



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,
17th MAY 2016**

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

IN ATTENDANCE: Mr R Sanderson (General Manager); Mrs J Banks (Governance Manager); Mr S Wells (Senior Planner) and Mr C Pearce-Rasmussen (Acting Municipal Engineer)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19TH APRIL 2016.

Cr Gray moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of 19th April 2016 be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Taylor had requested leave of absence as he was returning from interstate. Cr Curran also requested leave of absence as she had to go to the hospital for medical reasons.

Cr Owen moved, Cr Garlick seconded that Cr Taylor and Cr Curran be granted leave of absence.

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Mr L Benedetti addressed Council in relation to cats.
- Gwen Harper (Waterbridge Co-op) addressed Council in relation to the Waterbridge Co-op.
- Dennis Crispin (Community Blitz) addressed Council in relation to Community Blitz.
- Mr Dunster addressed Council in relation to the development at 29 Brighton Road, Brighton.

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*.

Cr Gray declared an interest in Item 11.8 and Cr Garlick declared an interest in 11.2

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:-.

APR 20 Community Blitz celebrations at the Civic Centre
Apr 22 Preliminary advice from Greg and Heath on 2016/17 Estimates.
Apr 25 Anzac Day Ceremony
Apr 26-29 CMCA rally Bathurst
May 02 Sub region meeting at Brighton Council chambers
May 03 Meeting with Will Luders – owner of McDonalds.
May 03 Meeting with Paul Taylor
May 06 ABC Friday Forum in Hobart
May 09 Meeting with Tony and Ingrid Harrison and GM and DGM.
May 10 2016-17 Estimates workshop
May 17 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Gray representative.

Cr Geard advised that he opened the Poultry Show at Pontville Park recently. Cr Geard also attended the Southern Emergency Management Committee meeting. Cr Owen advised he had attended the Board meeting of the Hobart Gymnastics Club.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
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 e.g. Southern Waste Authority are received periodically by Council.

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

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, there was a workshop held on the 10th May 2016 at 4.00pm to discuss Council’s Draft Budget for 2016/17. Councillors in attendance were: Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; Cr Jeffries; Cr Taylor and Cr Williams.

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.

The General Manager advised that there were two supplementary agenda items that required a decision by Council. Unfortunately these items were not available at the time of compiling the agenda, but had been circulated to Councillors prior to this meeting. The items are:-

11.8 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015:

11.9 PROPOSAL FOR A MORATORIUM OF TASWATER OWNER DISTRIBUTIONS:

DECISION:

Cr Gray moved, Cr Garlick seconded that Item 11.8 and 11.9 as submitted be discussed.
CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held this month.

Cr Williams moved, Cr Owen seconded that the Council meeting be adjourned.

CARRIED

VOTING RECORD

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

Cr Gray declared an interest in Item 11.8 and left the meeting. As Cr Gray, Chairperson of the Planning Authority had left the meeting, Cr Foster resumed as Chairperson.

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 10 on this agenda, inclusive of any supplementary items.

Item 11.8 was discussed but for the purpose of these Minutes the items will remain in numerical order.

Cr Jeffries moved, Cr Garlick seconded that Council resume the Council meeting.

CARRIED

VOTING RECORD

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

Cr Gray rejoined the meeting.

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

CARRIED

VOTING RECORD

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

Cr Garlick declared an interest in the following item and left the meeting.

11.2 FREE USE OF CIVIC CENTRE FOR FUNDRAISING BINGO GROUP:

FILE REFERENCE:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

Council has received a request from Mrs Lyn Garlick to re-establish a community fundraising Bingo group, similar to that which was previously held at the Civic Centre as part of Billy's Meet and Greet activities.

Lyn is asking for free use of the foyer and small kitchen at the Civic Centre to run a weekly Bingo group which will be open to the general public. Funds from this will go toward her current fundraising project of a "scalp cooling machine" with a target of \$43,300.

Consultation:

Mrs Lyn Garlick, Governance Manager and Council Services Officer.

Risk Implications:

Council may receive other requests for free use of facilities for fundraising purposes. May set a precedent.

Financial Implications:

Fees that would have been applicable will need to be recognised as a donation from Council for this cause. The fee for the fundraising group using the space for two hours per week and would be eligible to receive a 50% discount on the schedule fee of \$22.00 per hour. Therefore granting the space free of charge would cost Council \$22.00 per week.

Other Issues:

N/A

Assessment:

Lyn and the organising group understand that should the centre be required by fee paying hirers that they would have to cancel their Bingo session to accommodate the paying hirer.

Previously Billy's Meet and Greet operated successfully at the Centre and it is expected that this would operate in a similar way.

