



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 MARCH 2014**

PRESENT: Cr Foster (Mayor); Cr Taylor (Deputy Mayor); Cr Curran; Cr Garlick; 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 (Asset Services Manager); Mr J Dryburgh (Manager Development Services) and Mrs J Banks (Governance Manager)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 18th FEBRUARY 2014.

Cr Geard moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of the 18th February 2014, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public 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:-

Feb	19	Chaired a meeting of the Taswater Selection Committee at Campbell Town.
Feb	25	Meeting at the Brighton Office.
Feb	27	Attended a special meeting of the Brighton Bowls Club at the request of Committee Chairman Ross Howard.
Mar	06	Ron Sanderson, James Dryburgh and I toured St Ann's and Verve at request of Susan Parr & Jacquie Sanderson.
Mar	07	General Manager and I had a strategy meeting with Tony Harrison.

Ordinary Council Meeting

18/3/14

- Mar 13 At the invitation of the Chairman of Cricket Tasmania the General Manager and I attended an official luncheon at Blundstone Arena.
- Mar 18 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

Cr Geard attended a SWSBJA meeting.

Cr Geard & Municipal Engineer attended Southern Tas Emergency Management meeting.

Cr Geard & Council Services Officer attended a Sth Tas Recovery Committee meeting.

Cr Geard attended a Brighton Agricultural Show Committee meeting.

Cr Geard and Cr Curran attended the Pontville Users Group meeting.

Cr Geard attended the Senior Citizens Management Committee meeting.

Cr Taylor moved, Cr Curran seconded that the report be received.

CARRIED

VOTING RECORD

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

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 Governance Manager or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it is 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:

The General Manager advised that there were no supplementary agenda items.

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held during March.

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 items listed on this agenda.

11. REPORTS FROM OFFICERS:

11.1 PLANNING DIRECTIVE NO. 4 (PD4) – FEE:

FILE REFERENCE:

AUTHORS: Senior Planner
(Mr S Wells)

Background:

Planning Directive No. 4 (PD4) applies throughout Tasmania and provides a set of six standards for single dwellings in residential areas. PD4 overrides all relevant provisions on the *Brighton Planning Scheme 2000*. Through the related Planning Directive No. 3, an application that meets all six standards does not require a planning permit to be issued.

Council currently accepts PD4 compliant proposals through a 'planning compliance no permit required request' and, on satisfactory review, will issue a letter of planning compliance. A fee of \$75 per application is currently set which is the base fee for all other planning applications.

Recent enquiries from members of the building industry have questioned the merit of the fee set for PD4 applications. It has been suggested that the fee does not support the building industry and is unwarranted in light of the standardisation provided by PD4 and general concerns regarding red tape.

Approved, but not yet commenced, legislative amendments will require planning authorities, as well as newly created private planning certifiers, to issue a formal Planning Compliance Certificate for all PD4 compliance proposals. Essentially, this formalises Council's current practice.

This report recommends that Council resolve to modify this fee.

Discussion:

PD4

PD4 is one part of the Tasmanian Government planning reform agenda which aims to provide greater consistency within the planning system as a whole. The reform agenda includes the regional planning initiatives and new planning schemes as well as private certification of certain development.

Planning Directive No. 1 provides the *Planning Scheme Template for Tasmania*. The Template essentially allows certain use or development to be assigned to one of five categories: exempt; no permit required; permitted; discretionary or prohibited.

Consistent with the Template, PD4 provides a no permit required status for single dwellings that comply with the six standards. A no permit required status only applies where a proposal complies with the acceptable solution for all six standards. If a proposal does not comply with one or more then it will be a discretionary proposal.

The assessment of PD4 compliant proposals is a technical matter undertaken by planning staff to ensure compliance with all relevant components of PD4 and other relevant parts of the planning scheme, such as bushfire management. As is the case with all statutory applications, there are a range of administrative costs associated with information management, finance and compliance. Further, engineering issues that would otherwise be addressed through a formal application process must still be addressed outside a formal permit process.

Since September 2012, 178 PD4 compliant proposals have been submitted to Council. This includes 114 new dwellings.

A small number of Tasmanian Councils set a fee for the assessment of PD4 or other no permit required applications. Others may or may not incorporate an indirect charge through other fees, such as for a building permit application. Of the Councils that do set a fee these range from \$52 to \$129 for the current financial year.

