



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 6.15 P.M. ON TUESDAY,
17th JUNE 2014**

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

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren
(Deputy General Manager); Mr H Macpherson (Asset
Service Manager) and Mr J Dryburgh (Development
Services Manager); and Mrs J Banks (Governance
Manager)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 20th MAY 2014.

*Cr Geard moved, Cr Gray seconded that the Minutes of the Ordinary Council
Meeting of the 20th May 2014, be confirmed.*

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 10TH JUNE 2014.

Cr Garlick moved, Cr Williams seconded that the Minutes of the Finance Committee Meeting of the 10th June 2014, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Williams moved, Cr Garlick seconded that Cr Jeffries be granted leave of absence.

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Heather Haselgrove and Lyn Mason addressed Council in relation to the Metro – Northern suburbs bus service review.

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 GM and I had a meeting with Clive Simpson re land development in Municipality.

GM and I had a meeting with Alison Alexander author of our history book 'Brighton and Surrounds'

May 26 GM, Janine Banks and I had a meeting with David Tilyard.

GM, DGM and I had a meeting with Tony and Ingrid Harrison.

May 30 GM and I had a meeting with Ron Ward, CEO Archdiocese of Hobart re Centacare Tasmania and Evolve Housing.

Jun 05 GM, Heath Macpherson, Leigh Wighton and I had a meeting with Simon Touma re Army Camp development.

GM and I had a meeting with Alison Alexander.

GM, Cr Geard and I attended an official opening at the Tea Tree Hall.

Jun 10 Finance Committee meeting.

Jun 13 I had a meeting with Miles Hampton, Chairman of Board of Taswater.

Heath MacPherson and I met with Simon Touma and Paul Taylor re Army Camp development.

Jun 16 I had a meeting with Robert Rockefeller.

Jun 17 Ordinary Council meeting for June.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Geard 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 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 and Cathy Harper attended a Recovery Committee meeting recently.

Cr Taylor opened the Southern Tasmanian Poultry Show at Pontville Park recently.

Resolved that the reports be noted.

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:

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

9. REPORTS FROM COMMITTEES:

9.1 FINANCE COMMITTEE – 10/6/14:

The recommendations of the Finance Committee Meeting of 10th June 2014, were submitted to Council for adoption.

Cr Garlick moved, Cr Williams seconded that the recommendations of the Finance Committee Meeting of the 10th June 2014, be confirmed except Item 4.2.

CARRIED

VOTING RECORD

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

Item 4.2 was discussed.

Cr Garlick moved, Cr Williams seconded that the recommendation be adopted and that Cr Gray and Cr Owen be appointed as the two non-independent members.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
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.

10.1 DRAFT PLANNING SCHEME AMENDMENT - REZONING FROM RESIDENTIAL TO COMMERCIAL – 84 JETTY ROAD, OLD BEACH - SECTION 39 REPORT:

FILE REFERENCE:	RZ 2014/01
AUTHOR:	Senior Planning Officer (Mr S Wells)
APPROVED:	Manager Development Services (Mr J Dryburgh)
Applicant:	Brighton Council
Owner:	Brighton Council
Location:	84 Jetty Road, Old (Volume 142569 Folio 99)
Application no.:	RZ 2014/01
Zoning:	Residential Zone (proposed Commercial Zone)
Date received:	N/A
Date advertised:	26 th April 2014 to 16 th May 2014
Decision required	N/A

Background:

Council at its meeting of 15th April 2014 resolved to amend the *Brighton Planning Scheme 2000* by rezoning the property known as 84 Jetty Road, Old Beach from the Residential Zone to the Commercial Zone with modifications to the table of use that apply to this site only.

The certified draft amendment was publicly exhibited and one representation was received. That representation was from TasWater who provided a submission which advised that:

TasWater does not object to the proposal. The proposed amendment can be provided for within the existing infrastructure.

The purpose of the draft amendment is to broaden the opportunities for non-residential use and development that can support the amenity and liveability of Old Beach residents. The location of the site, its size and road access ensure that the site is well suited to the proposed zoning.

This report provides for the consideration of the representation received as well as any changes that may be appropriate to the certified draft amendment.

