



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,
21ST MARCH 2017**

PRESENT: Cr Foster (Mayor); Cr Curran (Deputy Mayor); 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); Mrs J Banks (Governance
Manager); Mr H Macpherson (Municipal Engineer) and Mr
D Allingham (Acting Manager Development Services).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 21ST FEBRUARY 2017.

*Cr Geard moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of
21st February 2017 be confirmed.*

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE PARKS & RECREATION
COMMITTEE MEETING OF 14TH MARCH 2017.

Cr Geard moved, Cr Jeffries seconded that the Minutes of the Parks & Recreation Committee Meeting of 14th March 2017 be confirmed.

CARRIED

VOTING RECORD

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

1.3 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 14th MARCH 2017.

Cr Curran moved, Cr Jeffries seconded that the Minutes of the Finance Committee Meeting of 21st March 2017 be confirmed.

CARRIED

VOTING RECORD

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

1.4 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 14TH MARCH 2017.

Cr Gray moved, Cr Owen seconded that the Minutes of the Planning Authority Meeting of 21st March 2017 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	

Cr Jeffries
Cr Owen
Cr Williams

2. APPLICATIONS FOR LEAVE OF ABSENCE:

There were no applications for leave of absence.

Cr Higgins joined the meeting.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Inspector George Cretu (Bridgewater Station) addressed Council.
- Mr M Bartlett addressed Council in relation to Clean Up Australia Day and arson issues within the municipality
- Ms S McDougall addressed Council in relation to Item 11.2
- Mrs L Taylor addressed Council in relation to various matters and Item 11.8

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 2015*, 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 2015*.

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 24 Attended a meeting called by the LGAT to discuss the Water and sewerage debate.
- Feb 24 Attended a meeting of Owner Representatives called by the Treasurer Peter Gutwein to discuss his takeover from Councils of water and sewerage.
- Feb 27 Attended a meeting at Hamilton of senior staff and elected members of the SCC (Brighton, Southern Midlands, Derwent Valley and Central Highlands). Ron Sanderson, James Dryburgh and Deputy Mayor Curran also attended.
- Feb 28 Russel Hookway (Cooltrans) requested a meeting with myself, Ron Sanderson and senior planners to discuss a rezoning of his property.
- Feb 28 Attended a meeting with senior staff and Committee members of the Brighton Bowls Club to discuss future development.
- Mar 02 Meeting with senior staff and Tony and Ingrid Harrison.
- Mar 02 Meeting with officials from Cricket Tasmania and the Brighton Eagles Cricket Club to discuss a proposal to enter teams in the CT Premier League competition.
- Mar 10 Anti Discrimination meeting. Ron Sanderson and Janine Banks also attended
- Mar 14 Attended official opening of the CMCA Rally at Pontville
- Mar 15 Attended the official launch of 10 Days on the Island project on Brighton ArmyCamp.
- Mar 16 Federal Member of Parliament Brendon O'Connor and Brian Mitchell at New Norfolk.
- Mar 17 CMCA Forum.
- Mar 20 Meeting with GM and Maria Hanson.
- Mar 20 Tasmanian Labor members visit to Brighton.
- Mar 21 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Owen 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 Higgins	
Cr Jeffries	

Cr Owen
Cr Williams

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Cr Geard advised that he gave a presentation at the CMCA Rally.

Cr Owen attended the HGA AGM on 18th March 2017.

Cr Curran attended the CMCA opening and the Open Day on 19th March 2017.

DECISION:

Cr Garlick 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 Higgins	
Cr Jeffries	
Cr Owen	
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.

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 2015, it was reported that no workshops were held since the last Ordinary Council Meeting.

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 2015, 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 2015.

DECISION:

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

9. REPORTS FROM COMMITTEES:

9.1 PARKS & RECREATION COMMITTEE – 14/3/17:

The recommendations of the Park & Recreation Committee Meeting of 14th March 2017, were submitted to Council for adoption.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	

Cr Owen
Cr Williams

9.2 FINANCE COMMITTEE – 14/3/17:

The recommendations of the Finance Committee Meeting of 14th March 2017, were submitted to Council for adoption.

DECISION:

Cr Curran moved, Cr Gray seconded that the recommendations be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
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 2015, 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 11 on this agenda, inclusive of any supplementary items.

