



Meander Valley Council
Working Together

MINUTES

ORDINARY COUNCIL MEETING

Tuesday, 13 August 2024

Time 3.04pm

Location Council Chambers
26 Lyall Street
Westbury, Tasmania

Telephone (03) 6393 5300

Attendance

Chairperson

Councillors Present

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

Apologies

Nil

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
George Walker	Consultant Planner (Agenda Item 12.1)
Natasha Whiteley	Team Leader Town Planning (Agenda Item 12.2)
Brenton Josey	Town Planner (Agenda Item 12.3)
Madeline McKinnell	Team Leader Environmental Health (Agenda Item 12.2)
Wezley Frankcombe	Manager Governance and Legal
Anthea Rooney	Governance Officer

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1. Opening of Meeting and Apologies

Mayor Wayne Johnston opened the Meeting at 3.04pm and noted there were no apologies for the Meeting.

2. Acknowledgment of Country

The Chairperson acknowledged the Pallitore and Panninher past peoples and the traditional owners and custodians of the land on which we gather for the Council Meeting, paid respects to elders past and present, extended those respects to all Aboriginal and Torres Strait Islander peoples present and acknowledged all those who came after the traditional owners and custodians.

3. Confirmation of Minutes

Motion That Council receives and confirms the Minutes of the last Ordinary Council Meeting held on 9 July 2024.

Moved Councillor Anne-Marie Loader

Seconded Councillor Daniel Smedley

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 103/2024

4. Declarations of Interest

Councillor Anne-Marie Loader declared an interest in Agenda Item 12.1 - PA\24\0192 - 121A Dexter Street, Westbury and elected to leave the Chambers during discussion and voting on the Agenda Item.

Deputy Mayor Stephanie Cameron declared in interest in Agenda Item 12.2 - PA\24\0256 - 9 Franklin Street, Westbury and elected to leave the Chambers during discussion and voting on the Agenda Item.

5. Council Workshop Report

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

Topics Discussed – 23 July 2024

Planning Applications for August Council Meeting

Councillors discussed upcoming Planning Applications for the August Council Meeting.

State Emergency Services Update

Councillors received a briefing of the Council's responsibilities around Municipal Emergency Management requirements.

Place Brand Presentation – *For The People*

Councillors received a presentation from consultants, For The People, on the draft Meander Valley brand strategy.

PA\24\0117 – Update of TASCAT Planning Appeal

Councillors received an update of the Tasmanian Civil and Administrative Tribunal (TASCAT) Planning Appeal.

New Carrick Structure Plan – Project Overview

Councillors received a briefing on the Carrick Structure Plan prior to stage one of public consultation.

Australia Day Community Celebrations – Awards and Format

Councillors were asked to provide direction and finalization of the 2025 Volunteer and Community Award Categories along with the 2025 event location and date.

Review of Policy No. 77: Rates and Charges

Councillors received the review of Policy No. 77: Rates and Charges and proposed minor amendments.

Review of Policy No. 92: Financial Hardship Assistance

Councillors received the review of Policy No. 92: Financial Hardship and proposed minor amendments.

Community Strategic Plan Development Update

Councillors received an update on the Community Strategic Plan process as the Council works towards a draft document for Council endorsement and release for community submissions.



Carbon and Energy Footprint Report

Councillors received an update on the Carbon and Energy Footprint and the next steps.

Valuation of Land

Councillors discussed the potential sale of land.

Items for Noting

APEX Caravan Park Lease Update

Councillors were provided with an update on lease arrangements with the Apex Club of Deloraine Inc.

Short Walks Update

Councillors received information regarding the Short Walks project.

6. Mayor and Councillors' Reports

Councillors' Official Activities and Engagements Since Last Meeting

Mayor Wayne Johnston

Attended the following events:

- 15 July 2024 – Meeting with The Honourable Guy Barnett LL.M., Attorney General and Minister for Justice, Health, Mental Health and Wellbeing and Veterans' Affairs
- 24 July 2024 – Attended the TasWater Local Government Association of Tasmania Meeting
- 26 July 2024 – Attended the Local Government Association of Tasmania Meeting and the Annual General Meeting

Councillor Kevin House

Attended the following events:

- 23 July 2024 – Attended the Community Grants and Sponsorship Committee Meeting

Councillor Anne-Marie Loader

Attended the following events:

- 23 July 2024 – Attended the Community Grants and Sponsorship Committee Meeting
- 24 July 2024 – Attended the Great Western Tiers Tourism Association Meeting in Deloraine
- 27 July 2024 – Attended the Local Government Association of Tasmania Elected Members Day in Devonport
- 30 July 2024 – Attended the Homelessness Advisory Committee Meeting in Launceston
- 10 August 2024 – Presented at the Science Week Exhibition: *Cryptic Wonders* event in Westbury

Councillors' Announcements and Acknowledgements

- Councillor John Temple noted the death of former Westbury Councillor Phillip Beveridge. Condolences were extended to his family and friends.
- Councillor Kevin House noted the homelessness walk held on 7 August 2024 reminding those listening about the social challenges faced in the community regarding homelessness.
- Councillor Anne-Marie Loader noted that Science Week activities are currently being held in the Town Hall until Friday, 16 August 2024.

7. Petitions

For further information about Petitions, refer to the Local Government Act 1993: sections 57-60A

No new Petitions or Actions on Previous Petitions were received as part of these Minutes

8. 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.

Malcolm Eastley – TasWater Issues in Meander Valley

Mr Eastley noted that the opportunity to develop Hadspen in order to improve its current housing crisis has been delayed for approximately five years because of inactivity of TasWater and its lack of action. It is believed there are ample opportunities to solve the issues that includes using waste water for fodder irrigation as proven in areas such as Dubbo and Tamworth. This sort of development can increase treatment plant capacity and reduce by TasWater treatment costs by approximately 20%. Initially, TasWater was formed as Councils were restricted to 10 year loan periods from TasCorp limiting borrowing capacity on major infrastructure and as neither TasWater nor the Regulator have the administrative capacity to make the necessary change there is an opportunity for the Council to initiate discussion with the Department of Finance. The continuing problems appear to be crippling some businesses in the region.

9. Public Question Time

9.1. 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

Ralph and Jill Wayment – Proposed Bauxite Mine at Reedy Marsh – submitted in writing on 11 July 2024

1. Will the Meander Valley Council undertake an independent and thorough wildlife survey before giving approval to the mine?

Krista Palfreyman (Director Development and Regulatory Services) advised that *as the proposal is a Level 2 Activity, assessment of impact to wildlife is the responsibility of the Environment Protection Authority Tasmania, as part of their decision made under the Environmental Management and Pollution Control Act 1994. The Meander Valley Council will not undertake its own wildlife survey as part of the decision-making process for the proposed Bauxite Mine off Porters Bridge Road, Reedy Marsh (PA\24\0052).*

2. Will the Meander Valley Council extend Deloraine's town water supply to be free to all of Reedy Marsh before giving approval to the mine so as to mitigate the health effects of bauxite polluted rainwater tanks on Reedy Marsh residents?