Options:

1. As per the recommendation.
2. Council not approve free use of the Civic Centre.

RECOMMENDATION:

Council approve free use of the foyer and small kitchen for the weekly bingo sessions on the proviso that should Council determine that another booking requires the area, bingo will be cancelled for that week.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Garlick rejoined the meeting.

11.3 CODE OF CONDUCT POLICY:

FILE REFERENCE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Under the *Local Government Amendment (Code of Conduct) Act 2015*, Council are required to adopt the Model Code of Conduct as prescribed by the Director of Local Government.

Consultation:

General Manager and Governance Manager.

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

Councillors may recall that previous Codes of Conduct had required individual Councils to have their own Code of Conduct Panel and independent Chairperson. This is now no longer the case and complaints may be made to the General Manager or alternatively the Local Government Division. The General Manager forwards the complaint to the LG Government Code of Conduct Panel.

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Assessment:

N/A

Options:

1. As per the recommendation.
 2. That Council not adopt the Code of Conduct.
-

RECOMMENDATION:

That Council adopt Policy 2.4 – Councillors Code of Conduct; and

A copy be forwarded to the Director of Local Government and be made available free of charge to the public and uploaded to Council's website in accordance with the Act.

DECISION:

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

CARRIED

VOTING RECORD

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

11.4 ACQUISITION OF LAND – ROAD RESERVATION – CROOKED BILLET DRIVE, BRIDGEWATER:

FILE REFERENCE: CROOKE/Sub 08/19

AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

Council had received a request from Andrew Walter Construction to acquire a portion of road reservation at the end of Crooked Billet Drive to adhere to the property at 60 Crooked Billet Drive. This recommendation was adopted at its Ordinary Council Meeting on 18/08/2009.

Council has recently received a request from Andrew Walter Construction to finalise this matter. The subject land to be acquired comprises approximately 710 m² to be adhered to proposed lot 4 and approximately 48m² to be adhered to proposed lot 5. Andrew Walter Constructions will pay for all costs involved.

A requirement under the *Local Government Act 1993 section 178 (4) (a)* requires Council to publish its intention on at least 2 separate occasions in a daily newspaper circulating in the municipal. Display a copy of the notice on any boundary of the public land that abuts a highway; and notify the public that objection to the proposed sale may be made to the General Manager within 21 days of the date of the first publications.

Further to the above Council is required under the *Local Government (Building and Miscellaneous Provisions) Act 1993 – Section 103* Amendment of sealed plan to act on its own motion, it is to serve a notice in writing to all persons appearing by the register under the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* to have an estate or interest at law affected by the proposed amendment



Risk Implications:

N/A

Financial Implications:

This portion of land was valued by Brothers & Newton at the time of the request. The value of the land 2,275m² was assessed at \$90, 000 (Ninety Thousand Dollars) at 18/01/2010. The calculation based on the above is $\$90,000 / 2596 \text{ m}^2 = \34.67 per m^2 . $758 \text{ m}^2 \times \$34.67 = \$26\,279.86$

Andrew Walter Construction has submitted an offer of \$19, 750 (inclusive of GST if applicable) in consideration of the said land.

The land has little or no value other than adhering to the adjoining properties (Andrew Walter Construction).

Other Issues:

Nil

Assessment:

This land to be acquired has a land area of 758m². Currently the land is marked as road reservation, as this would need to be removed from the title prior to sale.

Options:

1. As per the recommendation.
2. Council do not accept the offer by Andrew Walter Construction

RECOMMENDATION:

That Sealed Plan 146550 be amended by removal of the designation Road Reserve from:

- a. the area 710m2 shown as lot 4 ; and
- b. the area 48m2 shown as lot 5

in accordance with the requirements of *Section 103 (2) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)* and to authorise the sale of the land (\$19, 750 (inclusive of GST if applicable)) in accordance with the *Local Government Act 1993*.

DECISION:

Cr Owen moved, Cr Garlick seconded that the recommendation be adopted. **CARRIED**

VOTING RECORD

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

11.5 MONTHLY PLANNING UPDATE:

FILE REFERENCE:

AUTHORS: Manager Development Services
(Mr J Dryburgh)

Background:

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

Discussion:

Brighton Industrial and Housing Corporation (BIHC):

- Nothing to report.

Purchase and Receipt of land:

Nothing to report.

Projects:

- **5+5+5 project:** This project has re-started. It is struggling for participants.

- **Brighton Tomorrow:** It is recommended that council focus on more detailed design progression on the Gagebrook - Herdsmans Cove ideas from this plan. Work has begun on this, which overlaps with the urban tree strategy - expected to come back before Council in June.
- **Old hospital building:** Planning and engineering are developing alternative subdivision concepts for sections of Dollery Park to bring before Council in June.

Ten Days on the Island art project has committed to the site.

