



Meander Valley Council
Working Together

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 13 August 2019

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Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 13 August 2019 at 4.00pm.

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

APOLOGIES: Councillor Stephanie Cameron

IN ATTENDANCE: Martin Gill, General Manager
Merrilyn Young, Executive Assistant
Dino De Paoli, Director Infrastructure Services
Jonathan Harmey, Director Corporate Services
Matthew Millwood, Director Works
Lynette While, Director Community & Development Services
Leanne Rabjohns, Town Planner
Justin Simons, Town Planner
Natasha Whiteley, Town Planner
Stuart Brownlea, NRM/GIS
Natasha Tempest, Project Manager Infrastructure

132/2019 CONFIRMATION OF MINUTES:

Councillor Kelly moved and Councillor King seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 9 July 2019, be received and confirmed.”***

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

133/2019 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:

Date	Items discussed:
23 July 2019	<ul style="list-style-type: none">• Meeting with Hon Rebecca White MP and Hon David O’Byrne MP• Games Services Tasmania presentation• Deloraine & Districts Recreation Feasibility Study• Building Surveying Services• Policy No. 74 - Conservation Covenant Incentive Scheme• Sale and purchase of Council property• Proposal to install road humps on Bradford Avenue, Prospect Vale• Sealed Rural Road Speed Limits

134/2019 ANNOUNCEMENTS BY THE MAYOR:

23 July 2019

- Council Workshop – Westbury

24 July 2019

- Opening of Ridley’s at Westbury
- Meeting with Premier Will Hodgman at Westbury
- NTDC Lamb Forum at Launceston

135/2019 ANNOUNCEMENTS BY COUNCILLORS:

Cr Susie Bower

The Royal Flying Doctor Service are going to deliver two services in the Meander Valley area.

An over 65s Better ageing physical activity program to run individual and group programs to target inactivity for people over the age of 65 years.

I know that mental health is of particular concern to our community and the RFDS will be employing a Youth Mental Health Program to support youth aged between 8-16years of age.

We are currently recruiting for the position and anticipate having someone on the ground in the Meander Valley by the end of August.

We anticipate our mental health worker will be in the Meander Valley a full week a fortnight (0.5fte) and we will commence the recruitment process shortly.

136/2019 DECLARATIONS OF INTEREST:

142/2019 Cr Andrew Sherriff – 18 Grigg Street, Deloraine, via 20 Grigg Street and 4 Railway Street, Deloraine

137/2019 TABLING AND ACTION ON PETITIONS:

Nil

138/2019 PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS TAKEN ON NOTICE – JULY 2019

Nil

2. PUBLIC QUESTIONS WITH NOTICE – AUGUST 2019

2.1 Bill Bartlett, Bracknell

I write with regards at item I have just noticed from the minutes of the Council meeting of Tuesday 9 July 2019, specifically a question and answer performance staged between Councillor Tanya King and the General Manager Jonathan Harmey. This performance entailed a series of questions and answers which are extremely misleading, downright false and seem purposely designed to incite hatred of people living in charitable housing. I was quite shocked at this disgraceful and offensive public performance and must insist on the right to set the record straight. I believe ratepayers are also entitled to an apology at the very least, if not the resignations of both Councillor King and the General Manager.

The first of these questions immediately betrays the fact that Councillor King does not really grasp the issues dealt with in the recent Supreme Court decision on charitable rates exemption. But the General Manager fails to take the opportunity to clarify the matter and proceeds as if the premise of the question, that the Supreme Court case had found that all independent living units owned by charities are exempt from rates, was correct. In answer the GM merely sets out the total revenue loss to the Council arising from this decision, about \$40,000 PA

Councillor King's next question is even more tendentious:

"Does the decision to deem the independent living units exempt from general rates mean the rest of the community will now pay more to cover the amount of rates that have been lost?"

