



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,
19TH JUNE 2018**

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

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mr H Macpherson (Municipal Engineer); Mr J Dryburgh (Manager Development Services); Mr D Allingham (Senior Planner); and Mrs K Hossack (Executive Assistant).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 15TH MAY 2018.

Cr Curran moved, Cr Jeffries seconded that the Minutes of the Ordinary Council Meeting of 15th May 2018 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	

1.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 12TH JUNE 2018.

Cr Gray moved, Cr Owen seconded that the Minutes of the Finance Committee Meeting of 12th June 2018 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	

1.3 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 12TH JUNE 2018.

Cr Gray moved, Cr Higgins seconded that the Minutes of the Planning Authority Meeting of 12th June 2018 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	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

There were no questions or deputations.

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 12.4

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows: -

- | | | |
|------|----|--|
| May | 22 | Meeting with GM, DGM and consultants Ingrid and Tony Harrison. |
| May | 22 | Briefing to the above by Jerry De Gryse (Inspiring Places). |
| May | 28 | GM and I had a meeting with Minister for Education, Jeremy Rockliff. |
| May | 31 | Deputy Mayor and I met with the GM for his Performance Review.
Followed by a meeting with Deputy Mayor, GM, DGM, COO and
Chief Engineer, Heath Macpherson. |
| May | 31 | GM and I had a meeting with the Leader of the State Labor Party and
Member for Lyons, Rebecca White. |
| June | 01 | Meeting with Deputy Mayor for briefing on meeting with Rebecca
White. |
| June | 04 | Attended a meeting of the South-Central Sub Region. |
| June | 04 | At the request of Peter Taylor, I met with him at the Men's Shed to
discuss storm damage to the Council owned building. |
| June | 12 | BIHC Meeting. |
| June | 12 | Finance Committee Meeting. |
| June | 12 | Planning Authority Meeting. |
| June | 14 | GM and I had a meeting with Secretary of the Education Department. |
| June | 19 | Citizenship Ceremonies. |
| June | 19 | Ordinary Council Meeting. |

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

Cr Garlick 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	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Geard spoke about the meeting that he Chaired recently with the Pontville Recreational Users Group.

Cr Curran spoke about officially opening the annual Poultry Show at Pontville.

Cr Jeffries moved, Cr Owen 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:

There were no Council Workshops 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 FINANCE COMMITTEE – 12/6/18:

The recommendations of the Finance Committee Meeting of 12th June 2018, were submitted to Council for adoption.

DECISION:

Cr Gray moved, Cr Jeffries seconded that the recommendations of the Finance Committee Meeting of 12th June 2018 be adopted except Item 4.3 and Item 4.4.

CARRIED

VOTING RECORD

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

Item 4.3 Rates Relief – Brighton Bowls & Community Club was discussed.

Cr Geard moved, Cr Higgins seconded that Council maintain the current general rate under the current valuation for the financial year 2018-19.

CARRIED

VOTING RECORD

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

Item 4.4 Funding Request - Bridgewater PCYC was discussed.

Cr Gray moved, Cr Curran seconded that Council approve funding of \$25,000 for the "Bridgewater Community Engagement Project 2018" from the donations budget.

CARRIED

VOTING RECORD

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

The Council Meeting was adjourned to allow the members to act as the Planning Authority and Cr Gray took the Chair.

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.

10.1 DRAFT BRIGHTON LOCAL PROVISIONS SCHEDULE (LPS) – TASMANIAN PLANNING SCHEME:

AUTHOR: Senior Planner
(Mr D Allingham)

Purpose:

The purpose of this report is to endorse the draft Brighton Local Provisions Schedule (LPS) applying to the Brighton municipal area, for submission to the Tasmanian Planning Commission (TPC).

Background:

Statutory Requirements

In 2015 the State Government legislated to implement a Tasmanian Planning Scheme (TPS), whereby every planning scheme across the State would be consistent in policy and operational provisions.