- **Bridgewater South Master Plan:** A meeting with senior Boral executives was held on 3rd May with Planning. Boral are undertaking detailed long term analysis of where the boundaries of potential development land could be. They don't expect to have this work done until October 2016. They are going to write to Council to express their commitment formally.
- **UTAS MOU:** UTAS has been working with our planning and engineering departments to undertake municipal 'social mapping', assist with statistics and trend profiling and hopefully work with the Bridgewater Trade Training Centre to undertake some design-build projects. Draft reports are expected in June.
- **Urban Tree Strategy:** Planning and engineering are prepare the first 12 month planned roll out of the urban tree strategy. It is expected to be brought before Council in June.

Development Applications and leases on Council-owned land:

Uniting Care Tasmania have gained Council's permission to develop community gardens at 84 Jetty Road, Old Beach and off Tottenham Road, Gagebrook and an MOU has been signed. Project is under way in both Old Beach and in Gagebrook.

Council Land Subdivisions and Sales:

Nothing new.

Other Strategic Matters:

- **Brighton Draft Interim Planning Scheme:** Nothing to report.
- **State Planning Scheme:** Work has begun assessing the implications of the draft state planning scheme provisions from a Brighton perspective.
- **HT/Centacare Land Master plan:** A consultant team has been engaged by Centacare, who under their agreement with Housing Tasmania need to complete a master plan within the next 12 months or so. Meeting held on 11th February with Council staff. The draft has now been presented to Housing, Centacare and Council planners. The group request to be able to present to Councillors in June, for an hour prior to the OCM.

This initiative has the potential to be a major driver of development and change within Bridgewater, Gagebrook and Herdsmans Cove. Many exciting opportunities (quite a few that Council has identified itself in the past) are being progressed further under the initiative. It will be critical that Council engage fully in this process.

Council planners will be working closely with the group.

Planning Professional Services:

Professional services hours for planning continue to increase with a 35 per cent increase over budgeted revenue forecasts expected.

Council's Manager Development Services recently was engaged for 2 days by Palmerston City Council for advice and they are likely to engage our planning staff for some training, particularly in the use of PropertyWise for planning.

Other matters: Two planning officers and the Manager of DS are attending the National Planning Institute of Australia congress in Brisbane in early May. Council's Manager DS was a presenter, speaking about the *Brighton Tomorrow* and *Triabunna Tomorrow* projects.

Statutory update (April 2016):

For the past month (See Attachment).

The Level 2 Activity - Tyre Recycling facility proposed in Bridgewater is currently on advertising.

Enforcements:

Some minor enforcements in process.

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 Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.6 BUDGET 2016–2017:

FILE REFERENCE: 0100

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The draft 2016-2017 budget and Fees & Charges Register has been provided to all Councillors. A review of the budget was undertaken at a workshop held on Tuesday 10th May 2016. Adjustments to the draft budget have been completed in accordance with Councillors demands and it is now ready to be adopted in principle.

Consultation:

Councillors, Senior Management, ratepayers and other stakeholders.

Risk Implications:

Nil

Financial Implications:

As per the budget.

Other Issues:

Nil

Assessment:

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the Budget be adopted in principle only.

Options:

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

RECOMMENDATION:

That the 2016-2017 budget finalised on Tuesday 10th May 2016 be adopted in principle.

DECISION:

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

CARRIED**VOTING RECORD**

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

11.7 PROPOSAL TO RE-STRUCTURE THE DERWENT ESTUARY PROGRAM AS A REGISTERED NOT-FOR-PROFIT COMPANY:

FILE REFERENCE: 623

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The Derwent Estuary Program (DEP) is a regional partnership between local governments, the Tasmanian state government, businesses, scientists and the community to restore and promote our estuary. The DEP was established in 1999 and has been nationally recognised for excellence in coordinating initiatives to reduce water pollution, conserve habitats and species, monitor river health and promote greater use and enjoyment of the foreshore. The DEP plays a critical role in collaborating, understanding, engaging and taking action. It looks after the needs of the Derwent on behalf of its partners and is well respected because of its strong scientific basis.

Major sponsors include: Brighton, Clarence, Derwent Valley, Glenorchy, Hobart and Kingborough councils, the Tasmanian State Government, TasWater, Tasmanian Ports Corporation, Norske Skog Boyer, Hydro Tasmania and Nyrstar Hobart. We also work collaboratively on projects with the CSIRO Marine Research, University of Tasmania, Institute of Marine and Antarctic Studies and NRM South.

The Proposal

The DEP is seeking to register the organisation as a registered not-for-profit Company Limited by Guarantee. This has many advantages, in particular:

- Provides a governance structure that will allow the DEP to expand critical research and management of the Derwent River and Estuary
 - Makes it eligible to apply for non-government grants and philanthropic donations
 - Addresses perceptions of alignment
 - Provides greater flexibility around staffing, finances, contracts and other administrative needs
 - Current Partners become Members
 - Current Steering Committee becomes Board
 - Partnership Agreement is re-written as Constitution
 - Environmental Management Plan/Work Plans become Strategic Plan/Business Plans
- Annual Report becomes audited Annual Report/Financial Statement

This proposal is the next logical step in the evolution of the DEP and will give it the flexibility and additional resources needed to address new and emerging issues.