Krista Palfreyman (Director Development and Regulatory Services) advised that *the proposal is a Level 2 Activity, assessment of air quality is the responsibility of the Environment Protection Authority Tasmania, as part of their decision made under the Environmental Management and Pollution Control Act 1994. Any extension of the town water supply is a question to be referred to TasWater.*

Question

Loakim Katakos – Proposed Bauxite Mine at Reedy Marsh – submitted in writing on 11 July 2024

1. Why should the rate payers of the Meander Valley Council be burdened with higher costs of road maintenance if there is no tangible benefit to the community by use of the ABX mine?
2. Who and how and to what degree will road integrity be policed over the proposed 20 year life span of the mine?

David Murray (Director Infrastructure Services) advised that *no decision on the ABX application has been determined. Assessment of the proposed bauxite mine at Reedy Marsh currently sits with the Environmental Protection Authority Tasmania for approval. Should a proposed mine be approved by the Environmental Protection Agency, consideration will be given to any additional road safety, maintenance inspection and rectification requirements as part of the Planning Application process.*

Question

Jack Bower – Community Housing – submitted in writing on 24 July 2024

1. Given the need and the successes of direct deliberative democracy initiatives elsewhere in Australia, especially so in the context of local government, will Launceston Council in collaboration with adjoining councils now look with an open mind at how initiatives like the one in North Sydney can now be put in place so that the concept of community housing in the region might have a better chance of helping more people in need of housing, plus property owners, plus developers and investors, plus builders and designers, along with government planners, in the region and in the city as well as the region's towns might better deal with housing issues more effectively and more productively and in much wider community housing context?

Jonathan Harmey (General Manager) advised that *the State Government is responsible for the provision and management of community housing (social housing) options for Tasmanians on low incomes.*

Northern Tasmanian Councils currently work together on assisting the State Government's Planning Scheme and local planning provisions – these guide property development for land owners. In conjunction with the Tasmanian Government, Northern Councils will continue to work collaboratively as a region to progress planning regulations in the future.

Question

Brian Mitchelson – Speed Zones in Westbury – submitting in writing on 2 August 2024

1. Did the Meander Valley Council request the speed limit be dropped to 50km/h on William Street, Westbury and if so, why?

David Murray (Director Infrastructure Services) advised that *Meander Valley Council requested the speed limit on William Street (Meander Valley Road to Lyttleton Street) to be lowered to 50km/h in 2014. The request was subsequently approved by the Commissioner for Transport. The increase in urban development along this section of William Street was the primary reason for this change.*

2. Would the Council consider looking at this [speed limit] with the idea of moving where the 50km/h zone starts with consideration to other information previously provided?

David Murray (Director Infrastructure Services) advised that *the Council considers the current speed limit of 50km/h to be appropriate for the current environment given the levels urban residential development and existence of an active rail crossing within this section of road. The Council is not intending to modify the extent of the zone.*

9.2. Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 31(2)(b)

(Members of the public who ask Questions Without Notice at a Meeting will have both the question and any answer provided recorded in the Minutes. If the Council's Officers are unable to answer the question asked at the Meeting, the question and a response will be provided in the next Council Meeting Agenda).

Question

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

1. When will the drainage issues, on the east side of William Street between King and Dexter Streets, be fixed and returned to the way they were with functioning kerb and guttering?

Jonathan Harmey (General Manager) advised that as this is the first time these concerns have been raised and as such these concerns would be investigated.

2. 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?

Mayor Wayne Johnston advised that this question would be Taken on Notice and a response provided in the Council Agenda of 10 September 2024.

Question

Sean Manners - Greenhouse Gas Audit - asked at the Council Meeting on 13 August 2024

1. With regard to the Meander Valley Council's Policy No. 91: Climate Change Mitigation and Adaptation which was adopted four months ago, one of the key actions was a greenhouse gas audit in the Meander Valley region. When is it likely that a greenhouse gas audit will be undertaken?

Jonathan Harmey (General Manager) advised that with the review of the Climate Change Mitigation and Adaptation Policy a number of areas were identified including the undertaking of a carbon audit by the Council. This task has commenced and the Council's Officers have provided input into the Consultant's report. A draft report has been received and initial conversations have occurred with the Councillors. The next step is to undertake a risk assessment around climate change. It is believed that these two steps will provide the Councillors with a mechanism to identify what actions they would like to take in the future. That work surrounding the risk assessment has commenced this week and the results will be combined with a final carbon audit to inform the Council's position in the future.

2. Another aspect of the Policy was that of training for staff and provision of community awareness regarding climate change - is that in train as well?

Jonathan Harmey (General Manager) noted that previously advised information and the ensuing Workshop regarding the risk assessment would contribute to staff training, however, as far as community awareness information, nothing has been identified at this time. The Council is aware that the Northern Tasmanian Alliance of Resilient Councils have undertaken some public sessions in the past. The Meander Valley Council will undertake further development work in the future.

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 house and weekend work of the noisy machinery operating at the quarries?

***Mayor Wayne Johnston** advised that these questions would be Taken on Notice and responses provided in the Council Agenda of 10 September 2024.*

Question

Malcolm Eastley - Public Meeting - asked at the Council Meeting held on 13 August 2024

1. Would the Council consider organising a meeting with all Councillors and some small businesses involved in Deloraine food and accommodation industries to advise of problems being faced?

***Mayor Wayne Johnston** advised that this matter will be considered and discussed at an upcoming Workshop and contact will be made with you following the discussions regarding businesses to be contacted.*

Question

Shane Westley - ABX Bauxite Mine Traffic Concerns - asked at the Council Meeting on 13 August 2024

1. With regard to a recent collision on River Road and the proposed ABX bauxite mine at Reedy Marsh, how will the Meander Valley Council ensure the safety of residents, tourists, bike riders and general road users along River Road and Porters Bridge Road in the future?

***Jonathan Harmey (General Manager)** noted that the application information for the ABX mining operation at Reedy Marsh has been referred to the State Government for assessment and the Council is awaiting a response in order to consider future infrastructure impacts or requirements, etc. If the State Government does provide approval, the Council will consider infrastructure impacts on Porters Bridge Road. No decision has been made at this point in time.*

10. Councillor Question Time

10.1. Councillors' Questions With Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 30

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

No Councillors' Questions on Notice were received as part of these Minutes

10.2. Councillors' Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 29

(Councillors who ask Questions Without Notice at a Meeting will have the question answered at the Meeting. Questions and responses will not be recorded in the Minutes of the Meeting. If the Council's Officers are unable to answer the question asked at the Meeting, the question and a response will be provided in the next Council Meeting Agenda).

No Councillors' Questions Without Notice were received as part of these Minutes

11. Councillors' Notices of Motion

Local Government (Meeting Procedures) Regulations 2015 – Regulation 16

No Councillors' Notices of Motion were received as part of these Minutes

12. Planning Authority Reports

12.1. PA\24\0192 - 121A Dexter Street, Westbury

Proposal	Multiple Dwellings (10 Units)
Report Author	George Walker Planning Consultant
Authorised By	Krista Palfreyman Director Development and Regulatory Services

Councillor Anne-Marie Loader left the Meeting at 3:34pm.