The TPS consists of:

- The State Planning Provisions (SPPs); and
- The Local Provisions Schedule (LPS).

The SPPs were drafted by the State Government and declared by the Minister on 22 February 2017. The SPPs include the administrative, zone and code provisions and the requirements for LPSs that are to apply in the TPS. The contents of the SPPs will apply to every municipal area in the State. Although the SPPs come into effect on 2 March 2017 as part of the Tasmanian Planning Scheme, they will have no practical effect until an LPS is in effect in a municipal area. Once in effect, the TPS will replace the *Brighton Interim Planning Scheme 2015* (BIPS 2015).

This report and attachments support the submission of the Brighton draft Local Provisions Schedule (LPS) to the Tasmanian Planning Commission (TPC) under section 35(1) of *Land Use Planning and Approval Act 1993* (LUPAA) for assessment as to whether it is suitable for approval by the Minister for formal public exhibition. The supporting report demonstrates that the draft LPS meets the LPS criteria in section 34(2) of the LUPAA.

Council must determine the most appropriate zones to apply to land from the list of available zones in the SPP's and the application of relevant codes.

Council must also determine whether overriding local provisions are to be included in Specific Area Plans (SAPs), Particular Purpose Zones (PPZs) or Site-Specific Qualifications (SSQs). When including local provisions that substitute, modify or add to the SPP's, Section 32(4) of the Act requires that Council demonstrate that the matter requires a tailored approach and provide justification that:

- the use or development to which the provision relates is of significant social, economic or environmental benefit to the State, region or municipal area; or
- that the area of land has particular environmental, economic, social or spatial qualities that require unique provisions.

Many existing provisions of BIPS 2015 (for PPZs and SAPs) are 'protected' and can transition into the LPS without any merit based assessment against section 32(5). A Ministerial declaration will formalise this transition in due course.

Contents of the Draft LPS

The draft LPS is attached to this report and consists of:

- The draft LPS (attachment 1).

- The following mapbooks (attachment 2):
 - Zone mapbook 55k and 11k
 - SAPs, SSQs and LAOs mapbook
 - Attenuation areas mapbook
 - Floodprone hazard areas mapbook
 - Natural assets code mapbook (priority vegetation areas, coastal refugia area and waterway and coastal protection areas)
 - Bushfire-prone areas mapbook
 - Coastal erosion hazard areas mapbook
 - Coastal inundation hazard areas mapbook
 - Heritage mapbook
 - Landslip hazard mapbook
 - Electricity Transmission Infrastructure mapbook.
- The LPS supporting report (attachment 3).

Key Differences and Changes from BIPS 2015 to TPS

Generally, the spatial application and the provisions of the zones and codes in the SPPs are the same, or similar, to those in the current BIPS 2015. Briefly, the major differences between the BIPS 2015 and SPPs are:

- Councils cannot provide codes in the LPS, rather they must prepare Specific Area Plans (SAPs), Particular Purpose Zones (PPZs) or Site-Specific Qualifications (SSQs). These differ to codes in that they must all be applied spatially (i.e. with a mapped overlay) rather than to types of use and development (e.g. multiple dwelling design guidelines).
- There are three “new” zones - Rural, Agriculture and Landscape Conservation Zones. To some degree, these replace the Rural Resource, Significant Agriculture and Environmental Living Zones.
- The Rural Living Zone minimum lot size is 1ha as opposed to the 0.5ha allowed in certain areas in BIPS 2015
- Removal of design and landscaping development standards from the majority of the zones.
- Removal of subdivision layout, connectivity and public open space standards from the majority of the zones.
- A “new” Natural Assets Code, which will replace the existing Biodiversity Code and Waterway and Coastal Protection Code.
- Updated (and more accurate) mapping of coastal inundation & erosion hazard with a new Statewide Code.

- Removal of the Stormwater Management Code, Dispersive Soils Code, Acid Sulfate Soils Code.