Future planning compliance certificates

The *Land Use Planning and Approvals Amendment Act 2013*, passed in December 2013, will introduce the following new elements into the planning system:

1. The ability for private planning certification of certain development prescribed by regulation; and
2. A requirement for all PD4 compliant or any other no permit required proposals to have a planning compliance certificate issued either by a planning authority or a private planning certifier.

These two elements are not yet operational and require the future issue of associated regulations by a new government. For current purposes, the second element is of particular relevance.

A planning compliance certificate is not, strictly speaking, a planning permit and cannot be subject to conditions. It will however be a formal assessment and approval of a proposal as meeting all relevant components of PD4 and the planning scheme. In many ways this formalises current practice by Council.

A planning compliance certificate will need to be assessed by planning staff through similar processes to those used for normal planning permits. Ultimately, the difference between a permitted planning application approved with conditions on a planning permit and a no permit required application approved without conditions through a planning compliance certificate appears to be slight.

Council retains responsibility for all enforcement activities associated with a planning compliance certificate regardless of whether it or a private certifier issued the planning compliance certificate.

Future fee

In this context, the appropriateness of setting a fee and what that fee should be needs to be considered in light of:

- The desired extent of general rate subsidisation for private applications;

- The ability to directly support the development industry and community members undertaking development;
- The overall budget position and ability to fund viably planning services over the long term.

On this last point, the 2013 – 2014 budget provides for \$75,000 of fee income of which less than 10% will be generated through PD4 compliant proposals. Planning services are not provided on a 100% cost recovery basis and are balanced by the general rate.

In overall terms, fees set by Council compare favorably to other Council and are among the lowest of southern Councils, as shown in the attachment to this report.

It is appropriate to note that Council's current fee structure does differ in some key respects to some other Councils. For instance, fees are not reduced for low value work (e.g., a deck or carport) or increased for discretionary or commercial applications which generally have a higher degree of complexity. It may be appropriate to review such matters ahead of the 2014/2015 financial year.

Ultimately, it is reasonable that individuals contribute to the costs incurred in administering and assessing planning applications. The current fee is a negligible component of project costs and would have no demonstrable effect on the viability of a large project. The current fee may however be a much larger component of a smaller project such as a deck or carport.

Nevertheless, as a sign of support and good faith in the current economic climate it is considered that the fee be reduced to \$50.00 and be waived for projects with total costs of less than \$15,000.

Consultation:

Initial consultation has been held with Council's General Manager, Deputy GM, and Manager Development Services.

Risk Implications:

There are no significant risk implications for setting, or not setting, a fee for PD4 applications. There can be pressure and public perception issues with regard to being "development friendly" by minimising fees.

Financial Implications:

Removing the current fee will reduce annual fee income by an amount in the order of \$6,000 per annum. This income is not significant and could be absorbed into future budgets albeit through small cuts to one or more operational areas.

Options:

1. As per the recommendation.
2. Leave the fee as is i.e \$75.00

3. Abolish the fee for PD4 proposals.
-

RECOMMENDATION:

That Council modify the fee for applications that comply with Planning Directive No. 4 to be \$50.00 and waived for projects with a total cost of less than \$15,000.

DECISION:

Cr Owen moved, Cr Curran seconded that Option 3 be adopted.

CARRIED

VOTING RECORD

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

11.2 DOG REGISTRATION & KENNEL LICENCE FEES 2014-2015:

FILE REFERENCE: 0248-2

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Under Brighton's Dog Management Policy 2012, Council is required to adopt dog registration and kennel licence fees annually.

It is proposed to bring fees gradually into line with the true cost involved with maintaining animal control services as well as inflation increases.

Therefore, an increase in dog registration and kennel licence fees should also apply for this upcoming financial year.

Consultation:

Deputy General Manager, Manager Governance & Human Services and Animal Control Officer.

Risk Implications:

None foreseen.

Financial Implications:

As provided.

