



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30 P.M. ON TUESDAY,
18th JUNE 2013**

PRESENT: Cr Foster (Mayor); Cr Curran; Cr Geard; Cr Gray; Cr Jeffries; Cr Owen and Cr Williams.

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mr H Macpherson (Municipal Engineer); Mr J Dryburgh (Manager Strategic Planning) and Mrs J Banks (Manager Governance & Human Services)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21ST MAY 2013.

Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of the 21st May 2013, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

1.2 CONFIRMATION OF MINUTES OF THE PARKS & RECREATION COMMITTEE MEETING OF 11TH JUNE 2013.

Cr Geard moved, Cr Curran seconded that the Minutes of the Parks & Recreation Committee Meeting of the 11th June 2013, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Gray moved, Cr Williams seconded that Deputy Mayor, Cr Taylor and Cr Garlick be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

As there were no members in the gallery there was no requirement for question time.

4. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2005*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.

There were no declarations of interest.

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

FILE REFERENCE: 0205-6

AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:-

- May 23 General Manager and I had a meeting with Mr Emanuel Kallis re developments in our Municipality.
- May 24 Handing over keys to new home for occupier of a BIHC home.
- May 29 Along with many members of staff attended the funeral for Steve Turner at New Norfolk.
- May 31 General Manager and I attended a meeting at Southern Water Offices in Moonah which was to try and solve an impasse in the Myer Hobart development.
- Jun 04 Meeting with Senior Management team primarily to look at all the issues Council has going at the moment.

Jun 18 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Owen moved, Cr Gray seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

5.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA), LGAT, TASWATER AND JOINT AUTHORITIES:

Correspondence and reports from the STCA, LGAT, Taswater and Joint Authorities e.g. Southern Waste Authority are received periodically by Council.

If any Councillor wishes to view documents received contact should either be made with the Manager Governance and Human Services or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it was reported that there were no workshops held since the last Council Meeting..

(This includes workshop, seminar or meeting, other than a meeting that is conducted by or on behalf of the council for the councillors.)

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2005, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

There were no supplementary agenda items.

9. REPORTS FROM COMMITTEES:

9.1 PARKS & RECREATION COMMITTEE – 11/6/13:

The recommendations of the Parks & Recreation Committee Meeting of 11th June 2013 were submitted to Council for adoption.

Cr Geard moved, Cr Jeffries seconded that the recommendations be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2005, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10. on this agenda, inclusive of any supplementary items.

There were no planning reports for this meeting.

11. REPORTS FROM OFFICERS:

11.1 DOG MANAGEMENT POLICY - ADOPT:

FILE REFERENCE: 0460

AUTHOR: Manager Governance & Human Services
(Mrs J Banks)

Background:

At its meeting on 18th December 2012 Council considered a Draft Dog Management Policy, the draft was submitted to the March Council Meeting following the public exhibition period.

Due to minor amendments Council resolved to readvertise and place the Draft Dog Management Policy on public exhibition for a further period of six (6) weeks.

Consultation:

Two (2) submissions were received from the first public exhibition period; there were no submissions received during the April/May public exhibition period..

Risk Implications:

N/A

Financial Implications:

N/A

Other Issues:

N/A

Assessment:

The following comments were from the first public exhibition period previously circulated to Councillors in March 2013:-

- There was no covering letter with the first submission, in fact the Draft Dog Management Policy had been marked with X's and No's throughout the document and did not give any valid reasons for the 'notations' on the documents.
- The second submission was in relation to Cats i.e. include cat management in the dog management policy. *The Cat Management Act 2009* is administered by the Department of Primary Industries, Parks, Water and Environment (DPIPWE), a state government agency. Local government does not have any direct obligations under the Act to control cats.

Options:

1. As per recommendation.
2. As per recommendation with modifications.

RECOMMENDATION:

The Council adopts the amended Dog Management Policy.

DECISION:

Cr Geard moved, Cr Williams seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.2 APPLICATION FOR KENNEL LICENCE – 167 CHURCH ROAD, DROMEDARY:

FILE REFERENCE: CHURCH/167

AUTHOR: Manager Governance and Human Services
(Mrs J Banks)

Background:

An application for a kennel licence for 10 Jack Russell Terriers at 167 Church Road, Dromedary was lodged with Council on 15th April 2013.