As a result of the above differences in the structure of planning schemes and the zones and codes listed above, the major changes from BIPS 2015 to the LPS are:

- Application of the Agricultural Zone and Rural Zone based on input from agricultural consultants and to some degree, mapping of the priority vegetation area overlay.
- Application of the Landscape Conservation Zone over the existing Environmental Living Zone and some additional areas.
- The inclusion of a Higher Density Rural Living SAP to provide for 0.5ha lots to most of areas it currently applies.
- A new priority vegetation area overlay, to certain zones, based on a Regional Ecosystem Model. This will replace the existing biodiversity protection area with more accurate and current data through a Regional Ecosystem Model that is being used by all Tasmanian Councils.
- A new coastal refugia overlay (ensure saltmarshes and coastal wetlands can shift as sea level rises).
- A bushfire-prone area overlay prepared by the Tasmanian Fire Service.
- The inclusion of a Dispersive Soils Code SAP over the same area that the Dispersive Soils Code currently applies.
- Mapping of attenuation areas for Green Point Waste Water Treatment Plant and Dromedary Quarry based on recent expert studies.

A key concern is the removal of the design and landscaping standards and subdivision layout and public open space standards that are currently in BIPS 2015 from the SPPs. All of these standards contribute towards a high quality built environment and more liveable neighbourhoods.

Consultation:

A Technical Reference Group (TRG) of all the Southern Tasmanian Council Association (STCA) members was established to help work through the preparation of the LPS. The TRG met fortnightly and has consulted with the Tasmanian Planning Commission and Planning Policy Unit.

Planning staff have also consulted with other infrastructure authorities during the development of the LPS, such as TasWater, Department of State Growth, TasRail, Heritage Tasmania, Tasmanian Fire Service.

Council's engineering department has provided input into the LPS.

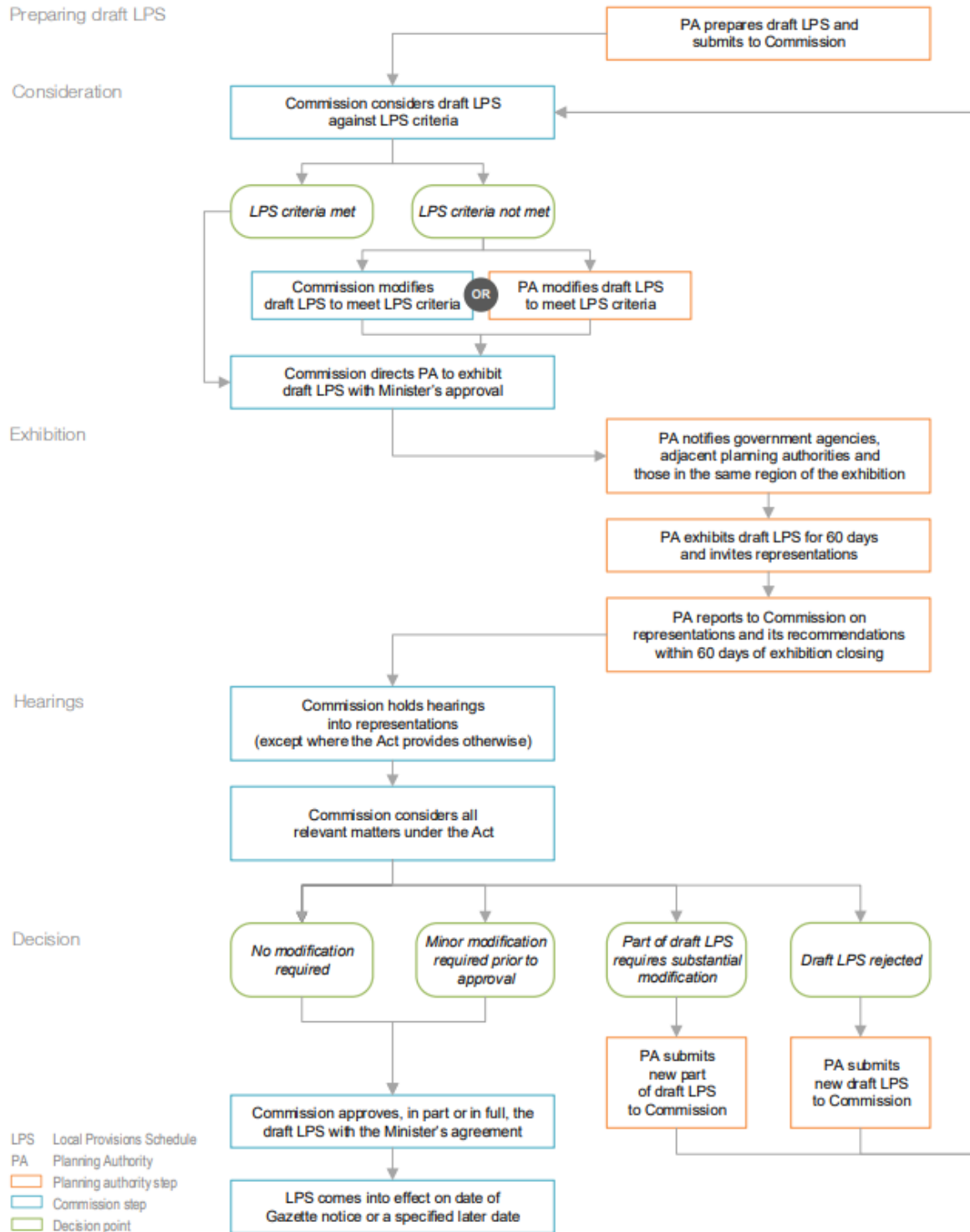
The TRG, through the STCA, has engaged agricultural consultants AK Consulting to assist with the mapping of the Agriculture Zone and environmental consultant Rod Knight to prepare the mapping for the priority vegetation protection area overlay for the Natural Assets Code.

