its decision on the applicant. For further information, visit the TASCAT website.
6. This permit is valid for two years only from the date of approval. It will lapse if the

development is not substantially commenced. The Council has discretion to grant an extension by request.

7. All permits issued by the planning authority are public documents. Members of the public may view this permit (including the endorsed documents) at the Council Offices on request.
8. 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.

Mayor Wayne Johnston returned to the Meeting at 4:49 pm

Mayor Wayne Johnston resumed the Chair at 4:49 pm

## 12. Development and Regulatory Services

### 12.1. Review of Policy No. 62: Adhesion Orders

<b>File Reference</b>	S13-11-002
<b>Report Author</b>	Krista Palfreyman Director Development and Regulatory Services
<b>Authorised By</b>	Jonathan Harmey General Manager

#### Motion

That Council endorses minor amendments and continuation of Policy No. 62: Adhesion Orders, as shown below:

<b>Policy No. 62</b>	<b>Adhesion Orders</b>
<b>Purpose</b>	The purpose of this Policy is to clarify the Council's position with respect to requests for adhesion orders.
<b>Department Author</b>	Development and Regulatory Services Krista Palfreyman, Director
<b>Council Meeting Date</b> <b>Minute Reference</b>	10 September 2024 124/2024
<b>Next Review Date</b>	<b>September 2028</b>

#### POLICY

#### 1. Definitions

<i>Adhesion Order</i>	Is an order of the Council that the parcels comprised in the block subject to the order are not to be dealt with so that they come into the possession of different persons for an estate of freehold at law or in equity or for a term at law or in equity of three years or more.
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#### 2. Objective

To outline the basis on which the Council may or may not issue adhesion orders.

### **3. Scope**

This Policy applies to all requests for adhesion orders.

### **4. Policy**

#### ***Approval of Application for Adhesion Order***

The Council may grant an adhesion order where the requirements of section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) are met.

This would occur where two more adjoining lots are involved and held in common ownership and at least one lot is of a sub-minimal size according to the minimum lot size requirements of the zone under the Tasmanian Planning Scheme – Meander Valley. *Note: section 110(2) of the Act also outlines circumstances where approval could not be given.*

#### ***Removal of Adhesion Orders***

The Council will only approve the removal of an adhesion order if such application to the Council is accompanied by a development application for subdivision in accordance with the Planning Scheme.

#### ***Refusal of Application for Adhesion Orders***

Where the requirements of section 110 of the Act cannot be met, the application for an adhesion order will be refused. In these circumstances and where a Part 5 agreement is not appropriate, the Council will require the applicant to make an application for subdivision in accordance with *the Land Use Planning and Approvals Act 1993*.

### **5. Legislation and Related Standards**

*Local Government (Building and Miscellaneous Provisions) Act 1993*  
*Land Use Planning and Approvals Act 1993*

### **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services

**Moved** Councillor Ben Dudman

**Seconded** Councillor Anne-Marie Loader

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by simple majority**

**Minute Reference: 124/2024**

## 13. Community Wellbeing

### 13.1. Draft Community Strategic Plan 2024-34 - Release for Public Comment

<b>File Reference</b>	S13-12-016
<b>Report Author</b>	Nate Austen Manager Community Wellbeing
<b>Authorised By</b>	Jonathan Harmey General Manager

#### Motion

That Council:

1. approves the Draft *Community Strategic Plan 2024-34* (Attachment 1); and
2. releases the Draft *Community Strategic Plan 2024-34* for public comment.

**Moved** Councillor Anne-Marie Loader

**Seconded** Deputy Mayor Stephanie Cameron

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader and Councillor Daniel Smedley

**Votes Against** Councillor Rodney Synfield and Councillor John Temple

**Motion carried by simple majority**

**Minute Reference: 125/2024**

## 14. Infrastructure Services

### 14.1. Discontinue Policy No. 4: Subsidised Waste Disposal for Community Groups

<b>File Reference</b>	S13-11-002
<b>Report Author</b>	David Murray Director Infrastructure Services
<b>Authorised By</b>	Jonathan Harmey General Manager

#### Motion

That Council makes Policy No. 4: Subsidised Waste Disposal for Community Groups redundant and removes it from the Policy Manual.