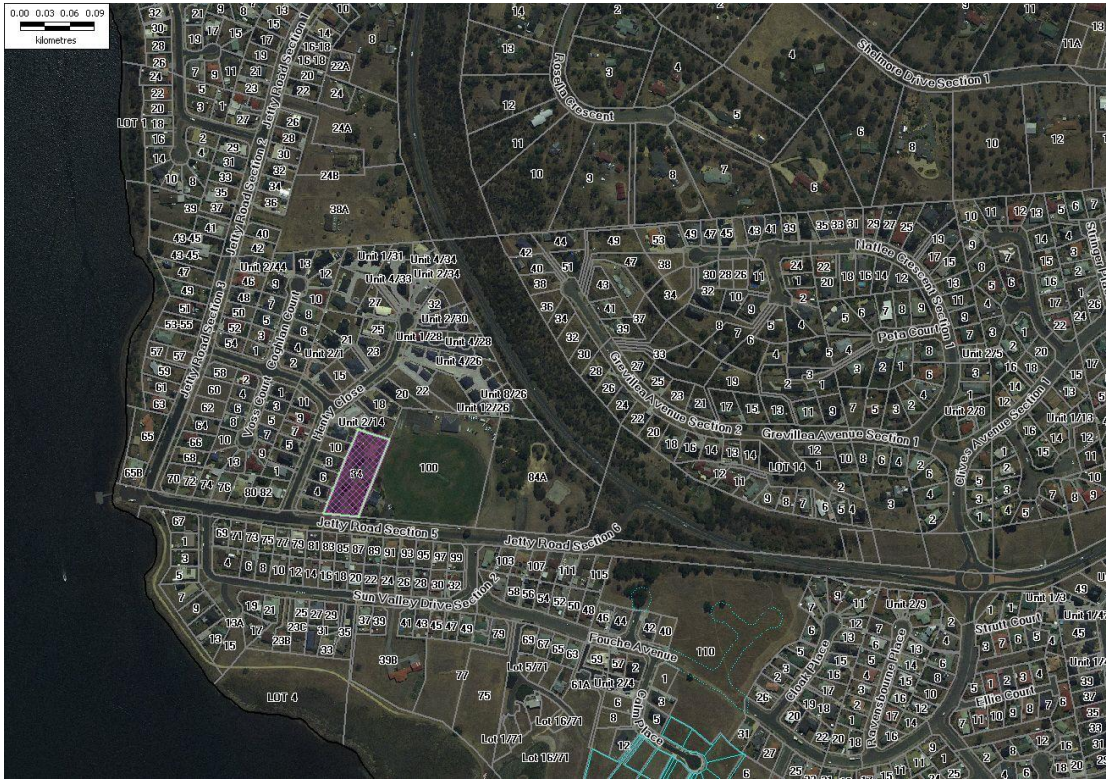


Figure 1: 84 Jetty Road, Old Beach.

