



# 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,  
17<sup>th</sup> APRIL 2018**

**PRESENT:** Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick;  
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) and Mrs J Banks (Governance Manager).

## **1. CONFIRMATION OF MINUTES:**

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL  
MEETING OF 20<sup>TH</sup> MARCH 2018.

*Cr Curran moved, Cr Higgins seconded that the Minutes of the Ordinary Council  
meeting of 20<sup>th</sup> March 2018 be confirmed.*

**CARRIED**

### **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

1.2 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY  
MEETING OF 10<sup>TH</sup> APRIL 2018.

*Cr Gray moved, Cr Jeffries seconded that the Minutes of the Planning Authority  
meeting of 10<sup>th</sup> April 2018 be confirmed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**2. APPLICATIONS FOR LEAVE OF ABSENCE:**

Cr Geard had requested leave of absence as he is interstate.

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**3. PUBLIC QUESTION TIME AND DEPUTATIONS:**

- Inspector Cretu & Sergeant Leary from Bridgewater Police addressed Council.
- Mrs L Richardson from the Education Department addressed Council in relation to School-based apprenticeships.

**4. DECLARATION OF INTEREST:**

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.

*There were no declarations of interest.*

**5. REPORTS FROM COUNCILLORS:**

**5.1 MAYOR’S COMMUNICATIONS:**

**AUTHOR:** Mayor  
(Cr T Foster)

The Mayor’s communications were as follows: -

- Mar 26 Meeting with CT along with GM and Tony Harrison.
- Mar 27 Workshop with Senior Management team, Deputy Mayor and Tony Harrison.
- Mar 29 GM and I met with Gerry De Gryse ( Inspiring Place ) re Schematic drawing for Brighton township for future use at workshop of Council.
- Mar 29 Meeting with senior staff and committee members of Brighton Eagles Cricket Club.
- Apr 04 Attended funeral service for Anne Gunn.
- Apr 10 Planning Authority meeting.
- Apr 17 Ordinary Council Meeting.

**RECOMMENDATION:**

That the Mayor’s communications be received.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

## **5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:**

### **DECISION:**

*There were no reports from Council representatives.*

## **5.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA), LGAT, TASWATER AND JOINT AUTHORITIES:**

Correspondence and reports from the STCA, LGAT, TasWater and Joint Authorities.

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

## **6. NOTIFICATION OF COUNCIL WORKSHOPS:**

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, it was reported that a Structure Plan workshop was held on Tuesday 10<sup>th</sup> April 2018, 3.30pm. In attendance were Cr Curran; Cr Gray; Cr Higgins; Cr Jeffries; Cr Owen 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 at the time of compiling the Agenda further advice was being sought in relation to Item 11.6 - C&R Manson 17 Shawnlee Court, Old Beach - dog complaint.

**DECISION:**

*Cr Owen moved, Cr Curran seconded that the supplementary item 11.6 be discussed.*  
**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

*For the purpose of these minutes the items will remain in numerical order.*

**9. REPORTS FROM COMMITTEES:**

*There were no committee meetings held in April.*

*Cr Higgins moved, Cr Owen seconded that the Council Meeting be adjourned to act as Planning Authority*  
**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

## **10. COUNCIL ACTING AS PLANNING AUTHORITY:**

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10 on this agenda, inclusive of any supplementary items.

### **10.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA 2018 / 00013 – 9 MONKS COURT, BRIGHTON – SINGLE DWELLING:**

Type of Report	Planning Authority - For Decision
Application No:	DA 2018 / 00013
Address:	9 Monks Court, Brighton
Applicant:	Ronald Young & Co. Builders
Proposal:	Single Dwelling
Zone:	Rural Living (Area A)
Representations:	One (1)
Discretions:	1. Side setback (within 20m) 2. Setback to Rural Resource Zone (within 100m)
Author:	Richard Cuskelly (Planning Officer)

#### **1. Executive Summary**

- 1.1. Planning approval is sought for a single dwelling in the Rural Living Zone at 9 Monks Court, Brighton.
- 1.2. The application is discretionary due to partial reliance on performance criteria.
- 1.3. One (1) representation was received. It is considered that the issues raised in the representation require a small modification to the proposal.
- 1.4. The key planning issue is the side setback discretion sought.
- 1.5. The proposal is recommended for approval subject to various standard conditions.
- 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 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 2018 / 00013.
- 2.2. This determination must be made no later than 17 April 2018, 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. No specific implications for Council asset maintenance or renewal or need for new capital works have been identified.

## **4. Relevant Background and Past Applications**

- 4.1. A Part 5 Agreement exists on the land title (and others resulting from the 'Rutherford Drive Subdivision') bringing owners' attention to the fact that this is an existing rural area and there may be occasional associated agricultural activity in the vicinity.

## 5. Site Detail

- 5.1. The subject site is a 6,342m<sup>2</sup> internal lot accessed from the east cul-de-sac end on Monks Court. While, the site has frontage to Tea Tree Road, vehicle access off it is
- 5.2. The site is undeveloped and slopes gently down to the north-west (approximately 1 in 10).
- 5.3. The site is adjoined by General Residential land to the east, west and south, and Rural Resource land to the north (see Figure 1 below).