There were no planning items listed on this Agenda.

11. REPORTS FROM OFFICERS:

11.1 COMMON SERVICES JOINT VENTURE MONTHLY REPORTS:

AUTHOR: Manager Professional Services
(Mr G Boyd)

Background:

When the Common Services Joint Venture was formalised there was an undertaking that monthly reports would be provided to member councils. There are seven councils that have joined to date.

One report is for the overall performance of the joint venture which is provided to all member councils. The other report is council specific for each member council that is provided only to that council. The second attachment is for Brighton Council's performance for the month.

Consultation:

General Manager

Risk Implications:

Nil

Financial Implications:

See attached reports for financial information about the Common Services Joint Venture and Brighton Council.

Other Issues:

These reports provide detailed information to assist in dealing with the amalgamation program and the financial sustainability of the joint venture and individual councils.

Assessment:

The reports provide updates of proposed actions and collaborations which will build the overall capability and outputs of the group.

Options:

1. Adopt the recommendation.
 2. Do nothing.
-

RECOMMENDATION:

That the reports be received.

DECISION:

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

CARRIED

VOTING RECORD

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

11.2 APPLICATION FOR KENNEL LICENCE – 30 LACHLAN COURT, BRIGHTON:

AUTHOR: Governance Manager
(Mrs J Banks)

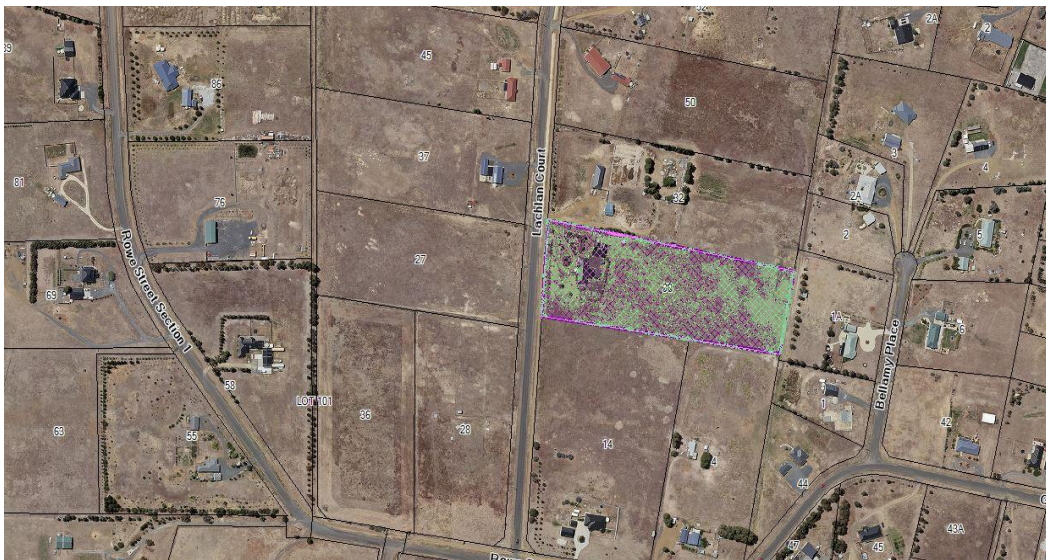
Background:

Council has received an application for a new Kennel Licence at 30 Lachlan Court, Brighton for eight (8) Boxers.

The applicant previously held a kennel licence at Tea Tree Road, Pontville for 5 Boxers and Glen Lea Road for 5 Boxers and 1 German Shepherd.

Council Officers only have delegated authority to approve a Kennel Licence for up to five (5) dogs provided no objections have been received.

This application is for 8 dogs which is 1 above that allowable for this property under Council’s Policy 4.3. The property size is 2.09ha.



Location plan

Consultation:

Governance Manager, applicant and Compliance Officer (Southern Midlands Council).

Risk Implications:

Nil

Financial Implications:

Nil.

Other Issues:

Council's Policy 4.3 states the following:-

The land area guide for up to 20 dogs is:-

1.0-2.0ha for 3-4 dogs

2.0-5.0ha for 5-7 dogs

5.0h-10.0ha for 8-10 dogs

Greater than 10 ha for 11-20 dogs.