But the misleading premise of the question, that independent living units are now exempt from rates is not corrected by the GM, instead he goes on a rant about the decision meaning that some private homes are now exempt from rates and to whine that the council had long believed that, because a lower court had swallowed the preposterous self-serving interpretation of the law adopted by Council. It was somehow unfair that a higher court should over-rule it.

The GM went on to muddy the water with total falsehoods, saying:

"The Supreme Court's decision has raised some questions around consistency and equity amongst the sector. A resident renting an independent living unit as their family home may now pay no general rates or fire levies, where a resident renting a similar unit as their family home that is not an 'independent living' property may pay full rates and fire levies. Independent living units are, by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living.

What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home.

Like all residents, owners of independent living units benefit from council roads, footpaths, walking and cycling trails, parks and reserves, but they will now not have to contribute."

Just to be clear, the Supreme Court does not make all independent living units exempt from rates. It simply clarifies that if a property is otherwise exempt from rates, because it is owned and occupied for charitable purposes, Council cannot refuse to apply the exemption simply because the charitable purpose relates to the direct provision of charitable housing to people.

This does not of course mean that all independent living units have suddenly become exempt from rates, as the GM implies.

As for the offensive whine about some people not having to contribute, those pensioners who own their own homes are also entitled to a concession on rates, while poorer pensioners who rent get no concession. Because private landlords pay the rates and are not entitled to a concession. They will remain, I should point out (to correct the false information given by the GM) ineligible for a rate exemption.

Simply because they are not engaged in a charitable endeavour. Private owners do not own properties for charitable purposes and they do not let them out for charitable purposes. So no exemption, despite what Councillor King and the GM claim.

In any case, it seems extraordinary that Councillor King and the GM have launched such a bitter tirade over the loss of less than a half of 1% of the Council's reported \$20 million revenue. They really need to get a grip. Its less than the grants Council is reported in the same Minutes to have handed out to sporting and community groups. The main difference is that exemptions for charitable groups is a long established responsibility mandated by state law. Just because Council have had the self-serving loophole they concocted laughed out of Court, doesn't mean that the exemption wasn't a long-standing responsibility that the Council had to its community.

To its shame the Council has tried to duck and weave and evade its lawful responsibility, but the Supreme Court has finally put a stop to this anti-social farce.

Tanya King then urges the GM on to make further misleading and tendentious comments about how it might be necessary for the state government to "clarify" the exemption. But again, the GM is talking nonsense. There is no lack of clarity. The Supreme Court's decision was crystal clear. What this performance by Councillor King and the GM is about is getting support as part of lobbying the state government to bring in a new tax on charities. Specifically, to impose a new tax on charities providing charitable housing. In the middle of the biggest affordable housing crisis in a generation.

What the state government will make of that kind of politically tone-deaf lobbying I can't imagine. But I guess the fact that the lobbying is based on such outrageous falsehoods suggests that even Councillor King and the GM, as proponents, must believe that calm reasoned truth is unlikely to get them anywhere, they will need to spread lies and misinformation to achieve their ends.

I demand that, to correct the official record, this letter should be incorporated into the official minutes of the next Council meeting.

***Response by Jonathan Harmey, Director Corporate Services:
Mr Martin Gill is the General Manager at the Meander Valley Council.***

The questions asked by Councillor King at the July 2019 Council Meeting were appropriate and responses were provided at the July meeting. No amendment is considered necessary.

Mr Bartlett has had a number of dealings with council in relation to charitable rates exemptions. In 2002 Mr Bartlett applied for a rates exemption for two properties he is associated with on the basis of the tenants having a charitable purpose; the request was denied by Council. Mr Bartlett subsequently appealed this decision to the Magistrates Court where the appeal was rejected by the court in January 2003. Following this Mr Bartlett subsequently lodged a further appeal of that decision to the Supreme Court. The appeal to the Supreme Court was dismissed by the court in March 2003. Mr Bartlett has applied for a rates exemption for the same two properties in 2019. We have sought legal advice to assist in identifying whether the Supreme Court decision from 2018 Mr Bartlett has referred to, has changed the eligibility of these properties where a rates exemption has been requested. Mr Bartlett has been advised that following the receipt of the legal advice he will receive an overview of the relevant issues.