Councillors were briefed on the LPS at a planning workshop in February.

Planning staff had a pre-compliance briefing with the TPC LPS panel in February.

There has been no informal consultation with the community regarding the draft LPS. Once satisfied with the draft LPS, the TPC will direct the planning authority to publicly exhibit the draft LPS for 60 days. Council staff will consider writing to landholders who are directly impacted by changes.

The planning authority will be required to consider all representations submitted during the public exhibition period and prepare a report for the TPC about whether any modifications to the LPS or SPP are required. A flowchart of the draft LPS approval Process is shown below.



Risk Implications:

The draft LPS must be prepared and submitted to the TPC under s.35 of LUPAA. The Minister has the powers to direct a planning authority to prepare and submit an LPS. If the planning authority does not prepare the LPS, the TPC can be directed to do so.

The SPPs do have shortcomings in some areas compared to BIPS 2015, particularly in providing for a high quality built environment and protection of natural assets, particularly on Agricultural land, and there is limited scope to address these issues through the LPS.

However, it is considered best to submit the LPS, which is largely a structural reform, and to focus on undertaking some serious strategic planning work aimed at addressing the shortcomings of the SPPs and to also advocate for a review of the SPPs and Regional Land Use Strategies as well as the creation of Tasmanian Planning Policies.

The risk of not submitting the draft LPS is that the Minister will direct the TPC to prepare the draft LPS and that it may not be consistent with the strategic direction desired by Council. There is also the risk that Council will be perceived to have failed to carry out its duties as a planning authority under LUPAA.

Financial Implications:

The only financial implication for endorsing the draft LPS for submission to the TPC is senior planning staff hours and the cost of advertising the public exhibition of the draft LPS.