Rebecca Hanby spoke against the Recommendation
Ian Gonnion (Developer) spoke for the Recommendation

Motion That Council receives the Agenda report tabled for PA\24\0192 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	Deputy Mayor Stephanie Cameron
Votes For	Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, Councillor Michael Kelly and Councillor Daniel Smedley
Votes Against	Councillor Rodney Synfield and Councillor John Temple
Declaration of Interest	Councillor Anne-Marie Loader

Motion carried by simple majority

Minute Reference: 104/2024

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 Steve Jordan Drafting for Multiple Dwellings (10 units) on land located at 121A Dexter Street, Westbury (CT: 170123/1) is recommended for approval generally in accordance with the Endorsed Plans and recommended Permit Conditions and Permit Notes.

Endorsed Plan

- (a) Steve Jordan Drafting; Dated: February 2024; Drawing No.: SJD 24/13 – 01, 02A, 03-06, 07A, 08-15; Sheet: 01-15;
- (b) Steve Jordan Drafting; Dated: August 2021; Drawing No.: SJD 24/13 – 16; Sheet: 16;
- (c) Steve Jordan Drafting; Dated: August 2021; Drawing No.: SJD 21/61 – 17; Sheet: 17;
- (d) Hydrodynamica; Dated: 11 April 2024; Flood Prone Area Code Response 121A Dexter Street, Westbury;
- (e) NTCADS Pty Ltd; Dated: 01/05/2024; Traffic Impact Assessment; Revision: 1.

Permit Conditions

1. Shared Zone signage is to be installed within the property boundary at the entrance to the site where it is clearly visible, to the satisfaction of the Council's Town Planner. The sign must indicate to all users that the space is a shared pedestrian and vehicle environment and there is a speed limit of 10km/h.
2. The visitor parking spaces must be clearly dedicated through line marking and incidental signage to the satisfaction of the Council's Town Planner.
3. Stormwater runoff from the driveway and building areas is to be captured (excluding any water associated with the overland flow path) and directed to the public stormwater system so that concentrated or nuisance flows do not cross the property boundaries to adjoining land.
4. An overland flow path must be constructed to direct overland flows from the southeast corner of the site through to the northwest corner of the site, to the satisfaction of the Council's Director Infrastructure Services. In accordance with the Australian Institute for Disaster Resilience's Handbook Collection – *Managing the Floodplain Handbook - Guideline 7-3 Flood Hazard*, the development land must not exceed *H1* Hazard Vulnerability Class during the 1% AEP storm event.

5. The constructed overland flow path required in condition 4 must remain free from obstructions at all times including from new buildings, kerb, internal driveway and fencing, to the satisfaction of the Council's Director Infrastructure Services. Any fencing must be suspended above the overland flow path (refer to Note 1).
6. A stormwater detention system must be constructed to the satisfaction of the Council's Director Infrastructure Services. The stormwater detention system must achieve the following:
 - a. the peak discharges are not increased by the proposed development and that there are no adverse impacts on upstream and downstream flooding for the critical 10% AEP, 5% AEP and 1% AEP storm events;
 - b. the detention system must be constructed to prevent blockages;
 - c. the overflow from the detention system must be directed to northwest corner of the development land.
7. The finished floor level of any habitable room must be constructed 300mm above the 1% Annual Exceedance Probability (AEP) flood water level determined in the endorsed Flood Prone Area Hazard Code Assessment.
8. All buildings, including footings and associated soil fill, must be offset by a minimum of 1m or a distance that is accepted by the Council's Director Infrastructure Services, from the existing Council stormwater pipe/pit to the satisfaction of the Council's Director Infrastructure Services.
9. All buildings, including footings, and associated soil fill, must be located entirely outside of the existing drainage easement or as consented to by the Council's General Manager under the *Urban Drainage Act 2013* (refer to Note 2).
10. The stormwater connection must be completed in accordance with Tasmanian Standard Drawing TSD-SW25 to the satisfaction of the Council's Director Infrastructure Services.
11. Prior to the commencement of works the following must be submitted to the satisfaction of the Council:
 - a. Amended plans must be submitted for approval to the satisfaction of the Council's Town Planner. When approved plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must demonstrate:
 - i. the finished floor level of any habitable room to be constructed 300mm above the 1% Annual Exceedance Probability (AFP) in accordance with Condition 7.
 - ii. the dwellings located from the existing stormwater pipe/pit in accordance Condition 8.

- b. Detailed engineering design documentation must be prepared by a suitably qualified civil engineer or other person approved by the Council's Director Infrastructure Services and be submitted for approval to the satisfaction of the Council's Director Infrastructure Services. The design documentation must include the following:
 - i. detailed design of the overland flow path in accordance with Conditions 4 and 6.c.
 - ii. detailed design of the stormwater detention system in accordance with Condition 6.
 - iii. detailed design of the stormwater connection in accordance with Condition 10.
12. Prior to the commencement of use the following must be completed to the satisfaction of the Council:
- a. Shared Zone signage erected in accordance with Condition 1, to the satisfaction of the Council's Town Planner.
 - b. Visitor parking spaces delineated in accordance with Condition 2, to the satisfaction of the Council's Town Planner.
 - c. The overland flow path constructed in accordance with Conditions 4, 6.c. and 11.b., to the satisfaction of the Council's Director Infrastructure Services.
 - d. Stormwater connection installed in accordance with Conditions 10 and 11.b, to the satisfaction of the Council's Director Infrastructure Services.
 - e. Evidence submitted to the satisfaction of the Council's Town Planner to demonstrate that the floor levels of habitable rooms for each unit is constructed in accordance with Conditions 7 (refer to Note 3).
 - f. A statement from the design engineer submitted to the satisfaction of the Council's Director Infrastructure Services and the Council's Plumbing Surveyor confirming that:
 - i. the overland flow path has been constructed as intended and in accordance with Conditions 4, 6.c. and 11.b.
 - ii. the on-site stormwater detention system is constructed as intended and in accordance with Condition 6.
13. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2024/00268-MVC).