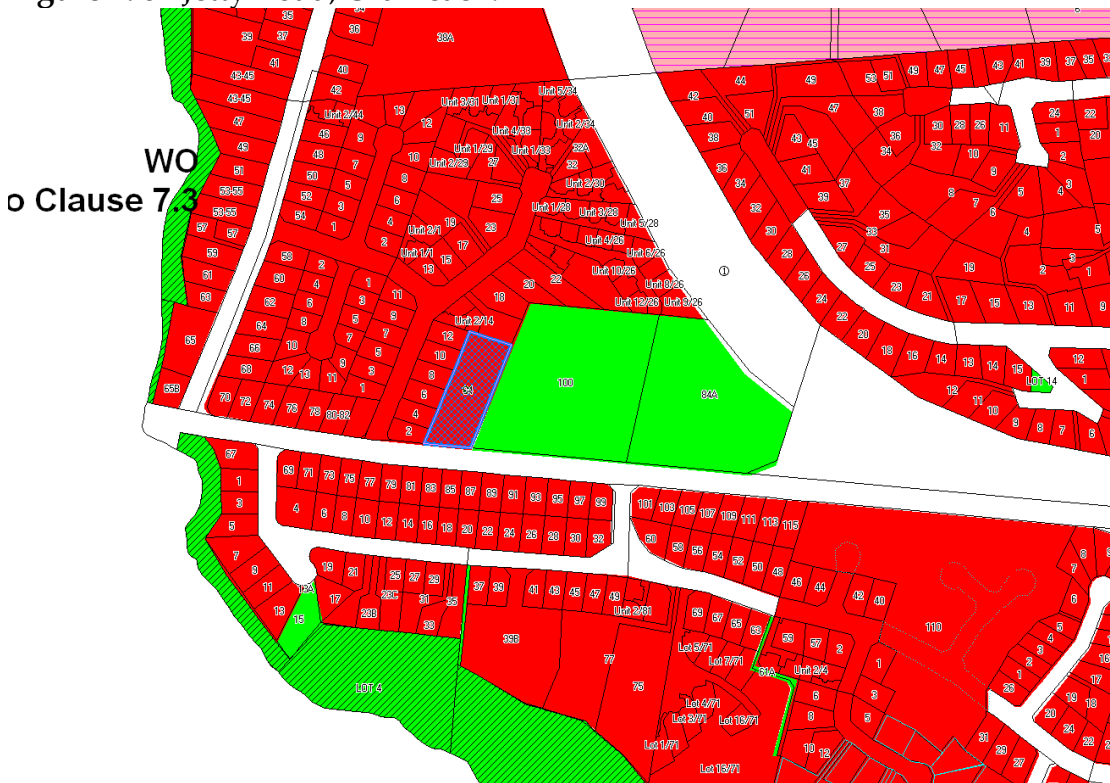


Figure 2: GIS zone map (Residential Zone in red, Recreation Zone in green).

Consultation:

The Draft Amendment was exhibited in accordance with Section 38 of the Act and Section 6 of the *Land Use Planning and Approvals Act Regulations 2004* from Saturday 26th April 2014 to 16th May 2014.

In addition to the minimum requirements of the Regulations, letters were sent to all properties fronting the southern section of Jetty Road.

One representation was received, which was from TasWater.

Several enquiries were made to Council officers from Old Beach residents. No concerns were raised with officers.

Legislation:

Section 39(2) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission a report comprising:

(a) a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and

(b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–

(i) the need for modification of the draft amendment in the light of that representation; and

(ii) the impact of that representation on the draft amendment as a whole; and

(c) such recommendations in relation to the draft amendment as the authority considers necessary.

Subsection (b) relates specifically to any representation received.

Subsection (c) allows the Planning Authority (Council) to provide any additional information or recommendation in relation to the draft amendment as certified or the recommend to the Tasmanian Planning Commission that a modification should be made regardless of any representation.

As the draft amendment has been initiated and certified the Tasmanian Planning Commission must make a determination on the matter.

Assessment:

One representation was received. It is considered that the submission from TasWater raises no issue with the draft amendment and therefore has no effect on the draft amendment as certified and does not warrant modifications to the draft amendment.

No other necessary modifications have been identified by Council officers and it is recommended that no changes be made to the draft amendment.

Options:

1. To adopt the recommendation; or
2. To adopt an alternative recommendation satisfying the provisions of section 39 of the Act, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That in accordance with Section 39 (2) of the Land Use Planning and Approvals Act 1993 Council resolves to:

- A. Advise the Tasmanian Planning Commission that one representation was received in respect to draft amendment RZ 2014/01 and that the representation:
 - I) does not warrant any modification to the draft amendment; and
 - II) has no effect on the amendment as a whole.
- B. Advise the Tasmanian Planning Commission that no modification to draft amendment RZ 2014/01 is considered necessary.

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 Owen	
Cr Taylor	
Cr Williams	

11. REPORTS FROM OFFICERS:

11.1 309 TEA TREE ROAD, BRIGHTON – UNSIGHTLY PREMISES:

FILE REFERENCE: TETREE/309

AUTHOR: Governance Manager
(Mrs J Banks)

Councillors will recall that this item was listed for discussion at the May Ordinary Council Meeting.

The Mayor, General Manager and Governance Manager met with Mr Tilyard on 26th May 2014 to discuss the current matter.

Councillors were requested to have a look at the site prior to discussing this matter at the Council meeting.

Background:

In 2005 the Manager Environment & Development Services (Robert Higgins) and Environmental Health Officer (Brent Bastian) visited 309 Tea Tree Road, Brighton to discuss the unsightly property as Mr Higgins wished to improve the condition of the property before complaint/s were received against it. Unfortunately when Council officers approached the owner at that time he became aggressive and abusive. The officers decided to not pursue the nuisance issue until complaints were received. No further action was taken.