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

- A. That Council (Planning Authority) resolves that it is satisfied that the Draft Brighton Local Provisions Schedule meets the LPS Criteria of prescribed at Section 34 of the *Land Use Planning and Approvals Act 1993*.
- B. That Council (Planning Authority) endorses the Draft Brighton Local Provisions Schedule (attachment 1), associated mapbooks (attachment 2) and the Brighton Local Provisions Schedule Supporting Report (attachment 3) for submission to the Tasmanian Planning Commission under Section 35(1) of the *Land Use Planning and Approvals Act 1993*.
- C. The Planning Authority delegates under Section 6 of the *Land Use Planning and Approvals Act 1993*, the following powers and functions to Ron Sanderson (General Manager), James Dryburgh (Manager Development Services) and David Allingham (Senior Planner):

- a. submit the LPS to the Commission pursuant to Section 35(1) of LUPAA in the form outlined in this report;
- b. submit the provisions for transition under Schedule 6 of LUPAA to the Minister for Planning;
- c. modify the LPS if a notice is received from the Commission pursuant to Section 35(5)(b), and advise the Council of any such modification;
- d. exhibit the LPS pursuant to Sections 35B, 35C and 35D;
- e. Represent the Council at hearings pursuant to Section 35H.

DECISION:

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

CARRIED

VOTING RECORD

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

The Ordinary Council Meeting resumed and the Chair was returned to Cr Foster.

11. REPORTS FROM OFFICERS:

11.1 LOCAL GOVERNMENT SHARED SERVICES MONTHLY REPORTS:

AUTHOR: Executive Assistance
(Mrs K Hossack)

Background:

When the Local Government Shared Services (LGSS) was formalised, there was an undertaking that monthly reports would be provided to member Councils. There are now fourteen (14) Councils that have joined to date.

One report is for the overall performance of the shared service agreement which is provided to all member Councils.

The other report is Council specific for each member Council that is provided only to that individual Council. The second attachment is for Brighton Council's performance for the previous months.

Consultation:

General Manager

Risk Implications:

Nil

Financial Implications:

See attached reports for financial information about the Local Government Shared Services and Brighton Council.

Other Issues:

These reports provide detailed information to assist in dealing with the amalgamation program and the financial sustainability of the shared services 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 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	

11.2 BUDGET 2018 – 2019:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Budget (Estimates) has been prepared in accordance with the *Local Government Act 1993* and has already been adopted in principle by Council during May 2018.

Consultation:

Councillors, Senior Management, Senior Rates Officer, Ratepayers and other stakeholders.

Risk Implications:

Nil

Financial Implications:

As per the budget.

Other Issues:

Nil

Assessment:

The final rate increase is 2.0% for Brighton Council for all occupied properties which equals the annual CPI figure for Hobart to March 2018.

The rating resolution is in accordance with the Local Government Act and in particular adopts the principles of Averaged Area Rates for residential properties.

Options:

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

That Council approve the budget that was adopted in principle during May 2018, and approve the 2018–2019 Rate Resolution as follows: -

1. GENERAL RATE & MINIMUM

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993* (here referred to as the “Act”), Council hereby makes the following General Rate for all rateable land within the municipal area for the financial year commencing 1 July 2018 and ending 30 June 2019:
- (a) Pursuant to Section 90(3)(c) of the Act, a General Rate of 57.0 cents in the dollar of the assessed annual value (here referred to as “AAV”) of the rateable land.
- 1.2 Pursuant to Section 107(1) of the Act, Council hereby varies the General Rate of 57.0 cents in the dollar (as previously made) as follows:
- (a) For land within the municipality which is used or predominantly used for commercial purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 7.364741 cents in the dollar of AAV;
 - (b) For land within the municipality which is used or predominantly used for public purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 8.933460 cents in the dollar of AAV;
 - (c) For land within the municipality which is used or predominantly used for industrial purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 5.429505 cents in the dollar of AAV;
 - (d) For land within the municipality which is used or predominantly used for primary production purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 5.382937 cents in the dollar of AAV;
 - (e) For land within the municipality which is used or predominantly used for sporting or recreation purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 18.444750 cents in the dollar of AAV;
 - (f) For land within the municipality which is not used and is zoned as Community Purpose within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 16.951248 cents in the dollar of AAV;