3. PUBLIC QUESTIONS WITHOUT NOTICE – AUGUST 2019

3.1 Andrew Ricketts – Reedy Marsh

Regarding the Conservation Covenant Incentive Scheme, has the Scheme been included in the Council's 2019-2020 budget?

Response by Martin Gill, General Manager

It was certainly taken into account as Council calculated the budget estimates for the current year.

3.2 Sharon Webb – Meander Valley Gazette

I notice from reading the Code of Conduct complaint report on Cr Synfield's relationship with the un-named employee, that you twice emailed the Councillor to instruct him to stop contacting the woman.

Do you believe that as council manager, this response was adequate?

It seems that you thought actually speaking to Cr Synfield was not necessary.

According to the Code of Conduct report, this episode will cost the council – and therefore Meander Valley ratepayers – as much as \$20,000.

That includes the cost of the Code of Conduct hearing and the emotional intelligence education sessions imposed on Cr Synfield.

Do you believe you, as council manager, handled this matter adequately?

Did you use a hammer to crack a walnut rather than taking appropriate action – such as mediation?

Was this an issue that needed \$20,000 spent on it – rather than you taking more suitable action?

Questions taken on Notice

139/2019 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – JULY 2019

Nil

2. COUNCILLOR QUESTIONS WITH NOTICE – AUGUST 2019

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – AUGUST 2019

Nil

140/2019 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

141/2019 1 FARRELLS ROAD, REEDY MARSH

The Mayor invited Mr Andrew Ricketts to address Council following his objection to PA/19/0198 -

- Objection hasn't been adequately considered and incorrectly summarised.
- Development is not consistent with the land use size which is set out in the planning provisions;
- Acceptable solution is a relevant consideration;
- Performance Criteria is not met
- Urge Council to not approve this application on the basis that the lot size is below the acceptable solution and does not meet the Performance Criteria.

Planning Application: PA\19\0198

Proposal: Subdivision (2 lots) & Residential outbuildings

Author: Leanne Rabjohns
Town Planner

1) Recommendation

It is recommended that the application for Use and Development for Subdivision (2 lots) & Residential outbuildings on land located at 1 Farrells Road, Reedy Marsh (CT 11940/2) by PDA Surveyors, be APPROVED, generally in accordance with the endorsed plans:

- a) PDA Surveyors – Plan of Subdivision – dated 26 June 2019;**
- b) Livingston Natural Resource Services – letter dated 26 June 2019;**
- c) Livingston Natural Resource Services – Bushfire Hazard Management Report: Subdivision – dated 15 March 2019;**
- d) Details of buildings on site (10 pages);**

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**

- a) **Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) **Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) **Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
2. **The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.**
 3. **Prior to the sealing of the final plan of survey, vegetation is to be removed to the north side of the access to Lot 1 to provide adequate sight distances to the satisfaction of Council's Director Infrastructure Services.**

Note:

1. Prior to the removal of road side vegetation, separate consent is required by the Road Authority. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.
2. A Planning Approval will be required for any future vegetation removal.
3. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.
4. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:
 - a) Building approval
 - b) Plumbing approvalAll enquiries should be directed to Council's Permit Authority on 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.
5. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.

6. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
7. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
8. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
9. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
10. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr Nott moved and Cr Sherriff seconded ***"that the application for Use and Development for Subdivision (2 lots) & Residential outbuildings on land located at 1 Farrells Road, Reedy Marsh (CT 11940/2) by PDA Surveyors, be APPROVED, generally in accordance with the endorsed plans:***

- a) **PDA Surveyors – Plan of Subdivision – dated 26 June 2019;**
- b) **Livingston Natural Resource Services – letter dated 26 June 2019;**
- c) **Livingston Natural Resource Services – Bushfire Hazard Management Report: Subdivision – dated 15 March 2019;**
- d) **Details of buildings on site (10 pages);**

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:
 - a) **Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) **Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) **Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.****
- 2. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.**
- 3. Prior to the sealing of the final plan of survey, vegetation is to be removed to the north side of the access to Lot 1 to provide adequate sight distances to the satisfaction of Council’s Director Infrastructure Services.**

Note:

1. Prior to the removal of road side vegetation, separate consent is required by the Road Authority. All enquiries should be directed to Council’s Infrastructure Department on 6393 5312.
2. A Planning Approval will be required for any future vegetation removal.
3. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council’s Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.

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 - a) Building approval
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5. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
6. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
7. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
8. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
9. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
10. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and

- c) The relevant approval processes will apply with state and federal government agencies.”

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

Cr Andrew Sherriff left the meeting at 4.27pm

142/2019 18 GRIGG STREET, DELORAINE VIA 20 GRIGG STREET AND 4 RAILWAY STREET, DELORAINE

Planning Application: PA\19\0236

Proposal: Subdivision (3 lots)

Author: Justin Simons & Leanne Rabjohns
Town Planner

1) Recommendation

It is recommended that the application for Use and Development for Subdivision (3 lots) on land located at 18 Grigg Street (CT: 34005/1), with drainage via 20 Grigg Street (CT:13514/1) and 4 Railway Street (CT:121612/2) Deloraine by Radian Surveying, be APPROVED, generally in accordance with the endorsed plans:

- a) Radian Surveying – Plan of Subdivision and Servicing Works – Job no. 190102, Sheet 1 & 2**
- b) Rebecca Green & Associates – Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan – dated 21 May 2019;**

and subject to the following conditions:

1. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/00783-MVC attached).
2. Prior to commencement of works the following is to be submitted to Council:
 - a. Detailed engineering design drawings are required to the satisfaction of Council’s Director Infrastructure Services. The designs must incorporate the following:
 - i. Pipe sizes, lengths, and invert level information for all proposed stormwater pipework
 - ii. Connection points and invert level information for lot connections including Lot 1.
 - iii. Excavation of the existing open drain in No.4 Railway Street to ensure the proposed stormwater outlet is free draining.

3. A 3.0m wide drainage easement is to be created over all public stormwater infrastructure within new allotments, in favour of Council.
4. The vehicular crossovers servicing proposed Lots 2 and 3 must be constructed and sealed in accordance with LGAT standard drawing TSD-R09-V1 and to the satisfaction of Council's Director Infrastructure Services (see Note 1).
5. Prior to the sealing of the Final Plan of Survey (for each stage), the following must be completed to the satisfaction of Council:
 - a. The infrastructure works and driveways must be completed as shown in the application documents and endorsed plans or as modified by the approval of the detailed engineering drawings and specifications, to the satisfaction of Council's Director Infrastructure Services.
 - b. As-constructed documentation for completed stormwater infrastructure work to be submitted to Council, to the satisfaction of Council's Director Infrastructure Services.
 - c. The developer must pay, a Public Open Space contribution, to Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer procured at the subdivider's expense.
 - d. Easements shown, as per Condition 3 above.
 - e. Vehicular crossovers for Lots 2 and 3 must be completed, as per Condition 4 above.

Note:

1. Prior to the construction of the any works within Grigg Street, including the driveway crossovers, separate consent is required by the Road Authority (Council). The Application for Works in the Road Reservation form is enclosed. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.
2. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.
3. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.