The first official complaint for the 'unsightly' state of the property at 309 Tea Tree Road, Brighton was lodged with Council on 11th November 2013, although Council has received comments about why hasn't Council done something about this property previously; yet people have not wanted to lodge a formal complaint until now.

Other complaints received previously have related to offensive burning off on the property. Council Officers have spoken to the owner when these complaints are received. Complaints of this nature i.e. burning off are still being received by Council Officers.

Under Division 6 of the *Local Government Act 1993*, the property constitutes a nuisance and Council Officers have been dealing directly with the owner without a satisfactory outcome to date.

Consultation:

Governance Manager, General Manager, Senior Environmental Health Officer, Environmental Health Officer.

Risk Implications:

If no action is taken then this may set a precedent for other owners of identified nuisance properties not to take action.

Council under the *Local Government Act 1993*, is required to act on complaints regarding nuisances.

Financial Implications:

If Council undertakes the works to abate the nuisance there is a cost to Council, however the debt can be charged to the property and is recoverable the same as rates and charges.

Other Issues:

The following is an extract from Division 6 of the *Local Government Act 1993*, regarding nuisances:

199. Interpretation of Division 6

In this Division –

land, in relation to a public health matter, includes premises;

nuisance includes anything that –

- (a) causes, or is likely to cause, danger or harm to the health, safety or welfare of the public; or
- (b) causes, or is likely to cause, a risk to public health; or
- (c) gives rise to unreasonable or excessive levels of noise or pollution; or
- (d) is, or is likely to be, a fire risk; or
- (e) constitutes an unsightly article or rubbish.

200. Abatement notices

(1) If a council is satisfied that a nuisance exists, the general manager must serve a notice on–

(a) any person whose act or default contributes to or causes the nuisance whether or not that act or default occurs wholly or only partly in its municipal area; or

(b) if the person cannot be ascertained or found, on the owner or occupier of the land on, or from which, the nuisance arises.

(1A) If the owner or occupier of land on or from which a nuisance arises cannot be ascertained or found, the general manager is to display a copy of a notice referred to in subsection (1) in a prominent position on that land.

(2) A notice under subsection (1) is to state –

(a) the nature of the nuisance; and

- (b) any reasonably necessary action to be taken to abate the nuisance; and
- (c) the period within which such action is to be taken; and
- (d) the person or persons responsible for ensuring that such action is taken; and
- (e) that the council may take action under section 201.
- (f)

(3) A person served with, or specified in, an abatement notice must comply with the notice, unless the person lodges an appeal under subsection (5).

Penalty:

Fine not exceeding 20 penalty units.

(4) For the purpose of ascertaining whether a nuisance exists, the general manager may–

- (a) enter and remain on land; and
- (b) do any thing reasonably necessary for that purpose.

(5) A person served with, or specified in, an abatement notice may appeal to a magistrate within 14 days after service of the notice on any one or more of the following grounds:

- (a) that a nuisance does not exist;
- (b) that an action required by the abatement notice is unreasonable;
- (c) that the period stated in the abatement notice is unreasonable.

(6) A magistrate may –

- (a) order that the person is to comply with the abatement notice; or
- (b) modify the abatement notice and order that the person and the council are to comply with the modified notice; or
- (c) order that the council withdraw the abatement notice.

201. General manager may take necessary action

(1) The general manager may take the necessary action to abate a nuisance if–

- (a) there is an immediate danger to any person or property; or
- (b) the person causing the nuisance cannot be ascertained or found; or
- (c) an abatement notice has not been complied with.

(2) If the general manager takes action under subsection (1), the general manager is to notify the owner and occupier of the land on, or from which, the nuisance arises accordingly.

(3) For the purpose of abating a nuisance under subsection (1), the general manager may authorise a person to–

- (a) enter and remain on any land; and

- (b) close off or fence any place; and
- (c) do anything reasonably necessary for that purpose.

(4) The council may charge the owner or occupier of land for the cost of any action taken under subsection (1).

(5) A charge under subsection (4) is a charge on the land and is recoverable in the same manner as rates and charges.