Assessment:

A comparison between the current (2013-2014) and proposed dog registration and kennel licence fees for the 2014-2015 financial years are as follows:-

	CURRENT 2013-2014	PROPOSED 2014-2015
	Paid by July 31	Paid by July 31
Domestic Dog (desexed)	\$20.00	\$22.00
Domestic Dog (not desexed)	\$67.00	\$70.00
Working Dog	\$35.00	\$35.00
TGRB registered Greyhound	\$35.00	\$35.00
Pure Bred Dog kept for breeding	\$35.00	\$35.00
Dangerous Dog (declared under the Act)	\$300.00	\$350.00
Assist Dog	Nil	Nil

The following concession rates can apply to **ONE** dog only per owner and a Pensioner Concession Card or Health Care Card must be sighted at the time of payment.

	CURRENT 2013-2014	PROPOSED 2014-2015
	Paid by July 31	Paid by July 31
Concession Rates		
Domestic Dog (desexed)	\$20.00	\$20.00
Domestic Dog (not desexed)	\$37.00	\$45.00

All dog registrations must be undertaken before 31st July 2014 or a late fee of \$15.00 plus registration fee will apply.

Renewal of kennel licences and other related dog/animal fees are as follows:-

Kennel Licences & Fees	CURRENT 2013-2014	PROPOSED 2014-2015
Renewal	\$102.00	\$110.00
Dog Complaint Fee	\$70.00	\$70.00
Replacement Tags	\$3.00 each	\$3.00 each
Animal Agistment Fee	\$30.00 per day	\$30.00 per day
Reclaim Fees from the Dogs Home	\$60.00 per dog	\$65.00 per dog

The below fee will offset the call-out charge for Council’s Animal Control Officer to attend stock being reported at large via the local police or Council’s after-hours pager service. This charge will be payable by the owner of the stock.

	CURRENT 2013-2014	PROPOSED 2014-2015
Farm Animals not confined to the owner’s property (<i>Brighton Council Environmental Health By-law</i>)	Up to \$300	Up to \$400

Other Issues:

N/A

Options:

1. As per the recommendation.
2. That Council not adopt the Animal Control fees for the 2014-2015 financial year.

RECOMMENDATION:

That Council adopts the proposed Animal Control Fees for the 2014-2015 financial year as listed in the report.

DECISION:

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

CARRIED

VOTING RECORD

- | In favour | Against |
|------------|---------|
| Cr Curran | |
| Cr Foster | |
| Cr Garlick | |
| Cr Geard | |

Cr Gray
Cr Jeffries
Cr Owen
Cr Taylor
Cr Williams

11.3 AMENDMENT OF SEALED PLAN – LOT 101 ROSLYN COURT, BRIGHTON:

FILE REFERENCE: Lot 101 Roslyn Court, Brighton

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Council authorised the Sale of Lot 101 Roslyn Court, Brighton at its Ordinary Council Meeting on 21st May, 2013.. A requirement under the Local Government Act 1993 section 178 (4) (a) require Council to publish its intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area – this was published in The Mercury on 11th & 14th December, 2013. Display a copy of the notice on any boundary of the public land that abuts a highway; and notify the public that objection to the proposed sale may be made to the General Manager within 21 days of the date of the first publications. No objections were received.

Further to the above Council is required under the Local Government (Building and Miscellaneous Provisions) Act 1993 – Section 103 Amendment of sealed plan to act on its own motion, it is to serve a notice in writing to all persons appearing by the register under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment – This letter was posted by registered mail 29/1/2014. Council received one objection to the amendment. This objection was based on the assumption that the land was free for everyone use and that Roslyn Court was a narrow street with limited parking and if the land was sold to a developer for units the street would be unable to handle the extra traffic.

Consultation:

Marc Edwards, Lawyer, Abetz Curtis, Wendy Young

Risk Implications:

Nil

Financial Implications:

Lot 101 Roslyn Court would be valued once approval for a 2 lot subdivision was obtained. All capital returns will be set aside for reserve expenditure of a capital nature.

Other Issues:

Nil

Assessment:

Lot 101 Roslyn Court, Brighton is identified as surplus land. This property has a land area of 4962 m2 it was set aside as Public Open Space on Sealed plan 142115.

Options:

1. As per the recommendation.
2. Do not remove the notation "Public Open Space" from sealed plan 142115

RECOMMENDATION:

To delete from Sealed Plan 142115 the notation "Public Open Space" which concerns lot 101 on sealed plan 142115 in accordance with the requirements of Section 103 (2) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas) and to authorise the sale of the land.