- c) Any other required approvals under this or any other Act are granted.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
 5. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
 6. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
 7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
 8. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr Kelly moved and Cr King seconded ***"that the application for Use and Development for Subdivision (3 lots) on land located at 18 Grigg Street (CT: 34005/1), with drainage via 20 Grigg Street (CT:13514/1) and 4 Railway Street (CT:121612/2) Deloraine by Radian Surveying, be APPROVED, generally in accordance with the endorsed plans:***

- a) **Radian Surveying – Plan of Subdivision and Servicing Works – Job no. 190102, Sheet 1 & 2**
- b) **Rebecca Green & Associates – Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan – dated 21 May 2019;**

and subject to the following conditions:

1. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/00783-MVC attached).
2. Prior to commencement of works the following is to be submitted to Council:
 - a. Detailed engineering design drawings are required to the satisfaction of Council's Director Infrastructure Services. The designs must incorporate the following:
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 - ii. Connection points and invert level information for lot connections including Lot 1.
 - iii. Excavation of the existing open drain in No.4 Railway Street to ensure the proposed stormwater outlet is free draining.
3. A 3.0m wide drainage easement is to be created over all public stormwater infrastructure within new allotments, in favour of Council.
4. The vehicular crossovers servicing proposed Lots 2 and 3 must be constructed and sealed in accordance with LGAT standard drawing TSD-R09-V1 and to the satisfaction of Council's Director Infrastructure Services (see Note 1).
5. Prior to the sealing of the Final Plan of Survey (for each stage), the following must be completed to the satisfaction of Council:
 - a. The infrastructure works and driveways must be completed as shown in the application documents and endorsed plans or as modified by the approval of the detailed engineering drawings and specifications, to the satisfaction of Council's Director Infrastructure Services.
 - b. As-constructed documentation for completed stormwater infrastructure work to be submitted to Council, to the satisfaction of Council's Director Infrastructure Services.
 - c. The developer must pay, a Public Open Space contribution, to Council a sum equivalent to 5% of the unimproved value of the approved lots as

determined by a registered land valuer procured at the subdivider's expense.

- d. Easements shown, as per Condition 3 above.
- e. Vehicular crossovers for Lots 2 and 3 must be completed, as per Condition 4 above.

Note:

1. Prior to the construction of the any works within Grigg Street, including the driveway crossovers, separate consent is required by the Road Authority (Council). The Application for Works in the Road Reservation form is enclosed. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.
2. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.
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 - c) The relevant approval processes will apply with state and federal government agencies."

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

Councillor Andrew Sherriff returned to the meeting at 4.30pm

143/2019 REVIEW OF POLICY NO. 74 – CONSERVATION COVENANT INCENTIVE SCHEME

The Mayor invited Mr Andrew Ricketts to address Council regarding this agenda item -

- I am a stakeholder in this matter and have has two conservation covenants;
- I refer Council to Article 11 of the Convention on biological diversity – all the conservation covenants are for biological diversity purposes;
- Council has an obligation to provide incentive and to pursue conservation outcomes for important elements of biodiversity;
- The conservation covenants have been established on the basis of science mainly arising mainly out of the Regional Forest Agreement.

1) Recommendation

It is recommended that Council:

Confirm the continuation of Policy No. 74 – Conservation Covenant Incentive Scheme, as follows:

Policy Number: 74	Conservation Covenant Incentive Scheme
Purpose:	To establish guidelines for administering a Rates Rebate Incentive Scheme for land under Conservation Covenants.
Department:	Community and Development Services
Author:	Stuart Brownlea, NRM Officer
Council Meeting Date:	13 August 2019
Minute Number:	XX/2019
Next Review Date:	August 2023

POLICY

1. Definitions

Conservation Covenant: means a land title covenant registered under Part 5 of the *Nature Conservation Act 2002*, once signed by both the relevant Tasmanian Minister and the landowner.

2. Objective

To formally encourage, recognise and reward voluntary conservation of high priority natural values, in the form of Conservation Covenants and to support objectives in the *Meander Valley Council Natural Resource Management Strategy*.

3. Scope

This policy only applies to that proportion of private land titles within the Meander Valley that is the subject of Conservation Covenants and to the General Rate (net of any other rebate or remission). The rebate level is calculated on the number of hectares that are covered by the Conservation Covenant, rather than the whole area of a title that has a Conservation Covenant within it.