- (g) For land within the municipality which is not used and is zoned as Environmental Management within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 16.951248 cents in the dollar of AAV;
- (h) For land within the municipality which is not used and is zoned as General Business within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 12.106963 cents in the dollar of AAV;
- (i) For land within the municipality which is not used and is zoned as General Industrial within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 4.820792 cents in the dollar of AAV;
- (j) For land within the municipality which is not used and is zoned as Light Industrial within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 8.917422 cents in the dollar of AAV;
- (k) For land within the municipality which is not used and is zoned as Open Space within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 56.499159 cents in the dollar of AAV;
- (l) For land within the municipality which is not used and is zoned as Residential within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 20.670424 cents in the dollar of AAV;
- (m) For land within the municipality which is not used and is zoned as Rural Living within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 20.670424 cents in the dollar of AAV;
- (n) For land within the municipality which is not used and is zoned as Rural Resource within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 44.604599 cents in the dollar of AAV;
- (o) For land within the municipality which is not used and is zoned as Urban Mixed within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 16.949748 cents in the dollar of AAV; and

- (p) For land within the municipality which is not used and is zoned as Utilities within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 24.216068 cents in the dollar of AAV.
- 1.3 Pursuant to Sections 107(2A) and 107(2B) of the Act, Council hereby sets minimum amounts payable, in respect of the general rate as varied, as follows:
- (a) For land within the municipality which is used or predominantly used for commercial purposes, the minimum amount payable in respect of the General Rate is an amount of \$892.00;
 - (b) For land within the municipality which is used or predominantly used for public purposes, the minimum amount payable in respect of the General Rate is an amount of \$652.00;
 - (c) For land within the municipality which is used or predominantly used for industrial purposes, the minimum amount payable in respect of the General Rate is an amount of \$892.00;
 - (d) For land within the municipality which is used or predominantly used for primary production purposes, the minimum amount payable in respect of the General Rate is an amount of \$892.00;
 - (e) For land within the municipality which is used or predominantly used for sporting or recreation purposes, the minimum amount payable in respect of the General Rate is an amount of \$387.00;
 - (f) For land within the municipality which is not used and is zoned as Community Purpose within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
 - (g) For land within the municipality which is not used and is zoned as Environmental Management within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
 - (h) For land within the municipality which is not used and is zoned as General Business within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
 - (i) For land within the municipality which is not used and is zoned as General Industrial within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
 - (j) For land within the municipality which is not used and is zoned as Light Industrial within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
 - (k) For land within the municipality which is not used and is zoned as Open Space within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;

- (l) For land within the municipality which is not used and is zoned as Residential within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
- (m) For land within the municipality which is not used and is zoned as Rural Living within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
- (n) For land within the municipality which is not used and is zoned as Rural Resource within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00;
- (o) For land within the municipality which is not used and is zoned as Urban Mixed within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00; and
- (p) For land within the municipality which is not used and is zoned as Utilities within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$339.00.

2. AVERAGED AREA RATE

2.1 Pursuant to Section 109A of the Act and Certificates issued to Council in accordance with Section 109H of the Act, Council hereby make the following averaged area rate (here referred to as “AAR”) for all rateable land within the municipal area for the following categories and localities for the financial year commencing 1 July 2018 and ending 30 June 2019:

- (a) In the locality of Bridgewater, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 7.093655 cents in the dollar of AAV and then an AAR is made in the amount of \$777.00;
- (b) In the locality of Brighton, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 6.262714 cents in the dollar of AAV and then an AAR is made in the amount of \$892.00;
- (c) In the locality of Dromedary, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 5.431019 cents in the dollar of AAV and then an AAR is made in the amount of \$892.00;