Permit Notes

1. Swinging gates hanging from the bottom of fences or similar are an acceptable solution. Please contact the Council's Infrastructure Services Department on 6393 5312 for further clarification.
2. Consent from the Council's General Manager is required for any work to be undertaken within a drainage easement in favour of the Council under the *Urban Drainage Act 2013*. Any work proposed within a drainage easement will require a separate application to be submitted to the Council. For further information regarding this, please contact the Council's Infrastructure Services Department on 6393 5312.
3. Evidence by way of a survey will be accepted by the Council.
4. The Council will not accept kerb side collection from Dexter Street. Private collection of waste is likely to be required. Please contact the Council's Infrastructure Department on 6393 5312 to discuss.
5. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

12.2. PA\24\0256 - 9 Franklin Street, Westbury

Proposal	Sport and Recreation (4 x light poles)
Report Author	Leanne Rabjohns Town Planner
Authorised By	Krista Palfreyman Director Development and Regulatory Services

Councillor Anne-Marie Loader returned to the Meeting at 4:00pm

Deputy Mayor Stephanie Cameron left the Meeting at 4:01pm

Motion That Council receives the Agenda report tabled for PA\24\0256 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	Mayor Wayne Johnston, Councillor Ben Dudman, Councillor Kevin House, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield and Councillor Daniel Smedley
Votes Against	Councillor John Temple
Declaration of Interest	Deputy Mayor Stephanie Cameron

Motion carried by simple majority

Minute Reference: 105/2024

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 J Frost for Sports and Recreation (light poles x 4) on land located at 9 Franklin Street, Westbury (CT: 134092/2) is recommended for approval generally in accordance with the Endorsed Plans and recommended Permit Conditions and Permit Notes.

Endorsed Plans

- (a) Julian Frost – email dated 14 June 2024, operational details;
- (b) Champion Pro – light details;
- (c) Ingal EPS – pole details (5 pages); and
- (d) Zumtobel group – lighting details and site plan.

Permit Conditions

1. The LED flood lights must only operate between 4pm to 11pm daily.
2. Prior to the commencement of works amended plans must be submitted for approval to the satisfaction of the Council's Town Planner and Environmental Health Officer. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and must show:
 - (a) the surrounding sensitive receivers are all within the limits of the AS/NZ 4282:2023 Control of the obtrusive effects of outdoor lighting.
3. Prior to commencement of use the following must be submitted to the satisfaction of the Council's Town Planner and Environmental Health Officer:
 - (a) a validation report completed by a suitably qualified person, to demonstrate that the external lighting operates in accordance with AS/NZS 4282:2023.

Permit Notes

1. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
2. 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.
3. 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.
4. 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.
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 Offices 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.

Amendment 1 At the end of Condition 1, include the words:

However, it is recommended that the lights normally are extinguished by 10pm.

Moved Councillor John Temple

Seconded Councillor Rodney Synfield

Votes For Councillor John Temple

Votes Against Mayor Wayne Johnston, Councillor Ben Dudman, Councillor Kevin House, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield and Councillor Daniel Smedley

Declaration of Interest Deputy Mayor Stephanie Cameron

Motion lost by simple majority

Minute Reference: 105a/2024

Amendment 2 Include as Note 7:

It is recommended that the lights normally are extinguished by 10pm.

Moved Councillor John Temple

Seconded Councillor Kevin House

Votes For Mayor Wayne Johnston, Councillor Kevin House, Councillor Rodney Synfield and Councillor John Temple

Votes Against Councillor Ben Dudman, Councillor Michael Kelly, Councillor Anne-Marie Loader and Councillor Daniel Smedley

Declaration of Interest Deputy Mayor Stephanie Cameron

Motion lost by simple majority

Minute Reference: 105b/2024

Procedural Motion That the motion be now put.

Moved Councillor Ben Dudman

Seconded Councillor Daniel Smedley

Votes For Mayor Wayne Johnston, Councillor Ben Dudman, Councillor Kevin House, Councillor Michael Kelly, Councillor Anne-Marie Loader, Councillor Rodney Synfield, Councillor John Temple and Councillor Daniel Smedley

Votes Against Nil

Declaration of Interest Deputy Mayor Stephanie Cameron

Motion carried by simple majority

Minute Reference: 105c/2024

12.3. PA\24\0174 - 170 King Street, Westbury

Proposal	Subdivision (3 lots)
Report Author	Brenton Josey Town Planner
Authorised By	Krista Palfreyman Director Development and Regulatory Services

Councillor Daniel Smedley left the meeting at 4:35pm

Councillor Daniel Smedley returned to the meeting at 4:38pm

Deputy Mayor Stephanie Cameron returned to the meeting at 4:36pm

Motion That Council receives the Agenda report tabled for PA\24\0174 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 Ben Dudman

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 106/2024

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 PDA Surveyors Engineers and Planners obo C McQueen for a Subdivision (3 lots) on land located at 170 King Street, Westbury (CT: 147147/1) is recommended for approval generally in accordance with the Endorsed Plans, recommended Permit Conditions and Permit Notes.

Endorsed Plans

- (a) Plan of subdivision in accordance with Condition 1.
- (b) Autumn Leaves Consulting; Bushfire Hazard Assessment and Management Plans; Dated 23 March 2024 - Reference LC-BFM 2024/13.

Permit Conditions

1. Prior to commencement of any works an amended plan of subdivision must be submitted for approval to the satisfaction of the Council's Town Planner. When approved, the amended plan of subdivision will be endorsed and will then form part of the permit. The amended plan of subdivision must show:
 - (a) Removal of the stormwater lot connection for Lot 3.
2. 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 for and receive written approval by the Council prior to submission of a Plan of Survey and associated title documentation is submitted to the Council for sealing.
3. The vehicle crossing for Lots 2 and 3 must be constructed in accordance with Tasmanian Standard Drawings TSD-R03 and R04 to the satisfaction of the Council's Director Infrastructure Services (Refer Note 1 and 2).

4. The new stormwater connection to service Lot 2 must be connected to the Council's open drain on King Street including a subsoil endwall and all surfaces fully reinstated to the satisfaction of the Council's Director Infrastructure Services Department (Refer Note 1 and 2).
5. The developer must pay to the Council a public open space contribution of \$3,507, equivalent to 5% of the unimproved value of the approved lots.
6. Prior to the sealing of the final plan of survey the following must be completed to the satisfaction of the Council:
 - (a) No new lot boundaries pass through or within 1m of existing structures;
 - (b) All lots must have hydraulic separation to the satisfaction of the Council's Plumbing Surveyor (Refer Note 3);
 - (c) Vehicle crossings completed in accordance with Condition 3;
 - (d) Stormwater lot connection installed in accordance with Condition 4; and
 - (e) Payment of the public open space contribution in accordance with Condition 5.
7. The lots approved by this permit must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.
8. The development must be in accordance with the Notice of Heritage Decision issued by the Tasmanian Heritage Council (THC Works Ref: WA8364).
9. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2024/00137-MVC).

Permit Notes

1. Works in the road reserve 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. It is strongly recommended that the property owner contact the Council to discuss the proposed works before engaging a contractor for these works. All enquiries should be directed to the Council's Infrastructure Services Department on 6393 5312.
2. For all works associated with the subdivision, Heritage Tasmania should be consulted.
3. Any questions regarding this should be directed to the Council's Plumbing Surveyor on 6393 5320.

4. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

Council adjourned for a break at 4.49pm

Council resumed following the break at 5.01pm

13. Corporate Services

13.1. Audit Panel Annual Report 2023-24 and Annual Workplan 2024-25

File Reference	S13-12-013
Report Author	Craig Davies Director Corporate Services
Authorised By	Jonathan Harmey General Manager

Motion That Council:

1. receives the Audit Panel's Annual Report for 2023-24 (as provided in Attachment 1); and
2. approves the Audit Panel's Annual Workplan for 2024-25 (as provided in Attachment 2).