4. Policy

Council recognises that conservation covenants:

- play a role in protecting habitats for a wide range of native species, including threatened plants and animals, from wedge-tailed eagles to native grasses. They also help to maintain the scenic values of Tasmanian landscapes that benefit tourism, can be a direct tourism venture asset, and contribute to the maintenance of water quality by preventing soil erosion and salinity problems.
- are a way that private landowners can ensure the long-term conservation of natural values on their land. Landowners are helped to establish these covenants by a single program in Tasmania: the *Private Land Conservation Program*. Landowners who place perpetual conservation covenants on their land title are helping to achieve conservation benefits for the whole community.
- are legally binding agreements between the landowners and the State Government that are registered on land titles and travel with those titles to future owners. A Nature Conservation Plan has or will be implemented with most conservation covenants. Together, the two documents detail a management regime that will protect conservation values on a property whilst allowing for continued use of the land.
- are decided upon by a landowner only after considerable planning and management negotiation. Professionally determined Nature Conservation Plans are developed with the landowner's input and consent. The desire to utilise the reserve, for example to collect domestic loads of firewood or graze stock periodically, are accommodated wherever this will not have a long term negative impact on the reserved values.
- may have flow on benefits for a tourism venture, be an area that is not commercially viable, provide an offset for other development, leverage funding for conservation aims, protect other land from degradation such as salinity, or provide access to management advice and assistance from the Tasmanian

Government.

Individual Rates Rebate Calculation

The rebate amount is to be calculated on the following basis:

As at 1st July, 2017, base rate of \$5.67 per ha of land area covered by the Conservation Covenant only with a minimum amount of \$56.70 and maximum of \$567.00 for any one property AND with no rebate in any case to exceed 50% of the General Rate (net of other rebates or remissions).

Annual Adjustment

The base rate, minimum and maximum amounts are to be adjusted by the same percentage as the General Rate adjustment each financial year.

Commencement of Entitlement

Entitlement to a Rates Rebate amount under the Scheme is to commence from the 1st July of the next rating period immediately following the date of signing of the Conservation Covenant.

Cessation of Entitlement

Entitlement to a Rates Rebate amount payable under the Scheme ceases when a covenant no longer exists on the affected title.

5. Legislation

Nature Conservation Act 2002.

6. Responsibility

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

DECISION:

Cr Kelly moved and Cr Sherriff seconded "***that Council discontinues Policy No. 74 – Conservation Covenant Incentive Scheme, effective from 1 July 2020.***"

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

Comment by Cr Tanya King

People purchase property for many reasons. To purchase property for conservation is admirable.

To expect fellow ratepayers to subsidise the choice is inequitable.

Should this also be applied to Churches and Council facilities? No - I perceive Churches and council facilities to be community assets, and accessible to everyone.

This is not the case for privately owned land.

The State Government put no financial value on the scheme, and pushed the financial burden to local government.

Spending resources for the benefit of the environment is good, but needs to be spent to benefit all ratepayers.

144/2019 REQUEST FOR REMISSION OF THE 2019-20 RATES AND CHARGES ON 152 AND 154 BLACKSTONE ROAD, BLACKSTONE HEIGHTS

1) Recommendation

It is recommended that Council grants a rate remission for the General Rate (subject to applying the Minimum Amount of \$170) and Waste Management charge for 2019-20 under Section 129 of the Local Government Act 1993 to the following properties:

- 1. Unit 1/152 Blackstone Road, Blackstone Heights***
- 2. Unit 2/152 Blackstone Road, Blackstone Heights***
- 3. 154 Blackstone Road, Blackstone Heights***

DECISION:

Cr Sherriff moved and Cr King seconded ***“that Council grants a rate remission for the General Rate (subject to applying the Minimum Amount of \$170) and Waste Management charge for 2019-20 under Section 129 of the Local Government Act 1993 to the following properties:***

- 1. Unit 1/152 Blackstone Road, Blackstone Heights***
- 2. Unit 2/152 Blackstone Road, Blackstone Heights***
- 3. 154 Blackstone Road, Blackstone Heights.”***

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

**145/2019 PROPOSED NEW ROAD NAME – ASKRIGG LANE,
NEEDLES**

1) Recommendation

It is recommended that Council endorse the proposed new road name of 'Askrigg Lane' for the short section of sealed road accessed off Mole Creek Road, and forward it to the Nomenclature Office for formalisation.