Location Map

The application was advertised on the 12th April 2013. One objection was received during the statutory 14 day advertising period.

Consultation:

Manager Governance & Human Services, Animal Control Officer, applicant and objector.

Risk Implications:

N/A

Financial Implications:

N/A

Other Issues:

There have been previous complaints to Council regarding the barking of dogs from this property.

There is also a Cattery operating from this site.

Assessment:

In accordance with Council's Policy 4.3 the maximum number of dogs to be kept on this property is 10 as the land size is just over 8.0 ha.

The land area guide for Policy 4.3 is:-

1.0 – 2.0 ha	3-4 dogs
2.0 – 5.0 ha	5-7 dogs

5.0 – 10.0 ha 8-10 dogs

Greater than 10 ha for 11-20 dogs

Council’s Animal Control Officer (ACO) has visited the site and advised that the property is satisfactorily maintained and cleaned.

The ACO has also spoken with the applicant regarding the dogs barking and causing a nuisance.

Options:

1. As per the recommendation.
2. Not approve the application for a Kennel Licence at 167 Church Road, Dromedary.

RECOMMENDATION:

That Council approve a Kennel Licence for 10 Jack Russel Terrier dogs at 167 Church Road, Dromedary, subject to the following conditions:-

- 1) The Council is to be notified of any change in the breed.
- 2) Any change in the breed of dogs may require submission of an application for a new licence.
- 3) No more than 10 dogs are to be kept on this property.
- 4) Adequate provisions for the health, welfare and control of all dogs.
- 5) Compliance with all laws relating to public health, environmental protection and required plumbing and planning approvals for the kennel structures.
- 6) Compliance with the provisions of the *Dog Control Act 2000* or any other relevant Act, including but not limited to the *Animal Welfare Act 1993*.
- 7) The condition of the premises shall not create a nuisance at any time.
- 8) The dogs are not to create a nuisance by barking.

DECISION:

Cr Geard moved, Cr Gray seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	Cr Curran
Cr Geard	Cr Jeffries
Cr Gray	Cr Owen
Cr Williams	

11.3 BY-LAW NO.1 OF 2013 – ENVIRONMENTAL HEALTH:

FILE REFERENCE: BY-LAWS

AUTHOR: Manager Governance & Human Services
(Mrs J Banks)

Background:

Council's current Environmental Health By-law No. 1 of 2004 is due to expire next year.

Council officers wish to continue with an Environmental Health By-law. Council's Senior Environmental Health Officer has made minor amendments to the current by-law.

The purpose of this By-law has been to regulate, control and protect activities such as caravans, sanitation, incinerators and animal control which have impacted on environmental health within the municipality.

Consultation:

Senior Environmental Health Officer, Building Compliance Officer, Manager Governance & Human Services and Abetz Curtis Lawyers.

Risk Implications:

The primary function of this by-law is regulatory and it is considered that this By-law will not impose any restrictions on commercial activities or competition nor have a negative impact on business.

Financial Implications:

Nil.

Other Issues:

The only change to the current by-law is in relation to caravans in residential areas and changes to fines that may be imposed.

Assessment:

The by-law allows monitoring of caravans, sanitation, incinerators and animal control to help reduce the incidence of creating a nuisance, risk or harm to public health and safety and the environment.

The proposed by-law and Regulatory Impact Statement will be required to be Certified by the Director of Local Government in accordance with Section 156A of the *Local Government Act 1993*.

Options:

1. As per the recommendation.
2. That Council not intend to make By-Law No. 1 of 2013 – Environmental Health.

RECOMMENDATION:

1. That in accordance with the provisions of Section 156 of the *Local Government Act 1993*, Council gives notice that it intends to make a By-law for the purpose of regulating, controlling and protecting activities as caravans, sanitation, incinerators and animal control which may impact on environmental health within the municipality.
2. That the By-law (By-Law No. 1 of 2013 - Environmental Health) and Regulatory Impact Statement be forwarded to the Director of Local Government for certification.