Moved Councillor Michael Kelly

Seconded Councillor Kevin House

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 107/2024

13.2. Audit Panel Minutes - 25 June 2024

File Reference S13-12-013

Report Author Craig Davies
Director Corporate Services

Authorised By Jonathan Harmey
General Manager

Motion That Council receives the Minutes of the Audit Panel Meeting, held on 25 June 2024 and provided (as provided in Attachment 1).

Moved Councillor Michael Kelly
Seconded Councillor Ben Dudman
Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 108/2024

13.3. Appointment of Audit Panel Member

File Reference S13-12-013

Report Author Craig Davies
Director Corporate Services

Authorised By Jonathan Harmey
General Manager

Motion That Council, pursuant to section 23 of the *Local Government Act 1993*, nominates and appoints Councillor John Temple to the Meander Valley Council's Audit Panel.

Moved Councillor Kevin House

Seconded Councillor Anne-Marie Loader

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 109/2024

13.4. Review of Policy No. 92: Financial Hardship Assistance

File Reference	S13-11-002
Report Author	Craig Davies Director Corporate Services
Authorised By	Jonathan Harmey General Manager

Motion

That Council endorses minor amendments and continuation of Policy No. 92: Financial Hardship Assistance, as shown below:

Policy No. 92	Financial Hardship Assistance
Purpose	The purpose of this Policy is to enable the Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.
Department Author	Corporate Services Craig Davies, Director
Council Meeting Date Minute Reference	13 August 2024 110/2024
Next Review Date	August 2028

POLICY

1. Definitions

Nil.

2. Objective

This Policy was originally developed and implemented during the COVID-19 pandemic. The Council was determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship Policy.

This Policy remains relevant in a post-COVID environment and is designed to support members of the community through serious financial hardship.

3. Scope

This Policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to the Council. It is not intended to be used to maintain financial positions for those who are not genuinely impacted by serious financial hardship.

This Policy applies only to the Council's rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This Policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions, collected pursuant to section 79B of the *Fire Service Act 1973*.

4. Principles

This Policy will be applied in accordance with the following principles:

- 4.1 consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- 4.2 maintaining the Council's ability to provide essential services to our community through appropriately applied rating.
- 4.3 assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- 4.4 ensuring that those able to contribute to local services, continue to do so.
- 4.5 minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- 4.6 maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

5. Policy

- 5.1 According to the Australian Taxation Office (ATO), individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:
 - a. food;
 - b. accommodation;
 - c. clothing;
 - d. medical treatment;

- e. education; and
 - f. other basic necessities.
- 5.2 Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business' primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.
- 5.3 Applicants will need to provide evidence of their circumstances of financial hardship to justify the Council's special consideration of their case. The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:
- a. assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
 - b. a statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (eg. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
 - c. pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
 - d. notice of impending legal action;
 - e. letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
 - f. bank notice for example, overdraft call or mortgaged property repossession;
 - g. employer notice of redundancy or termination of employment;
 - h. overdue medical bills;
 - i. letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
 - j. final notice from school regarding payment of mandatory fees;
 - k. funeral expenses; and
 - l. repossession notice of essential items, like a car or motorcycle (primary transport).

How Can The Council Help

- 5.4 The *Local Government Act 1993* provides the Council with three methods of rate relief:
- a. postponing rate payments (sections 125-127)
 - b. remission of late payment penalties or interest (section 128)
 - c. remission of rates (section 129)

Postponing Rates Payments – Deferral Arrangements

- 5.5 In confirmed cases of financial hardship, the Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions the Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by three months. However, rate deferral arrangements can only defer individual payments up to a maximum of two years and only in the most serious circumstances.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that the Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

Remitting Late Payment Interest

- 5.6 For typical circumstances that are not of financial hardship, rates must be paid by the due date and the Council may charge interest calculated daily for late payments. However, for confirmed cases of financial hardship, the Council may waive the applicable interest accumulated, for a specified period that relates to the period of financial hardship.

Remitting Rates

- 5.7 Remission of any rates, or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases.

The application must demonstrate:

- a. financial hardship;
- b. exceptional and serious circumstances;

- c. how the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 5.6 unfeasible and unreasonable to fulfil; and
- d. how enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- e. deferral arrangements are preferable to rates remission and may be recommended in advance of any decision to approve an application for rates remission;
- f. amounts or proportions of rates to be remitted are to be minimised, for example, below \$1,000 or 50%; the remainder subject to payment arrangements;
- g. instances of rates remission are to be minimised to no more than one rates remission per applicant.

Applying for Financial Hardship Assistance

5.8 To seek financial hardship assistance from the Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- emailed to: mail@mvc.tas.gov.au or
- mailed to: General Manager, Meander Valley Council, PO Box 102, Westbury, Tasmania, 7303.
- delivered in person to: General Manager, Meander Valley Council, 26 Lyall Street, Westbury, Tasmania, 7303.

Applications must:

- demonstrate and provide evidence for financial hardship and circumstances (see section 5.3 – Evidence of Financial Hardship);
- describe the type of assistance sought, being:
 - o postponing rate payments (a deferral arrangement);
 - o postponing or waiving late payment interest;
 - o remitting rates, interest, in part or in full;
- address all requirements set out in this Policy.

Assessing Applications

5.9 Applications for deferral arrangements may be decided by the General Manager for amounts less than \$2,000.

- 5.10 Council has the authority to approve rates or interest charge remissions, by absolute majority, this power has also been delegated to the General Manager in accordance with Section 22 of the *Local Government Act 1993* for amounts not exceeding \$2,000.

6. Legislation and Related Standards

Local Government Act 1993, particularly:

Sections 125-127 – Postponement of Payment

Section 128 – Late Payments

Section 129 – Remission of Rates

Meander Valley Council Policy No. 77: Rates and Charges

7. Responsibility

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

Moved	Councillor Ben Dudman
Seconded	Councillor Daniel Smedley
Votes For	Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 110/2024

13.5. Review of Policy No. 77: Rates and Charges

File Reference	S13-11-002
Report Author	Craig Davies Director Corporate Services
Authorised By	Jonathan Harmey General Manager

Motion

That Council endorses minor amendment and continuation of Policy No. 77: Rates and Charges as shown below:

Policy No. 77	Rates and Charges
Purpose	The purpose of this Policy is to outline the principles that the Council intends to apply in exercising its powers, or performing its functions, under Part 9 – Rates and Charges, of the <i>Local Government Act 1993</i> .
Department Author	Corporate Services Craig Davies, Director
Council Meeting Date Minute Reference	13 August 2024 111/2024
Next Review Date	August 2028 or otherwise in accordance with section 86B(4) of the <i>Local Government Act 1993</i>

POLICY

1. Definitions

As detailed in the *Local Government Act 1993* Part 9 Rates and Charges

Rates Constitute taxation for the purposes of local government rather than a *fee for service* are based on the value of rateable land (property) and/or a fixed charge levied on land on an equal or proportional basis to recover the cost of services provided or made available to that land.