The land in question is 2.09ha, therefore according to the Policy the maximum number of dogs on this property is 7. The applicant has been advised that Council may only approve up to 7 dogs. Currently 6 dogs are registered at this property.

Assessment:

The applicant purchased Lachlan Court in January 2017; kennel licences are not transferrable within the municipality, hence why the applicant needed to apply for a new kennel licence at this address.

The applicant didn't seek advice on whether a kennel licence would be required prior to purchasing this property. The dogs have been living on this property since January. 6 of the 7 dogs on-site are currently registered.

The applicant advertised in the Mercury on the 30th January 2017. Council received two (2) objections to this application during the statutory 14 day advertising period.

The objections related to noise, amenity and expressed concern that a horse riding track runs across the front of the property and the dogs may startle horses.

An inspection of the property on 8th March 2017, provided a satisfactory report, however it was suggested that the waist high gate/fence be rectified to a suitable height if it became known that the dogs were jumping over it.

Options:

1. As per the recommendation.
 2. Not approve the Kennel Licence.
-

RECOMMENDATION:

That Council approve the Kennel Licence for seven (7) Boxers subject to the following conditions:-

- 1) *The Council is to be notified of any change in the breed.*
- 2) *No additional dogs over the age of six (6) months are to be kept on the property*
- 3) *Any change in the breed of dogs may require submission of an application for a new licence.*
- 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.*
- 9) *Each dog is to be registered annually (by 31st July) and microchipped in accordance with the Dog Control Act 2000. Council to be notified of each microchip number.*
- 10) *Rectify the gate/fence height if any reports are made of dog/s escaping from the property.*

DECISION:

Cr Owen 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.3 FUNDING COMMITMENT FOR STATE GRANT APPLICATION FOR EAST DERWENT HIGHWAY TRAILS:

AUTHOR: Senior Planner
(Mr D Allingham)

Background:

In addition to the grant application for the development of 'Stage 1' of the Bridgewater Parkland Master Plan, staff have been working hard on preparing a second significant grant application for upgrading the walking paths along the East Derwent Highway (EDH) between the Bridgewater commercial area and Herdsmans Cove and Gagebrook. The grant is being applied for under the State Government's Community Infrastructure Fund which specifically identifies walking trails and public pathways.

Council staff are preparing detailed design and quotes for the project which has taken longer than expected due to the preparation of the Bridgewater Parkland Grant application which has now been submitted for both Federal and State funding rounds.

Staff are recommending Council commit up to \$318,000 to the project for next financial year. Centacare Evolve are likely to commit \$30,000 in funding for building shelters, however this is still waiting final sign-off from their Board. Approximately \$300,000 will be sought from the grant itself. Council would only be committing this \$318,000 if successful with the grant.

This is not 'new money', it merely brings forward funding from 2018-19 of the 10 Year Plan commitment to the footpath upgrades along the EDH to 2017-18. (see Financial Implications below).

The grant application will include approximately 2.9km of footpath which form a vital pedestrian link between the commercial area of Bridgewater and the residential areas of Herdsmans Cove and Gagebrook. A key part of the project will be providing improved grades for the approaches to the Jordan River Bridge for easier access, particularly for people with wheelchairs and prams. Shelters will also be provided along the route.

It should be noted that Gagebrook and Herdsmans Cove have unusually high rates of people who are dependent on walking due to low levels of vehicle ownership, a young age profile, a large percentage of single parent families, infrequent public transport and high rate of people with disabilities. People living in Gagebrook and Herdsmans Cove are largely dependent on Bridgewater for shopping and essential services and therefore the East Derwent Highway walkways are a critical piece of community infrastructure.

Consultation:

Consultation has occurred with Development Services, Asset Services, SMT and Centacare Evolve.

Risk Implications:

Council does not currently have the grading of the approaches to Jordan River Bridge in the 10 year plan. Staff are aware that people in wheelchairs have lost control on these approaches in the past and have gone over the embankment towards the highway. A significant injury which resulted from the condition of the pathways poses a risk to Council.