Consultation:

Derwent Estuary Steering Committee members.

Risk Implications:

Loss of partner support and engagement

This is a low risk, provided that all of the current partners are retained, and continue to meet regularly as members of the Board. Other regular communications will also continue, including high-level briefings and annual roadshows. Cash contributions will continue to be negotiated as in the past, and in-kind support (e.g. lab and field support) can be formalized via grant deeds or service level agreements.

Trading while insolvent

The DEP has operated for over 15 years with a high level of financial responsibility and has never experienced a negative cash balance. This is a low risk, and can be further mitigated by maintaining sufficient funds in an interest-bearing account to cover operations for at least 6 months, and including a clause in the Company's constitution that requires members to give advance notice if they are unable to provide agreed financial support in a given year.

Administrative load and increased costs

This is a low risk and the administrative load can be minimised by integrating current models and documents within the new governance structure. Furthermore, some of the administrative tasks and costs can be mitigated through the provision of in-kind and pro-bono support. While there will be some increase in costs, we estimate that this will be less than 10%, and the ability to attract new sources of funding will more than compensate for this.

Financial Implications:

Council would continue its ongoing contributions (approximately \$14,000 per year) with a possible small increase of less than 10%.

Other Issues:

If the DEP does not continue to grow, it runs the risk of stagnation, and settling into a holding pattern largely based around monitoring and reporting. Being part of the estuary, Brighton Council should continue to support the DEP.

Assessment:

Governance structure

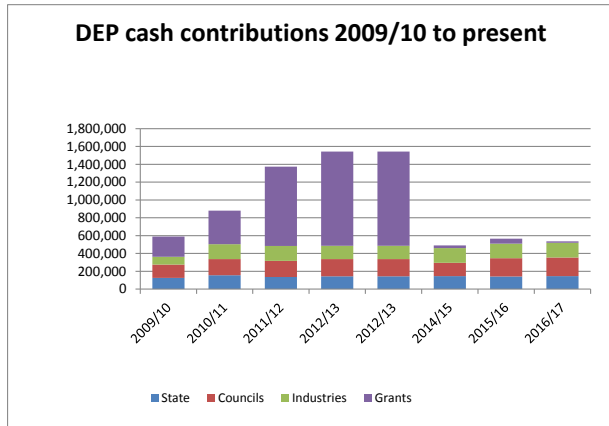
While the DEP has operated successfully for a number of years as a partnership agreement, hosted by the state government, this relatively informal structure does not meet the needs of a mature organisation.

At present, it is essentially trying to operate as a small non-profit business, but within the administrative requirements of the State Government. The DEP needs a more formal governance structure that allows it to grow and adapt to changing circumstances, and provides greater flexibility around staffing, finances, contracts and other administrative needs. The proposed new structure also addresses current perceptions of alignment (many people assume the DEP is a state government program) and provides partners with greater rigour and transparency with respect to annual and financial reporting.

Grants funding

In the past the DEP has successfully leveraged partners' contributions to bring home over \$5 million in grants and prizes. It has also played an important role in supporting a number of large grants awarded to its partners directly. This funding has supported most of the major scientific studies and substantive on-ground works, including groundwater remediation, stormwater treatment, wetland acquisition and conservation of iconic species, such as little penguins and spotted handfish. Since 2014, however, Australian Government grant funding has largely disappeared and the DEP has been unable to apply for non-government grants because it is not a registered non-profit organisation. While it has been able to maintain its core business of monitoring, reporting and some maintenance activities, it is unable to grow or take on new opportunities.

This is particularly important with respect to emerging issues such as declining water quality in the catchment, which require a proactive approach and significant levels of funding.



This proposal is the next logical step in the evolution of the DEP and will give it the flexibility and additional resources needed to address new and emerging issues.

Options:

1. Adopt the recommendation
2. Do nothing

RECOMMENDATION:

That Council endorse the restructure of the Derwent Estuary Program as a registered not-for-profit company limited by guarantee and sign the attached letter of support.