204. Costs

(1) In proceedings under this Division, a court may give any orders in relation to costs it thinks reasonable, including an order –

(a) for the person on whom an abatement notice is served to pay the council any costs incurred by it –

(i) in the proceedings before it; and

(ii) in taking any action to abate a nuisance under section 200 or 201; or

(b) for a council to pay any costs incurred by the owner or occupier of land in respect of which the council took action under section 200 or 201.

(2) If any costs awarded to a council are not paid within 3 years, the council may sell the land in respect of which an abatement notice is served in accordance with Division 11 of Part 9 as if the unpaid costs were unpaid rates.

Assessment:

Timeline:

11th November 2013 – Official complaint received regarding the unsightly property and offensive burning off on-site.

25th November 2013 – EHO (Michael Westcott) visited the property to advise the occupant that a complaint had been received and the property in its current condition could be regarded as “unsightly”. The owner once again became abusive and aggressive and Mr Westcott left the property.

13th December 2013 – A letter was sent to the property owner explaining that a complaint had been received and the property in its current state was viewed to be unsightly and Council, under the *Local Government Act 1993*, were required to take action. Works were requested to be undertaken by 3rd February 2014.

31st January 2014 – The owner responded stating that Council officers were incompetent and he was not prepared to speak with Mr Westcott. He also addressed the works suggested by Council to remove the items stating the construction of a fence would be better suited to shield the items from view.

14th February 2014 – SEHO (Brent Bastian) responded to the owner’s letter supporting the construction of a fence or any other suggestion to abate the unsightly nuisance. The letter also requested a meeting to discuss these options with the owner.

24th February 2014 – Mr Westcott was asked to obtain photographic evidence of the state of the property from Tea Tree Road. As Mr Westcott parked to take photos on the opposite side of the road the owner appeared and aggressively approached the vehicle on foot, while another male rushed to a nearby car and started to pursue Mr Westcott. Concerned for his safety Mr Westcott returned to the car and left.

4th March 2014 – letter was received from the owner stating that he was not interested in having a meeting with Council to discuss the issue.

7th April 2014 – Governance Manager (Janine Banks) wrote to the owner requesting he construct a fence along the front of the property to abate the unsightly nuisance and was advised to contact Council within fourteen (14) days if he wished to accept this salutation.

9th April 2014 – the complainant called and asked why nothing had been done so far as the property was still unsightly and offensive (there had been further burning off).

26th May 2014 – Mayor, General Manager, Governance Manager, Mr Tilyard and a Mr J Dennison met to discuss the situation and options. Mr Tilyard did indicate at that meeting that he was prepared to erect a 2m high paling fence along the front boundary of his property.

Options:

1. As per the recommendation.
2. That Council not serve an abatement notice on the owner and advise the complainant that Council is not going to pursue abating the nuisance.

RECOMMENDATION:

That Council serve an abatement notice under Section 200 of the *Local Government Act 1993*, on the owner of 309 Tea Tree Road, Brighton to abate the nuisance i.e. request the construction of a 1.8m (minimum) colour bond or paling fence along the designated areas as identified by Council.

DECISION:

Following debate about whether this matter should be determined by Council or the General Manager, the General Manager advised that he has decided to act in accordance with Option 2 and that Council therefore only needed to note his decision.

11.2 BY-LAW NO.1 OF 2014 – ENVIRONMENTAL HEALTH:

FILE REFERENCE: BY-LAWS

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Councillors may recall that the draft Environmental Health By-law and Regulatory Impact Statement were submitted to Council June 2013.

The Director of Local Government requested a number of changes and this process has now taken a further 12 months. The draft by-law has changed considerable and therefore Officers felt that the draft needed to be re-submitted.

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

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 by-law has had minor changes due to changes in other Legislation since the draft was submitted last year i.e. Building Code and EMPCA which now covered some of the regulatory matters.

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*.

The latest draft was sent to the Director late May for Certification.

Options:

1. As per the recommendation.
 2. That Council not intend to make By-Law No. 1 of 2014 – 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 2014 – Environmental Health) and Regulatory Impact Statement be forwarded to the Director of Local Government for certification.