Financial Implications:

In the 10 year plan adopted by Council there is money to construct and renew pathways along the EDH as follows:

EDH - PCYC to new roundabout -	2017-18 \$96,000
EDH - Extension to Cove Hill Shopping Centre -	2017-18 \$12,000
EDH - Scott Rd to Green Point Primary Crossing	2018-19 \$120,000
EDH - Chris Fitzpatrick Park to Jordan River Community Centre	2018-19 \$90,000
	TOTAL - \$318,000

The grant application is for the funds to be spent during 2017-2018. In the 10 year plan it is Council's intention to already spend \$108k on DH footpath upgrades during this period.

A further \$210,000 is budgeted for the 2018-19 financial year for upgrades to the EDH footpaths.

As part of the grant application it is proposed (if successful) to also bring forward the \$210k 1 year earlier than budgeted in order to make a total commitment of \$318k.

By committing \$318k Council would be able to submit a grant application with a combined benefit of \$650k towards the EDH footpaths and gain the additional benefits of improving the grades at the Jordan River Bridge and providing a continuous concrete pathway between Chris Fitzpatrick Park to the new Cove Hill Road roundabout (this consists of \$30k from Centacare and \$302k from the Federal Grant).

Options:

1. As per the recommendation.
2. Not endorse the recommendation.

RECOMMENDATION:

Endorse the commitment of \$318,000 (2017/18 budget) in the Community Infrastructure Fund grant application for the East Derwent Highway footpath upgrades.

DECISION:

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

CARRIED

VOTING RECORD

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

11.4 SOUTH CENTRAL SUB-REGION UPDATE:

AUTHORS: Manager Development Services
(Mr J Dryburgh)

Background:

This report is intended to provide a regular update on the activities of the South Central Sub-region (Brighton, Central Highlands, Derwent Valley and Southern Midlands).

As councillors are aware, in early 2016 these four councils began more formal efforts to work collaboratively as a sub-region on matters of common interest. Brighton's Manager Development Services chairs meetings of the group roughly every two months and is responsible for driving and coordinating the activities of the group. The meetings consist of the chair and the mayors and general managers of each of the four councils, with other staff or external people in attendance when required.

Discussion:

(See minutes).

Consultation:

N/A.

Risk Implications:

N/A.

Financial Implications:

N/A.

Options:

1. As per the recommendation.
2. Council does not adopt the recommendation.

RECOMMENDATION:

That Council receive the report.

DECISION:

Cr Garlick 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.5 MONTHLY PLANNING UPDATE:

AUTHOR: Acting Manager Development Services
(Mr D Allingham)

Background:

This report is intended to provide a monthly summary of planning matters for Council.

Discussion:

Brighton Industrial and Housing Corporation (BIHC):

- Council staff are on a final push on BIHC land prior to the Agreement ending in July. It is likely HT-owned land under the Agreement will be transferred to Centacare Evolve once the agreement ends.

Purchase and Receipt of land:

None.

Projects:

- **5+5+5 project:** The project has been 'reinvented' to align with the Work for the Dole system and is looking like commencing in Brighton and Oatlands, probably in mid-April. A new Education and Administration Officer has been recruited to work between the two sites. The project is currently seeking to recruit 8-10 participants in each of the Brighton and Oatlands areas.

- **Brighton Tomorrow:** Brighton Tomorrow co-ordinator is taking part in discussions between Council's Manager DS, the Principal of the BTTC and Monash-UTas regarding a partnership. He is also assisting the master planning process with MONA and Centacare at the Bridgewater Parkland and is assisting in the finalization of a draft State of the Environment Report for Council's consideration.

BT work is also assisting with current grant applications for the Bridgewater Parkland and the upgrade of footways and shelter linking Gagebrook, Herdsmans Cove and Bridgewater.

- **Bridgewater South Master Plan:** Council's Manager DS is meeting with Boral executives in early May to progress the master plan.
- **Greening Brighton Strategy:** Work is underway to determine the planting plan for the coming financial year.
- **Bridgewater Parkland Master Plan:** Two grant applications for Stage 1 of the Plan have been submitted for funding under the Building Better Regions Fund (Federal) and Community Infrastructure Grant (State) in partnership with Centacare Evolve Housing.
- **Promoting and improving the industrial estate:** DS staff along with engineering and works are preparing a plan to improve the appearance of the industrial estate, improve legibility for businesses and a promotion plan.
A 30 second promotional video is complete and now sits on the Council homepage.
- **Promoting residential growth:** A 30 second promotional video is complete and now sits on the Council homepage. MDS is investigating utilizing the video for Facebook advertising.