2. Objective

- To inform the Meander Valley Council ratepayers and the general community of the principles that the Council intends to apply when setting the annual rates and charges under the *Local Government Act 1993* (the Act), Part 9 – Rates and Charges.
- To maintain a sustainable rates system that provides revenue stability and supports a balanced budget to avoid placing the burden of current expenditure on future generations.
- To ensure that all Councillors and staff work together and have a consistent understanding of the Council's long term revenue goals.

3. Scope

This Policy applies to all Councillors and staff involved in making decisions concerning the making of rates and charges.

4. Policy

1. Principles

The Council will raise revenue sufficient for the purpose of governance and administration of its municipal area and to provide for appropriate infrastructure and services for the community. Rates are the major source of the Council's revenue providing approximately 50% of annual income.

Examples of the infrastructure and services provided are listed below. They are typically those that would not be provided by the private sector:

- local roads, bridges, footpaths and drainage;
- street lighting and cleaning;
- urban stormwater disposal services;
- waste and recycling collection and disposal;
- provision of waste management facilities
- public halls and community centres;
- maintenance of parks, playgrounds, sportsgrounds and swimming pools;
- youth services;
- community development and events;
- regulatory and compliance activities for public and environmental health, animal control, statutory planning, building and plumbing control; and
- emergency services.

Rates (including service rates) constitute taxation for the purpose of local government rather than a fee for service. All ratepayers receive benefits from paying rates but those benefits are consumed in different quantities and types over the lives of the ratepayer. As rates are a method of taxation, the total amount of rates paid may not directly relate to the services, infrastructure or facilities used by each ratepayer. The General Rate is a *progressive* tax, applied to the Land, Capital or Assessed Annual (rental) Value of property. While a service charge is fixed it may differ between properties and in various parts of the municipal area depending on the type and level of service provided or made available and the circumstances in a particular area.

When making rating decisions, the Council will give consideration to the following principles that apply to the imposition of taxes on communities:

- capacity to pay – the ability of the taxpayer to pay the tax is taken into account. The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.
- benefit – all taxpayers receive some benefit. The Council balances capacity to pay with the benefit principle, acknowledging that there are some services that benefit the community as a whole, so everyone should contribute.
- simplicity – relates to how easily the tax is understood, the certainty of application and its ease of collection. Council rates should, where possible be levied on a consistent basis and minimise variation in application across different Land Use Classes
- sustainability – the tax system should grow in line with the needs of changing expenditure, taking into account changes in economic growth and demographic changes. The Council will raise sufficient rates to meet current and future spending needs, to provide revenue stability and to support a balanced budget to avoid placing the burden of current expenditure on future generations.
- economic efficiency – relates to the effect of the tax on the behaviour of the taxpayers. Rates are considered to be generally efficient because they have a limited effect on a decision to buy a property. The efficiency of rates as a tax, however, can be distorted by an abnormal rise or fall in property values affecting the valuation base. The Council will consider varying the General Rate to manage these circumstances, if and when they arise.

The Council's practices and decisions in setting rates and charges are underpinned by:

- the statutory obligations as outlined in the Act;
- the objectives outlined in the Council's Strategic Plan;
- the needs and expectations of the community;
- the expected change in prices for goods and services;

- the financial management strategy and long term financial plan; and
- the long term asset management plans.

2. Valuation Method Used for Rating

The Council currently has the choice of three valuation bases:

- Land value – value of the property excluding all visible improvements (eg. building structures);
- Capital value – total value of the property including land value;
- Assessed Annual Value (AAV) – gross annual rental value, less GST, council rates and land tax. Legislation stipulates the AAV must not be less than 4% of the capital value.

The *Valuation of Land Act 2001* determines rating authorities are to be provided with a market-based fresh valuation (general revaluation) every six years. Adjustment factors are applied every two years to property valuations when rating authorities are not subject to a revaluation cycle. The adjustment factors help minimise large fluctuations to valuations that can occur between the revaluation cycles.

The Council utilises the AAV basis, which remains the most common method of assessment across Tasmanian Councils. The Council is satisfied with the AAV method and considers it to be the most appropriate most proxy for a ratepayer's capacity to pay. A shift to either land value or capital value would result in pronounced shifts in the apportionment of rates across the municipal area which in turn would lead to pressure for further manipulation of rates through variation or other adjustments to compensate for a valuation base change.

A potential change in rating method to Capital Value or Land Value will be reviewed at each fresh valuation in order to establish the consequential impacts on property owners, the benefits and costs of any change. This will include a review of the implementation of capping for rates increases as a result of a potential change in rating method.

3. Levying of Rates

Rates shall be issued each financial year in accordance with the Act.

3.1. *Minimum Amount*

Pursuant to section 90(4) of the Act, the Council sets a minimum amount payable in respect of the General Rate. The primary reason for imposing a minimum amount is to ensure that all rateable properties make a base contribution to the cost of administering the Council's activities and maintaining the services and physical infrastructure that supports each property.

3.2. *General Rate Variation*

Pursuant to section 107 of the Act, the Council will consider the variation of the General Rate between different land use classes of properties within the municipal area to compensate for a significant valuation base change occurring from a fresh valuation or biennial adjustment factors. If a council varies a rate, the General Manager must notify the ratepayer in a rates' notice of the rate as varied, of the variation factor used and of the date it takes effect. A ratepayer may only object to a variation in a rate on the basis that the use of the ratepayer's land is not the use of land on which the variation is based.

3.3. *Service Rates and Charges*

The Council has waste management service charges to assist to recover the cost of the service from the user through annual charges. The current service charge for Waste Management is based on all properties paying a fixed charge for the cost of providing tips and transfer stations plus an additional variable charge for those properties receiving a kerbside collection. The additional charge for the standard 80 litre mobile garbage bin and one mobile recycle bin, including alternate weekly garbage and green waste collection where provided, is increased where ratepayers opt for larger 140 or 240 litre size mobile garbage bin. Additional service charges are applied where supplementary bins of various sizes are provided.

4. Exemptions and Remissions

4.1. *Commonwealth and Crown Land*

Pursuant to section 87(1) of the Act, land that is owned and occupied exclusively by the Commonwealth, certain Crown Land as specified and land owned by the Hydro Electric Corporation is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land.

4.2. *Charitable Organisations and Aboriginal Land*

Pursuant to section 87(1)(d) and (da) of the Act, land that is owned and occupied exclusively for charitable purposes and land that is Aboriginal land, within the meaning of the *Aboriginal Lands Act 1995* is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land, however, properties that satisfy the requirements for exemption from rates under section 87(1)(d) and 87(1)(da) will be provided with an exemption from the Fire Service Contribution in accordance with section 81C(1) of the *Fire Services Act 1979*.