DECISION:

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

CARRIED

VOTING RECORD

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

11.4 AMENDMENT OF SEALED PLAN – LOT 101 MELISSA STREET, BRIGHTON:

FILE REFERENCE: Lot 101 Melissa Street, Brighton

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Council authorised the Sale of Lot 101 Melissa Court, Brighton in its Ordinary Council Meeting on 21st May, 2013.. A requirement under the Local Government Act 1993 section 178 (4) (a) require Council to publish its intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area – this was published in The Mercury on 30th January, 2014 & 1st February, 2014. Display a copy of the notice on any boundary of the public land that abuts a highway; and notify the public that objection to the proposed sale may be made to the General Manager within 21 days of the date of the first publications. No objections were received.

Further to the above Council is required under the Local Government (Building and Miscellaneous Provisions) Act 1993 – Section 103 Amendment of sealed plan to act on its own motion, it is to serve a notice in writing to all persons appearing by the register under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment – This letter was posted by registered mail 31/1/2014. Council received no objection to the amendment.

Consultation:

Marc Edwards, Lawyer, Abetz Curtis, Wendy Young

Risk Implications:

Nil

Financial Implications:

Lot 101 Melissa Street was valued at \$175,000 by Opteon on 17th April, 2013. All capital returns will be set aside for reserve expenditure of a capital nature.

Other Issues:

Nil

Assessment:

Lot 101 Melissa Street, Brighton is identified as surplus land. This property has a land area of 2638 m² it was set aside as Public Open Space on Sealed plan 143929.

Options:

1. As per the recommendation.
2. Do not remove the notation "Public Open Space" from sealed plan 143929

RECOMMENDATION:

To delete from Sealed Plan 143929 the notation "Public Open Space" which concerns lot 101 on sealed plan 143929 in accordance with the requirements of Section 103 (2) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas).

DECISION:

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

CARRIED

VOTING RECORD

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

11.5 AMENDMENT OF SEALED PLAN – 7 COLLIS COURT, BRIGHTON:

FILE REFERENCE: 7 Collis Court, Brighton

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Council authorised the Sale of 7 Collis Court, Brighton in its Ordinary Council Meeting on 21st May, 2013.. A requirement under the Local Government Act 1993 section 178 (4) (a) require Council to publish its intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area - this was published in The Mercury on.30th January, 2014 & 1st February, 2014..

Display a copy of the notice on any boundary of the public land that abuts a highway; and notify the public that objection to the proposed sale may be made to the General Manager within 21 days of the date of the first publications. No objections were received.

Further to the above Council is required under the Local Government (Building and Miscellaneous Provisions) Act 1993 – Section 103 Amendment of sealed plan to act on its own motion, it is to serve a notice in writing to all persons appearing by the register under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment – This letter was posted by registered mail 30/1/2014. Council received no objections to the amendment.

Consultation:

Marc Edwards, Lawyer, Abetz Curtis, Wendy Young

Risk Implications:

Nil

Financial Implications:

7 Collis would be valued once the subdivision works had been completed. Council has approved in principle the subdivision of two residential lots in it Ordinary Council Meeting on 21/05/2013. All capital returns will be set aside for reserve expenditure of a capital nature.

Other Issues:

Nil

Assessment:

7 Collis Court, Brighton is identified as surplus land. This property has a land area of 1863 m² it was set aside as Public Open Space on Sealed plan 157803.

Options:

1. As per the recommendation.
2. Do not remove the notation “Public Open Space” from sealed plan 157803

RECOMMENDATION:

To delete from Sealed Plan 157803 the notation “Public Open Space” which concerns lot 10 on sealed plan 157803 in accordance with the requirements of Section 103 (2) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas).

DECISION:

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

CARRIED

VOTING RECORD

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

11.6 MONTHLY FINANCE REPORT AS AT 28 FEBRUARY 2014:

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 eight months of the 2013/14 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.
-

RECOMMENDATION:

That the reports be received.

DECISION:

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

CARRIED

VOTING RECORD

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

11.7 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 Curran moved, Cr Jeffries seconded that the reports be received.

CARRIED

VOTING RECORD

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

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 6.10 pm.

Confirmed:

(Mayor)

Date:

15th April 2014