Council is involved in a number of rezoning and master planning projects at present.

Development Applications and leases on Council-owned land:

The Uniting Care lease at 84 Jetty Road has been renewed for another 12 months.

Brian Mitchell is likely to vacate the Brighton Road office.

Council Land Subdivisions and Sales:

- Corporate Services are preparing an informal expression of interest for 84 Jetty Road, Old Beach to attempt to gauge if there is market interest in a commercial development on the site. Uniting Care have been advised of this process.

Other Strategic Matters:

- **Brighton Draft Interim Planning Scheme & Amendments:**

Four scheme amendments are now active: Tivoli Green Specific Area Plan; Nelson's Building Road Rural Living area; Cove Hill new Rural Living zoning; 29 Brighton Road.

The hearings for 29 Brighton Road and Nelsons Building Road were held on February 10. No decision has yet been made by the TPC.

The Rowe-Lachlan lot size amendment has now been approved by the TPC as has the General Business rezoning in Hurst St.

- **State Planning Scheme:** Provisions have now been released. Council will need to prepare local provisions and apply zoning soon. No advice has yet been given regarding state resources to assist councils to undertake this work.
- **HT/Centacare Land Master plan:** A suite of Development Applications are expected during 2017. 2 Green Point Road is currently being assessed and the Gunn Street development has now been lodged
- **NDIS projects:** Nothing new.
- **Highway Services Precinct:** Council's Manager DS has been meeting with a group of consultants who are nearing a final submission to State Growth for the development of a highway services precinct at 40 Brighton Road. While the initial focus is a service station and ancillary food services they are 'doing the numbers' on bulky goods and DFO establishment for the balance of the site. We expect to be advised of State Government approval or refusal by the end of March.

Planning Professional Services:

Council's external planning services are predominantly for Derwent Valley Council. Council's Manager DS has been charging some of his time to the South Central Sub-region councils for specific project work.

Statutory update (February 2017):

For the past month (See Attachment).

Appeals:

- 757 Boyer Road – dwelling. Hearing scheduled 5th May.

Enforcements:

Some investigations and negotiations are in process:

- 29 Brighton Road, self storage. Hearing held, parties negotiating.
- 17 Greenbanks Road. Non-compliance with permit.
- 19 Greenbanks Road. Ongoing non-compliance with permit. Infringement Notice Issued.
- 21 Greenbanks Road. Established Transport Depot without approvals.

Consultation:

All council departments.

Risk Implications:

N/A.

Financial Implications:

N/A.

Options:

1. As per the recommendation.
 2. Council does not adopt the recommendation.
-

RECOMMENDATION:

That Council receive the report.

DECISION:

Cr Jeffries 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.6 EXEMPTION OF RATES – P&K GROUP PTY LTD:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Council have received an email requesting rates exemption on land owned by P & K Group Pty Ltd that has been registered until the date of sale.

Consultation:

Senior Technical Services Officer.

Risk Implications:

Nil

Financial Implications:

The current rate for residential land is \$227 per annum.

Other Issues:

Nil

Assessment:

Previously Council has not offered any rate relief for land created for sale. Council would need to consider that if a precedence is set in this instance then it may be obliged to replicate this offer or equivalent benefit to maintain competitive neutrality.

Options:

1. As per the recommendation.
2. Council supports rate relief for all land created by P & K Group Pty Ltd until such time that the land is sold.

RECOMMENDATION:

That Council supports its current rating resolution and does not support rate relief to be provided for any land created until sold.

DECISION:

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

CARRIED

VOTING RECORD

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

11.7 AUDIO RECORDING OF COUNCIL MEETINGS & SEATING ARRANGEMENTS:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

At the February 2017 Ordinary Council Meeting a general discussion took place on the audio recording of Council Meetings and seating arrangements.

Council Officers were asked to investigate the cost of recordings for Council meetings.

Cr Higgins at the last Council meeting was asked to provide a motion for the March meeting in relation to seating arrangements in the Council Chambers.

At the time of compiling this Agenda no Motion had been received from Cr Higgins.