4.3. Pensioner and Health Care Card Holder Remissions

The Council will not provide a remission above the annual grant or subsidy on rates and charges provided by the State Government. To be entitled to apply, the *Local Government (Rates and Charges Remissions) Act 1991* requires that a ratepayer must be an eligible person and must occupy the property as his or her principal dwelling on or prior to 1 July of the rating year (Council will update the Policy to reflect any State Government change this legislative requirement). Under certain circumstances eligible pensioners may be able to claim for the preceding financial year.

4.4. Remissions - section 129(4)

Pursuant to section 129(4) of the *Local Government Act 1993*, Council, by absolute majority, may grant a remission of any rates payable by a ratepayer or a class of ratepayers.

Council provides a delegation to the General Manager under section 22 of the Act, for the Remission of Rates (and interest) by request of a ratepayer under section 129 of the Act, limited to \$2,000.

5. Supplementary Rates

Pursuant to section 92 of the Act, if during the year a supplementary valuation is made of any land, the Council may adjust the amount payable in respect of any rate or charge for that land for that financial year and will issue a supplementary rates notice resulting from the adjustment. Adjustments will not be made for supplementary valuations received close to year end where it is not practicable to do so except for the purposes of a refund due or rectifying an error.

6. Payment of Rates

Pursuant to section 124 of the Act, the Council permits all ratepayers to pay all rates by four approximately equal instalments instead of by one payment. The Council has opted not to provide a discount for encouraging early payment of rates in full. Instalment due dates are the last business day in August, October, January and March.

An extensive range of payment methods is provided, for example through internet, telephone, mail, direct debit and in person at Australia Post, Service Tasmania or Council's office at Westbury.

7. Overdue Rates

Pursuant to section 128 of the Act, if rates, or any one rates instalment, are not paid on or before they fall due, the Council may impose a penalty not exceeding 10% of the amount owing, and/or charge a daily interest rate determined by the Council in accordance with the formula specified in the Act. The Council has opted not to apply a fixed penalty but to only apply a daily interest charge, which is reviewed each year, at the rate specified in the Act.

The Council supports Meander Valley Council Policy No. 92 - Financial Hardship Assistance, to provide assistance and relief to community members who are suffering financial hardship.

If a ratepayer does not pay the rates on their property, the Council may commence legal action against the ratepayer to recover the outstanding amount. If the Council takes such legal action the ratepayer will also be liable for the Council's legal costs associated with any court action.

Pursuant to section 137 of the Act, if rates are not paid for a period exceeding three years, the Council may sell a property or part of a property to recover the unpaid rates. The Council can sell it by public auction or by direct sale. Decisions to sell a property for recovery of rates will be made on a case by case basis.

If the owner of a property cannot be found, the Council may apply to the Minister to have that property transferred to the Council.

8. Objection Rights

Pursuant to section 123 of the Act, a person may object to a rates notice on the grounds that:

- a. the land specified in the rates notice is exempt from the payment of those rates; or
- b. the amount of those rates is not correctly calculated having regard to the relevant factors; or
- c. the basis on which those rates are calculated does not apply; or
- d. he or she is not liable for the payment of the rates specified in the rates notice; or
- e. he or she is not liable to pay those rates for the period specified in the rates notice.

An objection is to be made in writing within 28 days after receipt of the rates notice and lodged with the General Manager. The General Manager may amend the rates notice as the General Manager considers appropriate or may refuse to amend the notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager fails to amend the rates notice within 30 days after lodging the objection or refuses to amend the notice.

9. Policy Review and Legal Status

Pursuant to section 86B(4) of the Act, the Council must review its rates and charges policy by the end of each successive four year period after 31 August 2012 or when the Council makes a significant change in how it applies rates and charges, whichever is earlier.

Pursuant to section 86B(6) of the Act a rate or charge is not invalid by reason only that it does not conform to the Council's rates and charges policy.

5. Legislation and Related Standards

Local Government Act 1993 (Part 9 – Rates and Charges)

Meander Valley Council Policy No. 60: Asset Management

Meander Valley Council Policy No. 92: Financial Hardship Assistance

Valuation of Land Act 2001

Aboriginal Lands Act 1995

Fire Services Act 1979

Local Government (Rates and Charges Remissions) Act 1991

6. Responsibility

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

Moved Councillor Ben Dudman

Seconded Deputy Mayor Stephanie Cameron

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 111/2024

14. Governance

14.1. Legislative Delegations

File Reference	S13-17-001
Report Author	Wezley Frankcombe Manager Governance and Legal
Authorised By	Jonathan Harmey General Manager

Motion

1. That Council, by absolute majority, pursuant to:

Archives Act 1983

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Archives Act 1983*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Building Act 2016

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Building Act 2016*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Building Regulations 2016

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Building Regulations 2016*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	Regulations 43, 53, 61, 78 and 83	

Burial and Cremation Act 2019

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Burial and Cremation Act 2019*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Dog Control Act 2000

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Dog Control Act 2000*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Environmental Management and Pollution Control Act 1994

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Environmental Management and Pollution Control Act 1994*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Food Act 2003

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Food Act 2003*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Land Acquisition Act 1993

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Land Acquisition Act 1993*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Land Use Planning and Approvals Act 1993

Section 6(3) of the *Land Use Planning and Approvals Act 1993*, Council delegates the functions and powers specified in Column A to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column B subject to the conditions (if any) specified in Column C as shown below:

COLUMN A Officers	COLUMN B Function or Power	COLUMN C Conditions
- Team Leader Development Administration	Sections 35C and 35M(2)	Nil
- Team Leader Development Administration	Sections 76 and 78	Nil
- Team Leader Development Administration	Sections 57(3), 58(3) and 57(7)	Nil

Land Use Planning and Approvals Regulations 2014

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Land Use Planning and Approvals Regulations 2014*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	Regulations 5, 7, 8, 8A and 9	

Litter Act 2007

Section 22 of the *Local Government Act 1993*, Council delegates the following powers and functions contained under the following sections of the *Litter Act 2007*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Local Government Act 1993

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Local Government Act 1993*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
1	Sections 74, 75, 81, 113, 114, 124, 175, 185, 189, 190, 193, 197, 200, 201, 205, 209, 219, 240, 252 and 333A	
2	Sections 76, 77, 126, 127, 128, 133, 134 and 135	General Manager must not delegate
3	Section 176	Regulation 37 of the <i>Local Government (General Regulations) Act 2015</i>
4	Sections 129 and 207	General Manager limited to \$2,000

Local Government (General) Regulations 2015

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Local Government (General) Regulations 2015*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	Regulations 23, 25 and 26	

Local Government (Building and Miscellaneous Provisions) Act 1993

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Local Government (Building and Miscellaneous Provisions) Act 1993*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	Section 86	<p>Further to this power to accept a guarantee as a security for subdivision work from any organisation that meets the requirements of this section.</p> <p>To authorise the total or partial release of bonds, guarantees and security deposits, where the appropriate departmental manager has certified that the work or thing to which the</p>