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 Owen	
Cr Taylor	
Cr Williams	

11.3 JODI EATON MEMORIAL REQUEST:

FILE REFERENCE:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

Council has received a request from a community member who is close to the Eaton family to install a memorial plaque and seat in the East Derwent Highway reserve, near the PCYC at Bridgewater.

Jodi's family have advised Council that they approve of a memorial plaque being placed in that vicinity.

The request is for the plaque to be installed in time for Jodi's birthday anniversary on 3rd July. The memorial is not only requested to show support for Jodi's family at their tragic loss but also to provide a focal point showing support to victims of violence in this community.

Consultation:

Samara Debnam, Sandy Eaton (Jodi's sister), Janine Banks (Manager Governance and Human Services), Cathy Harper (Council Services Officer).

Risk Implications:

Establishing a memorial may set precedence for future similar requests. It may be necessary to set up a framework for criteria to be met to enable consistency in considering these requests.

The request to site the seat under the gum trees could be hazardous as this type of tree is known for losing limbs. An alternate safer site nearby should be considered.

Financial Implications:

The approximate cost involved in placing the plaque \$200.00 and installing a seat would be \$1500.00.

Other Issues:

Some sectors of the community may not feel comfortable with having a memorial placed in a public area. This tragedy has caused some conflict within the community and the ensuing different viewpoints may be remain strong until after the legal proceedings currently active are resolved.

Assessment:

There would be minimal cost associated with installing the plaque as requested. There is significant community concern regarding the amount of domestic violence in the community along with a wish to change community attitude to the acceptance of domestic violence.

The memorial could show Council is keen to support community in seeking change to attitudes towards domestic violence and supports events such as White Ribbon Day.

Options:

1. As per the recommendation.
2. Council not commit funds to the installation of the plaque and seat.
3. Council decide an alternative funding amount.

RECOMMENDATION:

Council approve the installation of a plaque in the reserve near the PCYC at Bridgewater, as requested, but locate the seat in a safer position in the area by 3rd July 2014

DECISION:

Cr Geard moved, Cr Curran seconded that Council consider the risk implications and to defer this matter to a later date.

CARRIED

VOTING RECORD

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

11.4 SOUTHERN WASTE STRATEGY AUTHORITY:

FILE REFERENCE:

AUTHOR: Asset Services Manager
(Mr H Macpherson)

Background:

A Special Meeting of Southern Waste Strategy Authority (SWSA) was convened on the 27th April 2014 as a result of the resignation of Hobart City Council from the SWSA. Attached is a letter from Alex Green the chairman of SWSA (including as Appendix) that outlines the discussions at the meeting and some of the possible alternatives.

Consultation:

Municipal Engineer, General Manager

Risk Implications:

With the current push from the LGAT for a waste levy, if the southern region ceased to have a regional body it may be harder to argue that all money from the levy should be hypothecated to waste and for the south to get funding towards projects or have involvement in how the money is spent.

Hobart City Council has already withdrawn from SWSA and it is likely that Clarence City Council and Kingborough Council will also withdraw next year if changes aren't made to SWSA in its current format.

Financial Implications:

Brighton Council currently pays around \$15,000 towards the SWSA based on the amount of waste that is sent to landfill.

Some of the task that the SWSA have been involved in and various projects that this money has gone towards funding include:

- Garage Sale Trail
- Household Hazardous Waste Program
- Promotion of SWSA
- E-Waste Program
- Schools Programs
- Waste Management 2020 and beyond report
- Review of CDL
- Review of Tyre Recycling
- Keeping stakeholders up to date on current issues
- Dealing with issues on a regional level – Recycling gate price
- Representation on the Waste Advisory Group
- Waste minimisation strategies
- Review of organic waste collection

Other Issues:

There are a number of waste issues that are a major concern for Councils heading into the future and should be dealt with, as a minimum, as a regional level.

A new funding model needs to be developed in the south of the state, if as a region we want to have a regional body to deal with waste issues.

If a state wide mandated levy is introduced then this would solve the funding model but the current government have not provided a position on a levy.

Assessment:

As outlined in the attachment there is a number of options including:

- Continuing the existing format - This will be difficult due to the loss of Hobart funds and potentially other funds in the future.
- Wind up SWSA and individual Councils take on their own waste management practices - Waste management in the south will be better if it has a southern voice.
- Strip the Authority and maintain it only as a legal entity so that if circumstances change a new entity won't need to be created - Waste management in the south will be better if it has a southern voice.
- The roles and functions of SWSA are carried out by some other body - The preferred option so that the Southern Region still has a voice and viable project can still be carried out into the future.