DECISION:

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

CARRIED

VOTING RECORD

- | In favour | Against |
|------------------|----------------|
| Cr Foster | |
| Cr Garlick | |
| Cr Geard | |
| Cr Gray | |
| Cr Jeffries | |
| Cr Owen | |
| Cr Williams | |

11.8 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015:

Type of Report	Planning Authority
Application No:	DA 2016 / 22
Address:	426 Elderslie Road, Brighton
Applicant:	Mark Wright
Proposal:	Single Dwelling
Zone:	Significant Agricultural
Representations:	One (1)
Discretion:	1. Discretionary use (27.3.3 – A1) 2. Side setback (27.4.2 – A2) 3. Stormwater connection (E.7.7.1 – A1)

1. Executive Summary

- 1.1. Planning approval is sought for Residential (Dwelling) in the Significant Agricultural Zone at 426 Elderslie Road, Brighton.
- 1.2. The application is discretionary due to reliance on performance criteria.
- 1.3. One representation was received. It is considered that the issues raised in the representations do not warrant refusal or modification of the proposal.
- 1.4. The key planning issues relate to non-agricultural use, setback to a side boundary, and drainage.
- 1.5. The proposal is recommended for approval subject to various standard conditions relating to the above key planning issues.
- 1.6. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of representations via the 14 day public exhibition period for the development application.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2016/22.
- 2.2. This determination must be made no later than 17th May 2016, which has been extended beyond the statutory timeframe with the consent of the applicant.
- 2.3. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

- 2.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.
- 2.5. This report has been prepared with appropriate regard to the State Policies that apply under the *State Policies and Projects Act 1993*.
- 2.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

3. Risk & Implications

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications. No specific implications for Council have been identified.

4. Relevant Background and Past Applications

- 4.1. The subject lot was created from a four (4) lot subdivision application in 2007 (SA 2007 / 52).

5. Site Detail

- 5.1. The subject site is a 5.118 hectare parcel of land, currently vacant apart from two existing outbuildings: a 10m x 8m workshop and 20m x 10m piggery. The site is predominantly level, with a very gentle slope towards the north-west and the Jordan River. The predominant vegetation is grassland.
- 5.2. The lot is located adjacent to Elderslie Road, approximately 4 km west of the Brighton Township.
- 5.3. The site is bounded to the north-west by the Jordan River and, further, land zoned Significant Agricultural under the Southern Midlands Interim Planning Scheme 2015. As shown in Figure 2, surrounding the site in other directions is land within the Significant Agricultural zone: similarly sized lots on the north-east side of Elderslie Rd, and much larger lots on the south-west side.

- 5.4. Reticulated water supply is available to the site (a TasWater water main runs the length of Elderslie Rd).
- 5.5. Powerlines run the length of the subject site, from adjacent to the Elderslie Rd access to the rear north corner of the property. This imposes a restriction on where development could occur.
- 5.6. A certified agricultural assessment was provided as part of the original subdivision application - SA 2007 / 52 - from which the subject lot was created. The report¹ identified:
 - 5.6.1. No primary agricultural land. The report classified land as Class 4/5 under the Tasmanian Land Capability Classification System, ranking that cropping suitability as 'Low-Unsuitable'.
 - 5.6.2. Predominant limiting factors as light/fragile soils and low rainfall.
 - 5.6.3. Sufficient scope to provide for sustainable perennial horticultural production on lots of approximately five hectares, 'provided astute management is exercised, satisfactory on-farm water storage's [sic.] can be developed and sufficient water supplied'.
 - 5.6.4. Equine breeding as a potential land use.



Figure 1: Aerial image

¹ Walker, FW (2007). Agricultural Assessment of Proposed Four Lot Subdivision, G Taylor, Elderslie Road, Brighton, Tasmania. *Complete Agricultural Consulting Services*.