Consultation:

IT Officer; General Manager, Governance Manager

Risk Implications:

None

Financial Implications:

A quote has been received for the following:-

Wireless microphone system = \$42,642.74

Wired microphone system = \$17,033.77

Audio recording added to the above systems + \$3,139.00

Other:

In 2009 a quote was presented to Council for an amount of \$37,853. This system was to install 16 wireless microphones for recording only.

Assessment:

There is no requirement to record council meetings. Section 33 of the Local Government (Meeting Procedures) Regulations 2015 states

- *A council may determine that an audio recording is to be made of any meeting or part of a meeting.*
- *If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be – (a) retained by the council for at least 6 months, and (b) made available free of charge for listening on written request by any person.*
- *If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording*

and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.

- *A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.*

RECOMMENDATION:

That the report be received.

DECISION:

Cr Gray 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.8 VARIOUS QUESTIONS FROM FEBRUARY 2017 MEETING:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

At the February 2017 Ordinary Council Meeting Mrs Taylor addressed council and asked for information about the following:

- The availability of agendas for council meetings to the public
- The status of Council’s Brighton office
- Funding for the Brighton Streetscape project

Consultation:

Engineering and administration staff

Risk Implications:

None

Financial Implications:

None

Other Issues:

None identified

Assessment:

- The availability of agendas for council meetings to the public
 - Following is an extract from the Local Government (Meeting Procedures) Regulations 2015
 - Regulation 9. Public access to documents
 - *(1) As far as practicable, the general manager is to make available for inspection by members of the public a copy of the agenda of a meeting and any associated reports and documents, other than an extract relating to any matter referred to in regulation 15(2), at least – (a) 2 days before the meeting in the case of a special council meeting; or (b) 4 days before the meeting in the case of an ordinary council meeting or a council committee meeting.*
 - *(2) The agenda and associated reports and documents made available for inspection under subregulation (1) are to be so made available under that subregulation – (a) at the public office, and on the website, of the council; and (b) free of charge.*
 - *(3) As far as practicable, the general manager is to make available for purchase by members of the public, by payment of the fee specified in Schedule 1, copies of the agenda and any associated reports and documents made available for inspection under subregulation (1).*
 - *(4) The agenda and associated reports and documents made available for purchase under subregulation (3) are to be made available under that subregulation at the public office of the council during the relevant period specified in subregulation (1).*
 - *(5) At a meeting, a copy of the agenda of the meeting is to be made available free of charge to any member of the public attending the meeting.*
 - *(6) At a meeting, any associated report or document made available for inspection under subregulation (1) is to be made available free of charge for inspection by members of the public attending the meeting.*

Brighton Council complies with this Regulation.

- The status of Council's Brighton office
 - When the Midland Highway Brighton Bypass was opened the state government transferred the main road through the township to Brighton Council. Included in this transfer was the state's project office located at 205 Brighton Road. This building comprises three separate areas. Two of these are hired out for approximately \$2,000 per month. The third area comprises two offices and one meeting room. One office is used as the Mayor's office and the meeting room is used for meeting with community members and by community clubs. There is no other council facility for such use in Brighton. Most councils have a designated office for their Mayor. There is no capacity for an office at the council chambers building for such an office. When council took over the building on Brighton Road staff designated one of the offices for

the Mayor. It is used in his official capacity when meeting government ministers, senior bureaucrats, community leaders and members of the public.

- Funding for the Brighton Streetscape project
 - The total estimated cost of the Brighton Streetscape Project is \$1,786,422
Funding for this project is as follows:
 - \$840,00 from a grant from the Commonwealth Government’s National Stronger Regions Fund
 - \$778,702 from Brighton Council
 - \$80,000 from a shopping centre owner
 - \$87,720 in kind contribution from Brighton Council

Mrs Taylor had also made comments about:

- The recording of council meetings
- The seating arrangement of the council meetings
- Signage of localities
- Naming of the Brighton Civic Centre

Options:

1. Adopt the recommendation
2. Do nothing

RECOMMENDATION:

That Council receive the report.

DECISION:

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

CARRIED

VOTING RECORD

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

11.9 STATE TAKEOVER OF TASWATER:

FILE REFERENCE:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The State Government has stated that it will take over water and sewerage services in the state. Legislation will be introduced in the spring session of Parliament to establish a new government business enterprise (GBE) to commence operations on 1st July 2018. It will transfer the business and employees from TasWater to this new GBE.