- (d) In the locality of Gagebrook, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 7.986626 cents in the dollar of AAV and then an AAR is made in the amount of \$777.00;
- (e) In the locality of Herdsmans Cove, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 7.620604 cents in the dollar of AAV and then an AAR is made in the amount of \$777.00;
- (f) In the locality of Honeywood for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 5.071806 cents in the dollar of AAV and then an AAR is made in the amount of \$892.00;
- (g) In the locality of Old Beach for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 5.390497 cents in the dollar of AAV and then an AAR is made in the amount of \$892.00;
- (h) In the locality of Pontville for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 5.196753 cents in the dollar of AAV and then an AAR is made in the amount of \$892.00;
- (i) In the locality of Tea Tree for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 4.807407 cents in the dollar of AAV and then an AAR is made in the amount of \$892.00;
- (j) In the locality of Bridgewater, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 6.625887 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;

- (k) In the locality of Brighton, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 6.242416 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;
- (l) In the locality of Dromedary, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 7.808901 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;
- (m) In the locality of Gagebrook, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 18.886215 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;
- (n) In the locality of Herdsmans Cove, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 20.370019 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;
- (o) In the locality of Honeywood, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 8.056084 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;
- (p) In the locality of Old Beach, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 6.098262 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00;
- (q) In the locality of Pontville, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 6.613989 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00; and

- (r) In the locality of Tea Tree, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 57.0 cents in the dollar of AAV to 4.505582 cents in the dollar of AAV and then an AAR is made in the amount of \$339.00.

3. WASTE MANAGEMENT SERVICE CHARGE

Pursuant to Section 94(1) of the Act, Council hereby make a service charge for waste management for the financial year commencing 1 July 2018 and ending 30 June 2019 of \$195.00 for each premises, tenement, flat, unit, apartment, single stratum section or portion of land set aside for separate occupation to which a regular garbage and recycling removal service is supplied by the Council.

4. FIRE SERVICE RATE

Pursuant to Sections 93 & 93A of the Act, and notice received by Council in accordance with Section 81B of the *Fire Service Act 1979*, the following fire service rates apply for the financial year commencing 1 July 2018 and ending 30 June 2019:

- (a) A Separate Urban Fire Rate of 1.366374 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$40.00;
- (b) A Separate Brighton Rural Fire Rate of 0.380778 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$40.00; and
- (c) A Separate Rural Fire Rate of 0.329861 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$40.00.

5. PAYMENT OF RATES & CHARGES BY INSTALMENTS

Rates and Charges must be paid by four (4) instalments – the first to be paid on or before 6 August 2018, and then by 28 September 2018, 31 January 2019 and 29 March 2019 respectively.

6. INTEREST

Pursuant to Section 128(1) (b) of the Act interest will apply to any amount of rates and charges and water rates and charges which remain unpaid after the date on which it is to be paid. The rate for 2018/2019 is 8.81% per annum calculated on a daily basis.

7. DISCOUNT

That Council applies a discount in accordance with Section 130 of the Act. The applicable discount being 1% applied to any annual rates paid in full by the due date of the first instalment.

DECISION:

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

CARRIED

VOTING RECORD

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

11.3 MICROWISE - UPDATE REPORT:

AUTHOR: General Manager
(Mr R Sanderson)

The 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 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	

Cr Gray moved, Cr Jeffries seconded that Council resolve into Committee.

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.

This matter was to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(g)

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 15th MAY 2018.

Cr Geard moved, Cr Curran seconded that the minutes of the Closed Portion of the Ordinary Council Meeting of 15th May 2018 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	

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(a)

12.2 CONCILIATION CONFERENCE IN RELATION TO COMPLAINT BY DAMIEN MATCHAM:

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(d)

12.3 EAST DERWENT HIGHWAY CONCRETE PATH TENDER:

Cr Gray declared an interest and left the meeting at 6.17pm.

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(c)

12.4 BRIGHTON INDUSTRIAL & HOUSING CORPORATION (BIHC) CLOSURE:

Cr Gray rejoined the meeting at 6.26 pm.

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(a)

12.5 GENERAL MANAGER – PERFORMANCE REVIEW:

Cr Owen moved, Cr Jeffries seconded that Council resolve out of Committee and that the decisions made while in Committee 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.

The meeting closed 6.30pm.

Confirmed:

(Mayor)

Date:

17th July 2018