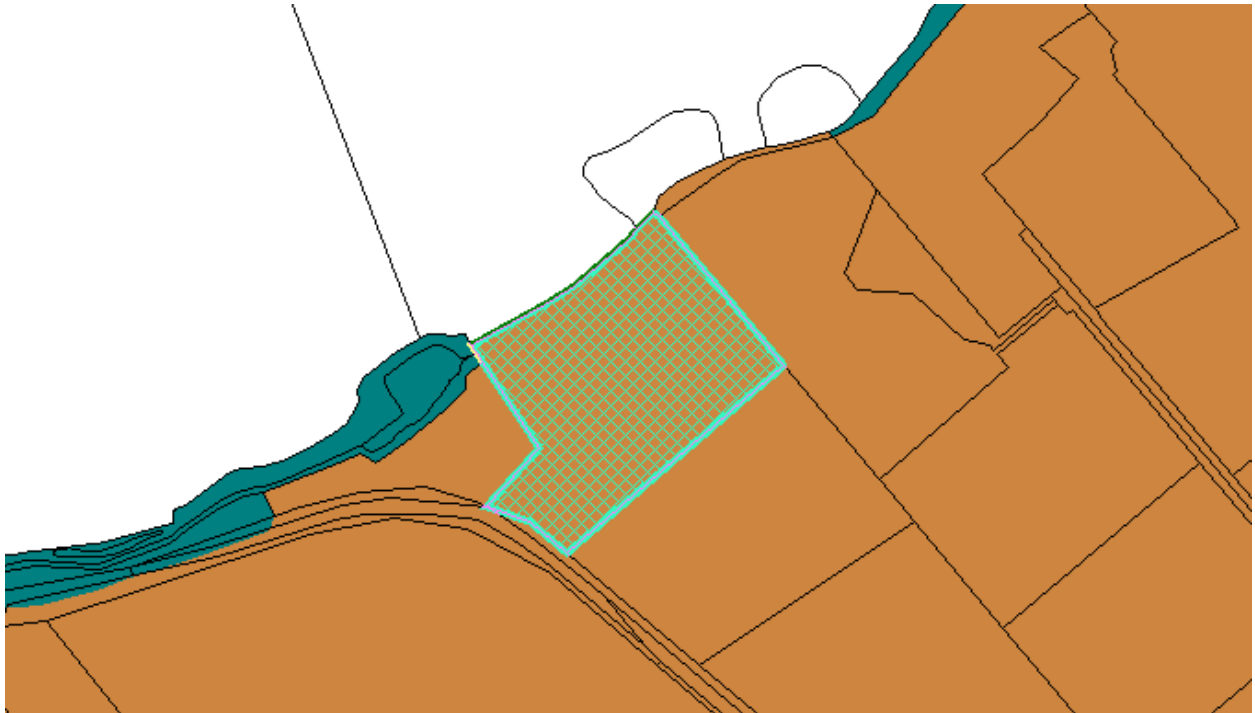


Figure 2: Zoning

6. Proposal

- 6.1. Proposed is a new single storey dwelling with a gross floor area of 126m². The dwelling comprises of an open kitchen/dining/lounge area, three bedrooms, a laundry and bathroom. The kitchen/dining/lounge area would receive ample sunlight. Gutters and roofing are black Colorbond, and walls light brown brickwork. The dwelling reaches a maximum height of 4.35m above natural ground level.
- 6.2. The dwelling is located 20m from the frontage of the site.
- 6.3. Proposed access is via an existing crossover from Elderslie Rd onto a 4m wide and 20m long gravel driveway leading to the dwelling.
- 6.4. An on-site wastewater management plan and a bushfire risk assessment have been undertaken by suitably qualified persons and submitted as part of the application.
- 6.5. Details of the proposed on-site agricultural operation also form part of the application. The operation proposed has two facets: broodmare agistment and dry cropping. These are outlined further under Section 7.3.

7. Assessment against planning scheme provisions

- 7.1. The following provisions are relevant to the proposed use and development;

- Significant Agricultural Zone
- Code E6.0 Parking and Access Code
- Code E7.0 Stormwater Management Code

7.2. The following discretions are invoked:

Discretion		BIPS 2015 Acceptable Solution	Proposed
1	Discretionary use (27.3.3 - A1)	No acceptable solution	Residential (single dwelling necessary to support agricultural use on the property)
2.	Side setback (27.4.2 - A2)	100m	22m
3	Stormwater connection (E.7.7.1 - A1)	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure	On-site disposal

7.3. **Discretion 1 - Discretionary Use (27.3.3 - A1)**

There is no acceptable solution for discretionary non-agricultural uses in the Significant Agricultural zone. The performance criteria requires that the applicant satisfies the following:

27.3.3 - P1: A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:

- (a) the characteristics of the proposed non-agricultural use;
- (b) the characteristics of the existing or likely agricultural use;
- (c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;
- (d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.

(a) the characteristics of the proposed non-agricultural use

The proposed non-agricultural use is a single dwelling residence, as detailed above in Section 6.

(b) the characteristics of the existing or likely agricultural use

There is no evidence of an existing operating agricultural use on the property. The applicant has submitted that an agricultural operation will be commenced that requires on-site residence. The operation proposed has two facets: broodmare agistment and dry cropping. The applicant has submitted the following information:

The broodmares need a lot of care and support during breeding season and foaling season. We need to water, feed, and care for the mares all year around. The broodmares need to be monitored during breeding season and foal season to ensure there is no complications and that the foal is born alive and healthy. If foal is born Unwell needs to be monitored for some time 24 hours a day. Once foals are first born they need to be monitored to ensure they feed on their mothers to ensure they get enough fluid.

Currently we are agisting 2 broodmares which are currently in foal and will foal later in the year.

Crop of Lucerne which is three and a half acres. Machinery work will be during 7.00am and 5.00pm when needed.

EXPENDITURES OF ESTABLISHMENT OF CROP:

\$1500.00 for cultivating and sowing of crop

\$200.00 for fertiliser for the crop

Looking at approximately 300 bales per cut. The crop will be cut twice per year which will mean approximately 600 bales per year from the crop. Selling price per bale approximately is \$15.00 per bale. The crop would make 600 bales approximately which would mean approximately it would make \$9,000.00 per year for the crop.