DECISION:

Cr Curran moved, Cr Williams seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.4 ACCESS TO INFORMATION POLICY:

FILE REFERENCE:

AUTHOR: Manager Governance & Human Services
(Mrs J Banks)

Background:

The *Right to Information Act 2009* commenced on 1 July 2010 and provides for greater access to information held by Government bodies by:

- Authorising and encouraging greater routine disclosure of information held by public authorities without the need for requests or applications;
- Authorising and encouraging greater active disclosure of information held by public authorities in response to informal requests without the need for applications;
- Giving members of the public an enforceable right to information held by public authorities; and

- Providing that access to information held by government bodies is restricted in only limited circumstances which are defined in the Act.

Section 23 of the *Right to Information Act 2009* (RTI) requires the principle officer of a public authority; in this case the General Manager of the Brighton Council, to develop policies and procedures in relation to disclosure of information for use in the public authority.

The General Manager may appoint an officer/s to assist him with the functions under Section 23 of the RTI. Section 24 of the Act provides that a principal officer may by instrument in writing delegate the performance or exercise the functions or powers under the Act (other than this power of delegation) as are specified in the instrument. The Manager Governance & Human Services, Human Resource Officer and Records Officer have been appointed to assist under the Act and have delegated authority to exercise the functions under the Act.

Consultation:

Manager Governance & Human Services.

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

The *Right to Information Act* supersedes the *Freedom of Information Act 1991*.

Assessment:

Council is required by the *Right to Information Act 2009* to make information available to the public through proactive disclosure, which means by routinely making information available which will assist the public in understanding what it does and how it does it.

This may be via Council's website, through publications (e.g. fact sheets or discussion papers), via reports (e.g. annual report). Some information is not released in this way, either because it is not of general public interest or because it is information the Council would need to assess against the exemptions in the *Right to Information Act 2009* prior to disclosure.

The Act requires Councils to develop policy and procedures in relation to disclosure of information. Procedures are to include the following information, to be made available to the public, to assist them in making an application and in understanding the process:

- an outline of the objects of the Act;
- the address to which an application is to be made;
- that an application is to be made in writing;

- the application fee payable under Section 16 of the Act;
- the time within which an application is to be decided;
- the opportunities available to the applicant if the time within which the application is to be decided is not met.

A copy of a draft policy and procedures is attachment. A General Manager is the Statutory Principal Officer under the *Right to Information Act* whereas the Mayor was the Principal Officer under the former *Freedom of Information Act*.

Options:

1. As per the recommendation.
2. That Council not adopt the Right to Information Policy and Procedures.

RECOMMENDATION:

That Council adopt the Access to Information Policy and procedures in accordance with Section 23 of the *Right to Information Act 2009*.

DECISION:

Cr Geard moved, Cr Gray seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.5 ROADSIDE CRASH MARKERS - DIER:

FILE REFERENCE:

AUTHOR: Council Services Officer
(Mrs C Harper)

Background:

DIER has approached Council regarding the installation of Roadside Crash Markers following a request from the parent of a youth whose death occurred in Old Beach at the corner of Jetty Road and the East Derwent Highway.

The purpose of the Roadside Crash Marker Program is to:

- Raise road safety awareness by identifying where fatal and serious injury crashes have occurred.
- Involve local communities in a positive way in road safety issues that affect them.
- Reflect the Government's ongoing commitment to community road safety partnerships as detailed in the *Tasmanian Road Safety Strategy 2007-2016*.

The Roadside Crash Marker program is only run in rural areas, DIER will not install markers for crashes that have occurred more than three years previous to the date of request, and they will also manage, through Council, the removal of the marker five years after installation. The markers are designed as a road safety initiative and are not intended to be memorials.

Council has previously had discussions on this topic and it was decided that Brighton Council would not participate in this program at that time, as it was felt that there are times when different members of a family may be in disagreement on having a marker installed. DIER advise that with their current approach that in the past five years they have not had any incidents of family dispute in regard to the placement of markers.