Options:

1. As per the recommendation
2. An alternative recommendation

RECOMMENDATION:

1. That Brighton Council write to SWSA stating that its preferred position is for SWSA to wind up in its existing format and look at an alternative structure for its roles and functions (which should include as a sub-committee of the STCA) and provide Council with specific options for an alternative structure.
2. Ensure that this is done as soon as possible within the next 12 months.
3. That SWSA (in its current and future format) actively pursue with the state government to introduction a mandatory state waste levy.

DECISION:

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

CARRIED

VOTING RECORD

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

11.5 BRIGGS ROAD – UPGRADE:

FILE REFERENCE: BRIGGS

AUTHOR: Asset Services Manager
(Mr H Macpherson)

Background:

As part of the 2014-15 Budget \$1,200,000 was approved for upgrade works to Briggs Road.

The Municipal Engineer will provide an update on the progress of the proposal and concept designs.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

Nil

Assessment:

Nil

Options:

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

RECOMMENDATION:

That the report be received.

DECISION:

Cr Garlick 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 Owen	
Cr Taylor	
Cr Williams	

11.6 BUDGET 2014/2015:

FILE REFERENCE: 0592

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Budget (Estimates) has been prepared in accordance with the *Local Government Act 1993* and has already been adopted in principal by Council during May 2014.

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 2.8% for Brighton Council which equals the CPI figure for Hobart April 2013 to March 2014.

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 2014 and allow for an overall rate increase of 2.8%.

Approve the 2014–2015 Rate Resolution as follows:



NOTICE OF RATES AND CHARGES

On 17 June 2014 Council passed the resolution that the following rates and charges for the financial year ending 30 June 2015 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 2014 and ending 30 June 2015:

(a) Pursuant to Section 90(3)(c) of the Act, a General Rate of 38.0 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 38.0 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 38.0 cents in the dollar of AAV to 6.903545 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 38.0 cents in the dollar of AAV to 8.395910 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 38.0 cents in the dollar of AAV to 5.090249 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 38.0 cents in the dollar of AAV to 4.981473 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 38.0 cents in the dollar of AAV to 17.285792 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 38.0 cents in the dollar of AAV to 8.228932 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 38.0 cents in the dollar of AAV to 4.096670 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 38.0 cents in the dollar of AAV to 6.653069 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 38.0 cents in the dollar of AAV to 3.365921 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 38.0 cents in the dollar of AAV to 11.107530 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 decreasing the amount of 38.0 cents in the dollar of AAV to 37.021248 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 38.0 cents in the dollar of AAV to 13.547863 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 38.0 cents in the dollar of AAV to 17.917497 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 38.0 cents in the dollar of AAV to 15.870118 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 \$837.00;
 - (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 \$837.00;
 - (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 \$837.00;
 - (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 \$837.00;
 - (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 \$363.00;
 - (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 \$222.00;
 - (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 \$222.00;
 - (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 \$222.00;
 - (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 \$222.00;

- (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 \$222.00;
- (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 \$222.00;
- (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 \$222.00;
- (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 \$222.00; 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 \$222.00.

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 2014 and ending 30 June 2015:

- (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 38.0 cents in the dollar of AAV to 7.599355 cents in the dollar of AAV and then an AAR is made in the amount of \$722.00;
- (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 38.0 cents in the dollar of AAV to 6.552359 cents in the dollar of AAV and then an AAR is made in the amount of \$837.00;
- (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 38.0 cents in the dollar of AAV to 5.920932 cents in the dollar of AAV and then an AAR is made in the amount of \$837.00;