The agricultural assessment of the land provided as part of the initial subdivision identified sufficient scope to provide for sustainable perennial horticultural production, such as Lucerne dry cropping. However, overall, the potential for significant agricultural operation(s) on the site is limited by the relatively small lot size, powerlines running the length of the centre of the property, light/fragile soils and low rainfall.

(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use

On-site: The proposed dwelling and proposed Lucerne crop are separated by a minimum distance of roughly 82m. This is not an unreasonable distance considering that the crop does not require irrigation.

398 Elderslie Road: The proposed dwelling is setback roughly 56m from the south-east side boundary adjoining 398 Elderslie Road. This adjoining site was approved for a new dwelling, garage and orchard in 2014 (DA 2014/1). The Site Management Plan (SMP) approved as part of this application proposed a 30m x 20m orchard of apple and various stone fruit trees, setback at a minimum of 58m from the side boundary adjoining the land of 426 Elderslie Rd. The SMP proposed low pressure drip irrigation to ensure zero spray drift. The total setback of approximately 114m is considered more than adequate between the proposed residence and the approved orchard.

430 Elderslie Road: There is no existing or likely agricultural use on the land adjoining the west side boundaries at 430 Elderslie Road due to the restrictive size and shape of the lot (see Figure 1 above).

(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use

Apart from Elderslie Rd itself, there are no notable characteristics of the site and adjoining land that would provide a buffer.

For the above reasons, it is not predicted that the proposed residential use will conflict with or fetter agricultural use on the site or adjoining land.

7.4. Discretion 2 - Side Setback (27.4.2 - A2)

The acceptable solution for building setback from side boundaries is no less than 100m. The proposed dwelling is setback 22m to the north-west side boundary and roughly 56m to the south-east side boundary. As such, the below performance criteria apply:

27.4.2 - P2: Building setback from side and rear boundaries must satisfy all of the following:

(a) be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land;

(b) be no less than:

40 m, if the lot is greater than 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building;

20 m, if the lot is less than or equal to 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building.

(a) be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land

This issue is addressed above in Section 7.3.

(b) be no less than 40 m, if the lot is greater than 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building

This performance criteria applies as the lot is 5.118 ha. The proposed 22m setback to the north-west side boundary does not meet this point of the performance criteria. This has been discussed with the owner Zane Medhurst, who has submitted the following justification:

1) The reason for the dwelling being built where it is due to powerlines, moved dwelling 7 meters over which is as close as we are willing to be near the powerlines. There was an existing barn which was 2 meters from the side boundary which has been demolished to safety reasons as the floor and walls were rotten. The safety reasons and for the safety of our grandchildren which stay and are at our property quite regularly. The dwelling will back onto a work shed/barn to nearing neighbors which is 4 meters of the boundary fence.

2) The dwelling being built where it is will not have an impact on the nearby neighbors as the work shed/barn is between the fence and our dwelling. 22 metres between the house and the boundary fence will be keep clean, mowed and fire safe for recreational use for our grandchildren at all times of the year.

Not meeting the 40m minimum side setback performance criteria is not considered to warrant refusal due to the lack of potential for land use conflict, as discussed in Section 7.3, combined with the restrictive location of the powerlines on the site.

7.5. **Discretion 3 - Stormwater Connection (E.7.7.1 - A1)**

The acceptable solution for stormwater drainage and disposal is

Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

The proposed dwelling will not have access to public stormwater infrastructure, either by gravity or a pump system. As such, the below performance criteria apply:

E.7.7.1 - A1: Stormwater from new impervious surfaces must be managed by any of the following:

(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles

(b) collected for re-use on the site

This discretion was referred to Council's Technical Officer who recommended the following condition be added to any permit:

Drainage from the proposed development must be retained onsite or drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2000.

8. Discussion

8.1. Referrals

8.1.1. Council's Technical Officer

The application was referred to Council's Technical Officer, who noted that though reticulated water services are available, there is no access to sewer and stormwater infrastructure. That officer's assessment concluded that the proposal is acceptable, and has recommended conditions to be included with any permit (see Section 11 below).