The Coroner's office informs next of kin by letter of the impending placement of the markers approximately three months after the fatality. Should a family require more information or have an objection to the placement of the marker they can contact the Manager, Road Safety Operations Branch, at DIER. Markers can also be placed on the request of next of kin family member. The markers will not be placed against the wishes of the next-of-kin family members. In the case of multiple fatalities the families of all victims must be agreeable before the marker can be placed.

If families initially agree to have the marker installed and later change their mind, DIER will then arrange for the removal of the marker through Council.

At all times if there are concerns or issues regarding the Roadside Crash Markers and their installation, DIER have processes and are able to access The Roads Safety Branch consultants and the Road Trauma Support Team (Tas) are available to assist with sensitive issues relating to the installation and removal of crash markers.

Consultation:

Tony Brown (DIER – Road Safety Consultant), Ron Sanderson (General Manager), Janine Banks (Manager Governance & Human Resources), Cathy Harper (Council Services Officer).

Risk Implications:

Nil.

Financial Implications:

There are only minor financial implications as the markers are supplied by DIER and the only expense to Council is the actual installation and removal of the markers.

Other Issues:

Nil.

Assessment:

The roadside crash marker program was established in 2002 and is currently run in 18 Councils within Tasmania - Sorell, Kentish, Huon Valley, Glamorgan/Spring Bay, West Tamar, Northern Midlands, Southern Midlands, Waratah/Wynyard, Meander Valley, Clarence, Circular Head, Devonport, Tasman, Central Coast, West Coast, Central Highlands, Latrobe and Break O'Day.

This program is seen as a way for positive community involvement in road safety issues. There is a thorough and sensitive process involved in the installation of both fatal and serious injury crash markers, with opportunity for next-of-kin family members to object to the placement of the markers and there is the ability for them to be removed at any time if the family members change their mind.

Options:

1. As per the recommendation.
2. Council not participate in the Roadside Crash Marker program.

RECOMMENDATION:

Council enter into partnership with DIER to participate in the Roadside Crash Marker program.

DECISION:

Cr Owen moved, Cr Jeffries seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Geard	Cr Curran
Cr Gray	Cr Foster
Cr Jeffries	
Cr Owen	
Cr Williams	

11.6 MONTHLY FINANCE REPORT AS AT 31 May 2013

FILE REFERENCE: 0103

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The finance reports were submitted for consideration.

They comprised the summarised financial position and revenue and expenses of the Council for the first eleven months of the 2012/13 financial year.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Not Applicable

Other Issues:

Nil

Assessment:

Nil

Options:

1. As per the recommendation.
 2. Not receive the reports.
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RECOMMENDATION:

That the reports be received.

DECISION:

Cr Jeffries moved, Cr Gray seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.7 BUDGET 2013/2014:

FILE REFERENCE: 0592
AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Budget (Estimates) had been prepared in accordance with the *Local Government Act 1993* and has already been adopted in principal by Council during May 2013.

Consultation:

Councillors, Senior Management, Ratepayers and other stakeholders.

Risk Implications:

Nil

Financial Implications:

As per the budget.

Other Issues:

Nil

Assessment:

The final rate increase is 2.5% for Brighton Council which equals the CPI figure for Australia April 2012 to March 2013.

The rating resolution reflects all rating legislative changes to the Local Government Act and in particular adopts the principles of Averaged Area Rates for residential properties.

Options:

1. As per the recommendation.
2. Review the budget and make further changes prior to adoption

RECOMMENDATION:

Approve the budget that was adopted in principle during May 2011 and allow for an overall rate increase of 2.5%.

Approve the 2013 - 2014 Rate Resolution as follows:

NOTICE OF RATES AND CHARGES

On 18 June 2013 Council passed the resolution that the following rates and charges for the financial year ending 30 June 2014 be levied:

1. GENERAL RATE & MINIMUM

1.1 Pursuant to Section 90 of the *Local Government Act 1993* (here referred to as the "Act"), Council hereby makes the following General Rate for all rateable land within the municipal area for the financial year commencing 1 July 2013 and ending 30 June 2014:

(a) Pursuant to Section 90(3)(c) of the Act, a General Rate of 36.0 cents in the dollar of the assessed annual value (here referred to as "AAV") of the rateable land.