**Moved** Councillor Ben Dudman

**Seconded** Councillor Daniel Smedley

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by simple majority**

**Minute Reference: 126/2024**



## 14.2. Review of Policy No. 72: Approval to Occupy Road Reserves

<b>File Reference</b>	S13-11-002
<b>Report Author</b>	David Murray Director Infrastructure Services
<b>Authorised By</b>	Jonathan Harmey General Manager

### Motion

That Council endorses continuation of Policy No. 72: Approval to Occupy Road Reserves.

<b>Policy No. 72</b>	<b>Approval to Occupy Road Reserves</b>
<b>Purpose</b>	The purpose of this Policy is to establish a basis for the approval and controlled management of occupation of the Council's road reserves for street dining, sale of goods, minor structures, skip bins or business signs within townships.
<b>Department Author</b>	Infrastructure Services David Murray, Director
<b>Council Meeting Date</b>	10 September 2024
<b>Resolution Number</b>	127/2024
<b>Next Review Date</b>	September 2028

<b>POLICY</b>
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### 1. Definitions

<i>Occupation Licence</i>	A licence issued by the Council to occupy a portion of the road reserve.
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### 2. Objective

To support business development and growth through the controlled occupancy of the Council's road reserves and provide a basis for the assessment of licence applications.

### **3. Scope**

This Policy applies to all road reserves within the municipality for which the Council is responsible.

### **4. Policy**

- a. The Council will support street dining, sale of certain goods, operation of mobile food vans, skip bins and minor non-permanent structures in areas of the road reserve subject to assessment of associated risks.
- b. The assessment of applications for road occupancy will be undertaken in line with legislative requirements, sound risk management processes and prioritise public safety.
- c. Generally, licenses will be issued by the Council for a 12 month or 24 month period depending on the nature of the occupancy.
- d. The Council may terminate or amend a licence should:
  - i. a safety incident occur or is likely to occur, or
  - ii. a significant nuisance is caused, or
  - iii. the licensee fails to comply with occupancy guidelines.
- e. Licence holders must hold public liability and products liability insurance cover in accordance with the guidelines for the duration of the licence period.
- f. Guidelines for Policy No. 72 should be read in conjunction with this Policy.

### **5. Legislation and Related Standards**

*Local Government (Highways) Act 1982*

*Traffic Act 1925*

*Vehicle and Traffic Act 1999*

*Road Rules 2019*

### **6. Responsibility**

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

**Moved** Councillor Ben Dudman

**Seconded** Councillor Anne-Marie Loader

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by simple majority**

**Minute Reference: 127/2024**

## 15. Motion to Close Meeting

*Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 15(1)*

**Vote** Absolute majority

### Recommendation

That Council, by absolute majority, closes the Meeting to the public for discussion of the Agenda Items listed below:

### 15.2 Confirmation of Closed Minutes

*Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 34(2)*

### 15.4 Contract No. 260-2024-25 – Asphalt and Bituminous Sealing of Roads

*Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.*

### 15.5 End of Closed Session and Release of Public Information

*Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 15(8)*

To be determined in Closed Council.

**Moved** Councillor Michael Kelly

**Seconded** Councillor Ben Dudman

**Votes For** Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

**Votes Against** Nil

**Motion carried by absolute majority**

**Minute Reference: 128/2024**

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Council moved into Closed Session at 5.03pm  
Council returned to Open Session at 5.16pm

# 16. End of Closed Session and Release of Public Information

## 16.1 End of Closed Session and Release of Public Information

Refer to Local Government (Meeting Procedures) Regulations 2015: section 15(8)

That Council, pursuant to Regulation 34(1)(b) of the Local Government (Meeting Procedures) Regulations 2015, resolves to report in Open Session that it has considered the following matters in Closed Session:

Minutes Item	Matter	Brief Description and Release of Public Information
15.2	Closed Council Minutes – 13 August 2024	<i>No information to be released to the public.</i>
15.4	Contract No. 260-2024-25 – Asphalt and Bituminous Sealing of Roads	<i>Information relating to the name of the successful tenderer is to be released.</i>

# 17. Close of Meeting

Mayor Wayne Johnston closed the Meeting at 5.16pm.

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Mayor Wayne Johnston  
Chairperson