DECISION:

Cr Kelly moved and Cr King seconded ***“that Council endorse the proposed new road name of 'Askrigg Lane' for the short section of sealed road accessed off Mole Creek Road, and forward it to the Nomenclature Office for formalisation.”***

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

146/2019 DIVESTMENT OF COUNCIL PROPERTIES

The Mayor invited Mr Barry Lee to address Council regarding this agenda item -

- Why did Council purchase and bank this property?
- What gross rent has been received since purchase?
- Total cost of purchaser of property?
- What budget or finding was used to acquire this property?

Questions taken on Notice

1) Recommendation

It is recommended that Council proceed with divestment under Section 177 of the Local Government Act 1993 and approve the General Manager to enter into contracts of sale for the following properties;

- 1) 6-8 Emu Bay Road, Deloraine (CT:162910/1)***
- 2) 333 Westbury Road, Prospect Vale (CT:143357/1)***
- 3) 35 William Street, Westbury (CT:219994/1)***

DECISION:

Cr Kelly moved and Cr Nott seconded ***“that Council proceed with divestment under Section 177 of the Local Government Act 1993 and approve the General Manager to enter into contracts of sale for the following properties:***

- 1) 6-8 Emu Bay Road, Deloraine (CT:162910/1)***
- 2) 333 Westbury Road, Prospect Vale (CT:143357/1)***
- 3) 35 William Street, Westbury (CT:219994/1).”***

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

As an amendment Cr Temple moved and Cr Synfield seconded ***“that prior to the properties being placed on the market that Council advertise publicly for community submissions regarding the future use of the properties and those submissions be considered by Council before the properties are sold.”***

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

**147/2019 LOCAL GOVERNMENT CODE OF CONDUCT
PANEL DETERMINATION REPORT**

1) Recommendation

It is recommended that Council receive the Local Government Code of Conduct Panel Determination Report, dated 8 July 2019, which upholds a complaint against Councillor Rodney Synfield brought by Council's General Manager.

DECISION:

Cr Kelly moved and Cr King seconded ***"that Council receive the Local Government Code of Conduct Panel Determination Report, dated 8 July 2019, which upholds a complaint against Councillor Rodney Synfield brought by Council's General Manager."***

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

Cr Rodney Synfield abstained from the vote.

ITEMS FOR CLOSED SECTION OF THE MEETING:

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

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

Council moved to Closed Session at 5.10pm

The Council meeting adjourned at 5.10pm

The Council meeting resumed at 5.17pm

148/2019 CONFIRMATION OF MINUTES

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 9 July, 2019.

149/2019 APPLICATIONS FOR LEAVE OF ABSENCE

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

150/2019 TOURISM NORTHERN TASMANIA FUNDING AGREEMENT 2020 TO 2022

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

151/2019 VARIATION TO CONTRACT FOR SALE – 18 FRANKLIN STREET, WESTBURY

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

152/2019 CONTRACT 209 – 2019/20 – PROSPECT VALE PARK TRAINING GROUND UPGRADES

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

Council returned to Open Session at 5.53pm

Cr Nott moved and Cr Sherriff seconded "***that the following decisions were taken by Council in Closed Session and are to be released for the public's information-***

that Council discontinue funding to Tourism Northern Tasmania and the funding allocation of \$41,000 be used to directly support Meander Valley businesses."

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

The meeting closed at 5.54pm

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WAYNE JOHNSTON (MAYOR)