1.2 Pursuant to Section 107(1) of the Act, Council hereby varies the General Rate of 36.0 cents in the dollar (as previously made) as follows:

(a) For land within the municipality which is used or predominantly used for commercial purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 6.694748 cents in the dollar of AAV;

(b) For land within the municipality which is used or predominantly used for public purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 8.144854 cents in the dollar of AAV;

(c) For land within the municipality which is used or predominantly used for industrial purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 4.936614 cents in the dollar of AAV;

(d) For land within the municipality which is used or predominantly used for primary production purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 4.826403 cents in the dollar of AAV;

(e) For land within the municipality which is used or predominantly used for sporting or recreation purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 16.816708 cents in the dollar of AAV;

(f) For land within the municipality which is not used and is zoned as Commercial within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 7.999813 cents in the dollar of AAV;

- (g) For land within the municipality which is not used and is zoned as Industry within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 3.983040 cents in the dollar of AAV;
 - (h) For land within the municipality which is not used and is zoned as Infrastructure within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 6.468711 cents in the dollar of AAV;
 - (i) For land within the municipality which is not used and is zoned as Intensive Agriculture within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 3.272651 cents in the dollar of AAV;
 - (j) For land within the municipality which is not used and is zoned as Landscape and Skyline Conservation within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 10.799748 cents in the dollar of AAV;
 - (k) For land within the municipality which is not used and is zoned as Recreation within the Brighton Planning Scheme 2000, the General Rate is varied by increasing the amount of 36.0 cents in the dollar of AAV to 35.999159 cents in the dollar of AAV;
 - (l) For land within the municipality which is not used and is zoned as Residential within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 13.170424 cents in the dollar of AAV;
 - (m) For land within the municipality which is not used and is zoned as Rural within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 17.418948 cents in the dollar of AAV; and
 - (n) For land within the municipality which is not used and is zoned as Rural Residential within the Brighton Planning Scheme 2000, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 15.430354 cents in the dollar of AAV.
- 1.3 Pursuant to Sections 107(2A) and 107(2B) of the Act, Council hereby sets minimum amounts payable, in respect of the general rate as varied, as follows:
- (a) For land within the municipality which is used or predominantly used for commercial purposes, the minimum amount payable in respect of the General Rate is an amount of \$816.00;
 - (b) For land within the municipality which is used or predominantly used for public purposes, the minimum amount payable in respect of the General Rate is an amount of \$816.00;
 - (c) For land within the municipality which is used or predominantly used for industrial purposes, the minimum amount payable in respect of the General Rate is an amount of \$816.00;

- (d) For land within the municipality which is used or predominantly used for primary production purposes, the minimum amount payable in respect of the General Rate is an amount of \$816.00;
- (e) For land within the municipality which is used or predominantly used for sporting or recreation purposes, the minimum amount payable in respect of the General Rate is an amount of \$350.00;
- (f) For land within the municipality which is not used and is zoned as Commercial within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (g) For land within the municipality which is not used and is zoned as Industry within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (h) For land within the municipality which is not used and is zoned as Infrastructure within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (i) For land within the municipality which is not used and is zoned as Intensive Agriculture within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (j) For land within the municipality which is not used and is zoned as Landscape and Skyline Conservation within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (k) For land within the municipality which is not used and is zoned as Recreation within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (l) For land within the municipality which is not used and is zoned as Residential within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00;
- (m) For land within the municipality which is not used and is zoned as Rural within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00; and
- (n) For land within the municipality which is not used and is zoned as Rural Residential within the Brighton Planning Scheme 2000, the minimum amount payable in respect of the General Rate is an amount of \$216.00.