		<p>bond, guarantee or deposit relates has been satisfied in whole or in part.</p> <p>To call on any bonds and guarantees for building estates and subdivisions to carry out uncompleted works as certified by Council's Engineer.</p>
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Local Government (Highways) Act 1982

Section 124 of the *Local Government (Highways) Act 1982*, Council delegates powers and functions of the *Local Government (Highways) Act 1982*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	Section 19	In consultation with the Commissioner of Police – delegation excludes section 19(1)(c)
	All other Powers and Functions excluding the following sections: 12, 15, 61, 73, 80 and 114(8)	

Monetary Penalties Enforcement Act 2005

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Monetary Penalties Enforcement Act 2005*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Place Names Act 2020

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Place Names Act 2020*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Public Health Act 1997

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Public Health Act 1997*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions excluding section 185	

Public Interest Disclosures Act 2002

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Public Interest Disclosures Act 2002*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Right to Information Act 2009

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Right to Information Act 2009*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Roads and Jetties Act 1935

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Roads and Jetties Act 1935*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Strata Titles Act 1998

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Strata Titles Act 1998*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

Urban Drainage Act 2013

Section 22 of the *Local Government Act 1993*, Council delegates the powers and functions contained under the following sections of the *Urban Drainage Act 2013*:

<i>No</i>	<i>Function or Power</i>	<i>Conditions or Restrictions</i>
	All Powers and Functions	

2. section 64(1)(b) of the *Local Government Act 1993*, authorises the General Manager to delegate the functions and powers to an employee or employees of the Council.
3. section 23AA(2)(b) of the *Acts Interpretation Act 1931*, authorises the Mayor to evidence the delegations made by this decision, by signing an instrument of delegation referring to this decision and replicating, either exactly or in substance, the terms of the delegations effected by these Recommendations.

Moved Councillor Daniel Smedley

Seconded Councillor Ben Dudman

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 112/2024

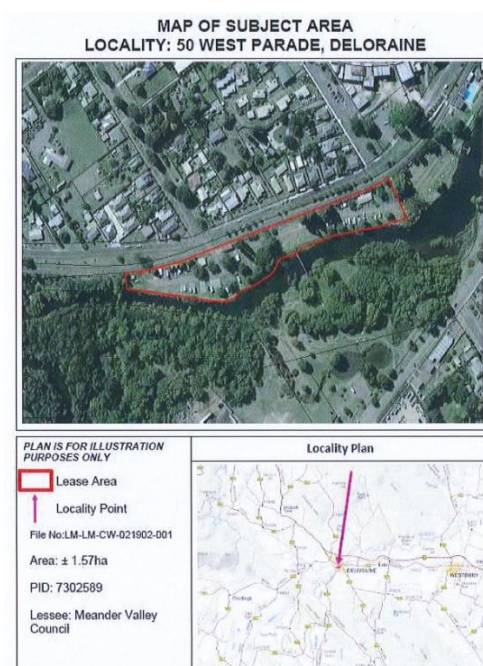
14.2. Lease of Premises to APEX Club of Deloraine Inc.

File Reference	S23-01-020/S23-01-002
Report Author	Wezley Frankcombe Manager Governance and Legal
Authorised By	Jonathan Harmey General Manager

Motion

That Council, by absolute majority, pursuant to section 177 of the *Local Government Act 1993*:

1. agrees to lease part of the premises situated at 50 West Parade, Deloraine in Tasmania (PID 7302589) to APEX Club of Deloraine Inc. for the purpose of operating the Deloraine Caravan Park, as outlined in red on the plan below:



2. authorises the General Manager to enter into a formal lease under the following terms:
 - a. the term shall be until 30 September 2032, commencing immediately;
 - b. with one further option of 10 years;
 - c. the lease amount shall be \$1 per annum, if demanded;
 - d. tenant to be responsible for:
 - i. contents insurance;
 - ii. building insurance;
 - iii. personal injury insurance;
 - iv. service charges.

- e. tenant shall continuously maintain:
 - i. any infrastructure or any infrastructure installed by the tenant or the Council in relation to the tenant's occupation;
 - ii. the building in good and reasonable order;
 - iii. public liability insurance of at least \$20 million;
- f. all remaining terms to be determined by the General Manager; and
- g. any right, option or discretion exercised by the Council under the lease may be exercised by the General Manager.

Moved Councillor Kevin House

Seconded Councillor Ben Dudman

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

Votes Against Councillor John Temple

Motion carried by absolute majority

Minute Reference: 113/2024

14.3. Lease of Premises to Westbury Men's Shed Inc.

File Reference	S23-01-020/S23-01-002
Report Author	Wezley Frankcombe Manager Governance and Legal
Authorised By	Jonathan Harmey General Manager

Motion

That Council, by absolute majority, pursuant to section 177 of the *Local Government Act 1993*:

1. agrees to lease 110 square meters of the premises situated at 140-150 King Street, Westbury in Tasmania (CT 200755/1) to Westbury Men's Shed Inc. for the use of a Men's Shed Community Project as outlined in red on the plan below:



2. authorises the General Manager to enter into a formal lease under the following terms:
 - a. the term shall be until 1 July 2025 commencing immediately;
 - b. With an option to extend on a month by month basis as agreed upon.
 - c. the lease amount shall be \$1 per annum if demanded;
 - d. tenant to be responsible for:
 - i. contents insurance;
 - ii. public liability insurance; and
 - iii. service charges, if any.

- e. tenant shall continuously maintain:
 - i. any infrastructure or any infrastructure installed by the tenant or the Council in relation to the tenant's occupation;
 - ii. building in good and reasonable order; and
 - iii. public liability insurance of at least \$20 million.
- f. all remaining terms to be determined by the General Manager.
- g. any right, option or discretion exercised by the Council under the lease may be exercised by the General Manager.

Moved Councillor Daniel Smedley

Seconded Councillor Ben Dudman

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 114/2024

15. Motion to Close Meeting

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

Vote Absolute majority

Motion

That Council, by absolute majority, pursuant to the *Local Government (Meeting Procedures) Regulations 2015*, 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)

15.3 Leave of Absence Applications

Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 15(2)(h) applications by Councillors for a leave of absence

15.4 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 Ben Dudman
Seconded	Deputy Mayor Stephanie Cameron
Votes For	Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 115/2024

Council moved into Closed Session at 5.25pm.
Council returned to Open Session at 5.28pm.

16. End of Closed Session and Release of Public Information

16. End of Closed Session and Release of Public Information

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

Motion

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	<i>Closed Council Minutes – 9 July 2024</i>	<i>Minutes of the Closed Meeting of the Meander Valley Council held on date. No information to be released to the public.</i>
15.3	<i>Councillors' Leave of Absence Applications</i>	<i>No personal details to be released to the public.</i>

Moved Councillor Ben Dudman

Seconded Deputy Mayor Stephanie Cameron

Votes For Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Kevin House, 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: 116/2024

17. Close of Meeting

Mayor Wayne Johnston closed the Meeting at 5.28pm.



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Mayor Wayne Johnston
Chairperson