- (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 38.0 cents in the dollar of AAV to 8.899684 cents in the dollar of AAV and then an AAR is made in the amount of \$722.00;
- (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 38.0 cents in the dollar of AAV to 8.515635 cents in the dollar of AAV and then an AAR is made in the amount of \$722.00;
- (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 38.0 cents in the dollar of AAV to 5.527915 cents in the dollar of AAV and then an AAR is made in the amount of \$837.00;
- (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 38.0 cents in the dollar of AAV to 5.954691 cents in the dollar of AAV and then an AAR is made in the amount of \$837.00;
- (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 38.0 cents in the dollar of AAV to 5.830073 cents in the dollar of AAV and then an AAR is made in the amount of \$837.00;
- (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 38.0 cents in the dollar of AAV to 5.263198 cents in the dollar of AAV and then an AAR is made in the amount of \$837.00;
- (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 38.0 cents in the dollar of AAV to 5.432630 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;
- (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 38.0 cents in the dollar of AAV to 4.225387 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;

- (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 38.0 cents in the dollar of AAV to 5.270491 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;
- (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 38.0 cents in the dollar of AAV to 9.096835 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;
- (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 38.0 cents in the dollar of AAV to 13.814561 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;
- (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 38.0 cents in the dollar of AAV to 3.512658 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;
- (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 38.0 cents in the dollar of AAV to 4.008384 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00;
- (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 38.0 cents in the dollar of AAV to 4.811270 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00; 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 38.0 cents in the dollar of AAV to 3.126761 cents in the dollar of AAV and then an AAR is made in the amount of \$222.00.

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 2014 and ending 30 June 2015 of \$157.00 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 2014 and ending 30 June 2015:

- (a) A Separate Urban Fire Rate of 1.300273 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$37.00;
- (b) A Separate Brighton Rural Fire Rate of 0.358321 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$37.00; and
- (c) A Separate Rural Fire Rate of 0.288975 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$37.00.

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 4 August 2014, and then by 30 September 2014, 30 January 2015 and 31 March 2015 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 2014/2015 is 10.02% 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 Taylor 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 Owen
Cr Taylor
Cr Williams

11.7 DERWENT ESTUARY PROGRAM PARTNERSHIP:

FILE REFERENCE: 0623

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The Derwent Estuary Program (DEP) was established in 1999 as a regional partnership between the Tasmanian Government, six councils, five businesses, scientists and the community to restore and promote the Derwent estuary. Its major sponsors include: Brighton, Clarence, Derwent Valley, Glenorchy, Hobart and Kingborough councils, the Tasmanian State Government, Nyrstar Hobart, Norske Skog Boyer, TasWater, TasPorts and Hydro Tasmania.

In 2010, the partnership was awarded Australia's National Riverprize for excellence in reducing water pollution, conserving habitats and species, monitoring river health and promoting greater use and enjoyment of the foreshore.

The DEP is currently due to review and re-commit to a new voluntary Partnership Agreement to continue the program for another 5 years (see attached draft Agreement for details).

Once this Agreement has been signed during the week of 21st July, the *Derwent Estuary Environmental Management Plan* will be reviewed and updated, with a more detailed Action Plan to be agreed on by March 2015.

Consultation:

None

Risk Implications:

None identified.

Financial Implications:

There will be an annual subscription from each of the participants. Brighton Council's commitment for 2014/15 is approximately \$14,000.

Other Issues:

If Brighton Council does not participate it would be the only council in the Derwent Estuary that was not involved in the program.

Assessment:

Over the past 15 years, Brighton Council has been a strong supporter of the DEP – having signed a series of regional partnership agreements – most recently in 2009. Its support for the program has included both cash as well as in-kind support, such as participation in committee meetings, collaborative monitoring and on-ground works.

Values provided by the DEP to Brighton Council include well-respected monitoring and scientific programs, technical advice, positive media and grant funding to support investigations and on-ground projects. In the past 5 years alone, the DEP has sourced over \$2,500,000 for Derwent-related projects in grants, donations and prizes, including over \$200,000 for surveys and investigations in the upper Derwent estuary.

Options:

1. Adopt the recommendation
2. Do nothing

RECOMMENDATION:

That Council re-commits to a new five year partnership agreement for the Derwent Estuary Program.

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 Owen	
Cr Taylor	
Cr Williams	

11.8 MICROWISE - UPDATE REPORT:

FILE REFERENCE: 0838-3

AUTHOR: General Manager
(Mr R Sanderson)

The General Manager will provide 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 Owen seconded that the report be received.

CARRIED

VOTING RECORD

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

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 7.25 pm.

Confirmed: _____
(Mayor)

Date: _____
15th July 2014