9. Concerns raised by representor

9.1. One (1) representation (Attachment B) was received during the statutory notification period. The concerns raised in the representations are outlined and addressed in the table below:

Concerns Raised	Planning Response
<p>The position of the absorption beds for the dual purpose septic tank. Representor believes that, with heavy rains, runoff from the area of the proposed absorption bed will carry grey water through their adjoining property.</p>	<p>An on-site wastewater report prepared by Chris Potter Consulting Engineers was submitted as part of the application. Council's Senior Environmental Health Officer will be consulted as to the suitability of the siting of the absorption trenches recommended in the report when wastewater management is assessed at the plumbing permit application stage. This concern raised by the representor can be better assessed at this stage of the process.</p>
<p>Floor level listed as natural ground level (NGL). Should be raised to 500mm above NGL to minimise stormwater runoff risk (local knowledge).</p>	<p>This point is more of a building concern. The applicant has verbally agreed with this suggestion and stated that it will be addressed at the Building Application stage.</p>

10. Conclusion

10.1. The proposed use and development of Residential (Dwelling) in the Significant Agricultural Zone at 426 Elderslie Road, Brighton, satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA 2016/22 for use and development of Residential (Dwelling) in the Significant Agricultural Zone at 426 Elderslie Road, Brighton, for the reasons outlined in the officer's report, and a permit containing the following conditions be issued:

General

1. The use and developments must be substantially in accordance with the documents and drawings that comprise the planning application no. DA 2016/22 as outlined in Attachment A to the permit except where modified below.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

Services

3. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
4. Services located under the proposed driveway are to be provided with trafficable covers to the requirements of the relevant authority and Council's Municipal Engineer.

Parking and Access

5. The areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following:
 - a. Constructed with a durable all weather pavement
 - b. Drained to an approved stormwater system

Access to Public Road

6. No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a Works in Road Reservation Permit. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services department prior to the proposed date of commencement of any works.

Stormwater

7. Drainage from the proposed development must be retained onsite or drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Protection of water quality

- 8. Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's Manager Development Services before development of the land commences. The SWMP shall form part of this permit when approved.
- 9. Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Manager Development Services.
- 10. Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing and Special Connection Permit issued by the Permit Authority in accordance with the *Building Act 2000* prior to the commencement of any works.

Construction amenity

- 11. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
 - (a) Monday to Friday – 7:00 a.m. to 6:00 p.m.
 - (b) Saturday – 8:00 a.m. to 6:00 p.m.
 - (c) Sunday and State-wide public holidays – 10:00 a.m. to 6:00 p.m.
- 12. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.
- 13. The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

DECISION:

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

CARRIED

VOTING RECORD

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

11.9 PROPOSAL FOR A MORATORIUM OF TASWATER OWNER DISTRIBUTIONS:

FILE REFERENCE: 985

AUTHOR: General Manager
(Mr R Sanderson)

Background:

Owner councils have agreed in April 2015 to a freeze in increases in distributions for a period of three years in response to the Economic Regulator's pricing determination.

TasWater estimates funding required to meet acceptable standards of operation is \$1.8bn over the next ten years which could be funded as follows:

- TasWater funding \$1.2bn
- TasWater saving of \$10M per year \$100M
- State and federal government \$400M
- Freeze on council distributions \$82M

TasWater is asking Owner Councils to accept reductions in projected distributions to enable TasWater to seek State and Federal Governments funding of \$400M towards its ten year capital expenditure program per the following motion:

That Owner Councils agree to a moratorium on increases in distributions for a further seven years in the event that TasWater secures commitment from the State and Federal Governments to make grants totally no less than \$400M over a ten year period.

Consultation:

Mayor Foster and STCA member councils.

Risk Implications:

If councils do not agree to the freeze in dividends TasWater will have little chance of securing government funding which will mean that important capital projects will not be completed in a timely manner.

Financial Implications:

Council would continue to receive a distribution of \$924,000 from TasWater for another nine years (total amount for the ten year period = \$9,240,000) but will forego an estimated \$2,514,000 over the ten year period.

Other Issues:

If councils don't agree to this freeze the state might legislate to force a freeze of dividends, or worse, to direct where the dividends should be spent

With pressure from the Property Council and developers, the future of dividends over ten years is not absolutely secure.

Assessment:

The proposal asks Councils to forego \$82M in future dividends in order to get \$400M of external funding towards the state’s water and sewerage capital spending on infrastructure.

It is almost certain that such government funding will not be received unless councils contribute towards the shortfall.

Councils have agreed to a three year freeze. Although this proposal is very regrettable, Brighton Council’s long term plans could cope with this loss to continue for another seven years

Owner councils have complained that TasWater doesn’t do enough in supporting economic development in the state. This is an opportunity for the councils to assist them with a relatively small contribution from the sector. The two projects that can attract federal funding are the Launceston sewerage scheme refurbishment and the moving the sewerage treatment plant from Macquarie Point, which would be good for the entire state and not just the two cities.

Options:

- 1. Adopt the recommendation
- 2. Do nothing

RECOMMENDATION:

That Brighton Council agrees to a moratorium on increases in distributions for a further seven years in the event that TasWater secures commitment from the State and Federal Governments to make grants totally no less than \$400M over a ten year period.

DECISION:

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

CARRIED

VOTING RECORD

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

12. QUESTIONS ON NOTICE:

There were no questions on notice.

Meeting closed at 7.30 pm

Confirmed: _____
(Mayor)

Date: _____
21st June 2016