The government claims that a crisis exists in Tasmania's water and sewerage systems and that only through its intervention can this be fixed. It uses boil water alerts and sewerage spills to justify their crisis.

The government attempts to appease the public and possibly the members of the Legislative Council by citing the following benefits:

- There will be lower prices than those proposed by TasWater.
- Councils will not have to increase rates because they will receive their current returns until 2024/25 and then one half of the value of total returns indefinitely.
- Water and sewerage will be fixed sooner than the current program. It says it will bring forward and complete the remainder of the \$1.5 billion capital program over a five year period.
- No employees will lose their jobs as a result of the takeover.
- Legislation will contain provisions to prevent a future privatisation of TasWater.

The government also claims that it will be able to fix other problem areas such as the Launceston sewerage system and the relocation of sewerage works from Macquarie Point and Cameron Bay.

Consultation:

Senior staff

Risk Implications:

If the government succeeds in taking over TasWater Brighton Council will lose future distributions from water and sewerage operations which would most likely result in council having to raise rates to offset these losses.

Council would also lose direct influence with local water and sewerage issues in the Brighton municipality if TasWater becomes a state owned government business enterprise.

Financial Implications:

The original distribution profile provided by TasWater identified Brighton Council as receiving a 4% growth based income stream from its water and sewerage assets. By 2025 the expected income was to be \$1,408,000. By 2026 Brighton Council would have expected to receive \$1,464,320.

A temporary income freeze agreed with TasWater restricted any income growth to limit the Brighton Council dividend to \$924,000 per year until 2025. Then TasWater in August 2016 announced a continuation of the income growth freeze but further reduced the dividend to \$616,000 from year ending 2019 to 2025.

Expectations after 2025 would be to return to the original distribution growth profile if the assets remain with TasWater.

The State government financial proposal replicates the final dividend stream identified by the TasWater board up to 2025 but then proposes that Councils will receive 50% of the annual returns. There is no details provided as to what are the expected annual returns or how this figure would be calculated. Whichever way it is calculated, the State has proposed to take 50% of the future TasWater returns for its own revenue stream.

Under the State government proposal, the income shortfall after 2025 to Brighton Council will range from \$732,160 to \$1,151,320 per year depending on how you interpret "50% of the annual returns"

- The original distribution profile expectation at 2026 = $\$1,464,620 \times 50\% = \$732,160$
 - $\$1,464,620 - \$732,160 = \$732,160$
- Income freeze continued at 2025 level to 2026 = $\$616,000 \times 50\% = \$313,000$
 - $\$1,464,620 - \$313,000 = \$1,151,620$

Our rates income for 2026 is predicted to be \$13,405,000.

Regardless of any potential rating increase required to address the TasWater dividend reductions announced to date, the impact of the State Government proposal based on the above assumptions would require additional rating increases. Any increase in rates due to further losses in TasWater dividends following the proposed State takeover would need to be in addition to our typical CPI increase as follows:

- 2026 Rate increase to offset loss of \$732,160 = 5.46%
- 2026 Rate increase to offset loss of \$1,151,620 = 8.59%

Other Issues:

There is a fear that local government will not challenge the government's push to take over TasWater. It is clearly an election issue and the government has a well organised campaign to criticise both TasWater and councils.

Two groups are crucial in this campaign; the general public and members of the Legislative Assembly. The government needs support in the upper house to get the legislation passed to set up a GBE to takeover TasWater.

Mayor Foster is widely considered to be an important spokesman for Tasmanian councils, particularly in the water and sewerage debate. The press seeks his comment on a regular basis. This provides an opportunity for Brighton residents to have a strong say in the takeover debate and how they would be affected by a takeover.