2. AVERAGED AREA RATE

2.1 Pursuant to Section 109A of the Act and Certificates issued to Council in accordance with Section 109H of the Act, Council hereby make the following averaged area rate (here referred to as "AAR") for all rateable land within the municipal area for the following categories and localities for the financial year commencing 1 July 2013 and ending 30 June 2014:

- (a) In the locality of Bridgewater, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 7.374302 cents in the dollar of AAV and then an AAR is made in the amount of \$701.00;
- (b) In the locality of Brighton, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 6.359688 cents in the dollar of AAV and then an AAR is made in the amount of \$816.00;
- (c) In the locality of Dromedary, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.738576 cents in the dollar of AAV and then an AAR is made in the amount of \$816.00;
- (d) In the locality of Gagebrook, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 8.652739 cents in the dollar of AAV and then an AAR is made in the amount of \$701.00;
- (e) In the locality of Herdsmans Cove, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 8.432853 cents in the dollar of AAV and then an AAR is made in the amount of \$701.00;
- (f) In the locality of Honeywood for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.373656 cents in the dollar of AAV and then an AAR is made in the amount of \$816.00;
- (g) In the locality of Old Beach for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.689731 cents in the dollar of AAV and then an AAR is made in the amount of \$816.00;
- (h) In the locality of Pontville for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.642301 cents in the dollar of AAV and then an AAR is made in the amount of \$816.00;

- (i) In the locality of Tea Tree for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.144287 cents in the dollar of AAV and then an AAR is made in the amount of \$816.00;
- (j) In the locality of Bridgewater, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.324833 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;
- (k) In the locality of Brighton, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 4.035209 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;
- (l) In the locality of Dromedary, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.033829 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;
- (m) In the locality of Gagebrook, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 14.583646 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;
- (n) In the locality of Herdsmans Cove, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 12.626176 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;
- (o) In the locality of Honeywood, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 3.425710 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;

- (p) In the locality of Old Beach, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 4.182608 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00;
- (q) In the locality of Pontville, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 5.012893 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00; and
- (r) In the locality of Tea Tree, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 36.0 cents in the dollar of AAV to 2.963415 cents in the dollar of AAV and then an AAR is made in the amount of \$216.00.

3. WASTE MANAGEMENT SERVICE CHARGE

Pursuant to Section 94(1) of the Act, Council hereby make a service charge for waste management for the financial year commencing 1 July 2013 and ending 30 June 2014 of \$152.00 for each premises, tenement, flat, unit, apartment, single stratum section or portion of land set aside for separate occupation to which a regular garbage and recycling removal service is supplied by the Council.

4. FIRE SERVICE RATE

Pursuant to Sections 93 & 93A of the Act, and notice received by Council in accordance with Section 81B of the *Fire Service Act 1979*, the following fire service rates apply for the financial year commencing 1 July 2013 and ending 30 June 2014:

- (a) A Separate Urban Fire Rate of 1.226318 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$36.00;
- (b) A Separate Brighton Rural Fire Rate of 0.344046 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$36.00; and
- (c) A Separate Rural Fire Rate of 0.254543 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$36.00.

5. PAYMENT OF RATES & CHARGES BY INSTALMENTS

Rates and Charges must be paid by four (4) instalments - the first to be paid on or before 5 August 2013, and then by 30 September 2013, 31 January 2014 and 31 March 2014 respectively.

6. INTEREST

Pursuant to Section 128(1) (b) of the Act interest will apply to any amount of rates and charges and water rates and charges which remain unpaid after the date on which it is to be paid. The rate for 2013/2014 is 9.35% per annum calculated on a daily basis.

7. DISCOUNT

That Council applies a discount in accordance with Section 130 of the Act. The applicable discount being 1.3% applied to any annual rates paid in full by the due date of the first instalment.

DECISION:

Cr Gray moved, Cr Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr Foster
Cr Geard
Cr Gray
Cr Jeffries
Cr Owen
Cr Williams

11.8 MICROWISE - UPDATE REPORT:

FILE REFERENCE: 0838-3

AUTHOR: General Manager
(Mr R Sanderson)

The General Manager and Deputy General Manager provided an update on the progress of Microwise at the Council meeting.

Options:

1. As per the recommendation.
 2. Not receive the report.
-

RECOMMENDATION:

That the report be received.

DECISION:

Cr Jeffries moved, Cr Williams seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 6.05 pm.

Confirmed:

(Mayor)

Date:

_____ 16th July 2013