Assessment:

- There will be lower prices than those proposed by TasWater.
 - TasWater does not set prices to consumers. Prices are set by the Independent Regulator. It is unclear if the Treasurer would have the power to override the Independent Regulator in the future. It is also easy to make such a promise that is hard to refute at this time.
- Councils will not have to increase rates because they will receive their current returns until 2024/25 and then one half of the value of total returns indefinitely.
 - There are two issues; how do councils make up the revenue shortfall after 2024/25 and what is the value of “total returns”?
 - As shown above in the financial implications section, Brighton Council will be forced to increase rates to offset the revenue shortfall after 2024/25
 - Would a government GBE, controlled by the Treasurer rather than an independent board of directors, consider total returns to be a total of dividends, tax equivalents and loan guarantees? Also, the history of the government taking dividends from other GBEs such as MAIB, Hydro and TT-Line suggests that it would do the same with a water GBE. Projections of distributions by TasWater in 2016 show that Brighton Council would receive a total distribution in 2025 of \$1,408,000. One half of this as promised by the government would be \$704,000. However, the current amount of distribution for Brighton Council in 2025 is \$616,000. One half of this as promised by the government would be \$308,000. It is quite likely that this lower amount would be adopted by the Treasury.
- Water and sewerage will be fixed sooner than the current program. It says it will bring forward and complete the remainder of the \$1.5 billion capital program over a five year period.
 - The government claims that water and sewerage needs fixing in removing boil water notices and upgrading sewerage works to prevent sewer spills.
 - TasWater has a ten year capital works program to upgrade aging infrastructure and improve water quality in small towns. This program began in 2015/16. All small towns in the state will have potable water

supply by August 2018. The Treasurer plans to take over on 1st July 2018. By this time the water supply issues will have been fixed. His theatrics that poor water quality can only be fixed by his intervention is clearly wrong. The Treasurer claims that he can fix all sewerage problems in five years. Even if this is the case, it would only be two years faster than the remaining seven years of TasWater's program.

- No employees will lose their jobs as a result of the takeover.
 - This is clearly a political statement. The water authority should operate in a most efficient manner which for example may necessitate a reduction of staff to outsource some tasks.
- Legislation will contain provisions to prevent a future privatisation of TasWater.
 - The current legislation prevents future privatisation of TasWater.

The Government also claims that it will be able to fix other problem areas such as the Launceston sewerage system and the relocation of sewerage works from Macquarie Point and Cameron Bay.

- The Launceston sewerage problems are mainly due to the antiquated combined sewerage system installed by Launceston City Council many years ago. Stormwater flows into the same piping/treatment system as raw sewage. Stormwater is controlled by the city council, not TasWater. The city should fix its stormwater system rather than the owners of TasWater.
- Sewerage treatment plants at Macquarie Point and Cameron Bay are functioning such that there is no plan to relocate them in the near future. The state government or potential developers should pay to relocate the Macquarie Point plant to enable the site to be developed and the state government should pay to relocate the Cameron Bay plant to allow MONA to develop a new hotel.

Options:

1. Adopt the recommendation
2. Do nothing

RECOMMENDATION:

That Council consider what action it should take about the proposed takeover of TasWater by the State Government.

DECISION:

Cr Gray moved, Cr Geard seconded that Brighton Council outright rejects and dismisses the Hodgman State Liberal Government's ill thought out and politically motivated attempt to take over the 3.2 billion dollar assets of TasWater and force Councils to forgo revenue from this Council Owned Asset. We note that previously the Department of Treasury and Finance determined that the Water Authorities and councils were required to make a commercial return on our assets.

We note that the TasWater board have an excellent 10 year plan in place to fix issues with its aging infrastructure and reject the Government’s claims that it is not doing the job quick enough.

We call on Peter Gutwein, the Treasurer, to stop denigrating local Government and TasWater for his own and his Government’s political gain.

CARRIED

VOTING RECORD

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

11.10 MICROWISE - UPDATE REPORT:

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 Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	

Cr Jeffries
Cr Owen
Cr Williams

Cr Gray moved, Cr Curran seconded that Council resolve into Closed Council.

CARRIED

VOTING RECORD

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

12. CLOSED MEETING:

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters are listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 21st FEBRUARY 2017.

Cr Gray moved, Cr Curran seconded that the minutes of the closed portion of the Ordinary Council meeting of 21st February 2017, be confirmed.

CARRIED

VOTING RECORD

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

Cr Jeffries moved, Cr Garlick seconded that Council resolve out of Closed Council and that the decision made while in Closed Council be ratified.

CARRIED

VOTING RECORD

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

13. QUESTIONS ON NOTICE:

There were no questions on notice.

Meeting closed at 7.10pm

Confirmed:

(Mayor)

Date:

19th April 2017