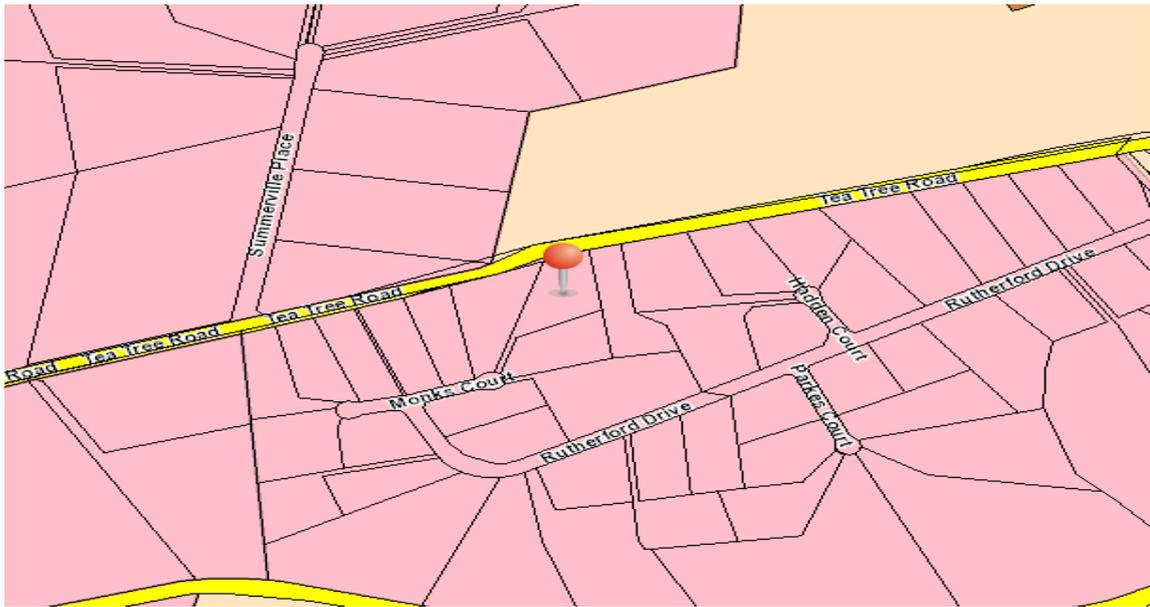


Figure 1. Zoning: Rural Living (Pink), Utilities (Yellow) and Tan (Rural Resource)

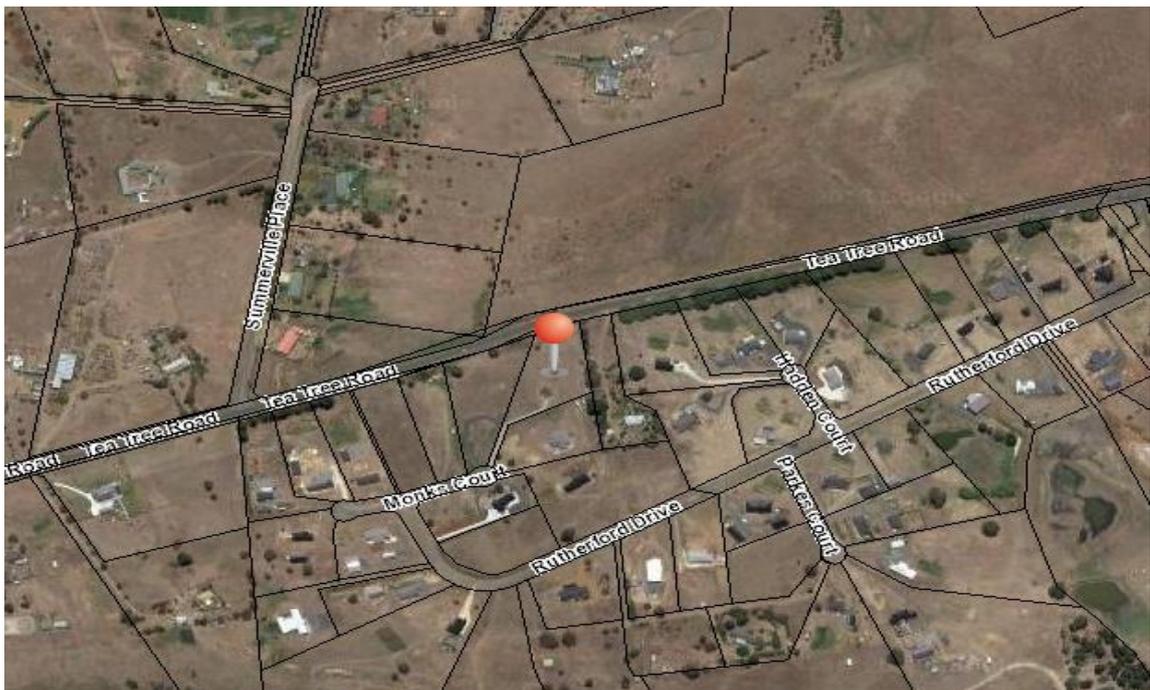


Figure 2. Aerial image

## 6. Proposal

- 6.1. Proposed is a one storey single dwelling.
- 6.2. A single dwelling is a No Permit Required use in the Rural Living Zone.
- 6.3. The single-storey church building has a gross floor area of 240.9m<sup>2</sup> with stone walls and Colourbond roofing.
- 6.4. Parking is provided for a minimum of 2 vehicles on-site.
- 6.5. On-site retention and disposal is proposed to manage stormwater from new impervious surfaces.
- 6.6. The application is supported by the attached plans, and written response from the applicant to the discretions sought (received after the advertising period).

## 7. Assessment against planning scheme provisions

- 7.1. The following provisions are relevant to the proposed use and development;
  - Rural Living Zone (13)
  - Parking and Access Code (E6)
  - Stormwater Management Code (E7)
- 7.2. The application satisfies the following applicable Acceptable Solutions:
  - 13.4.1 A1 - Building height
  - 13.4.2 A1 - Front setback
  - 13.4.2 A3 - Setback to Significant Agriculture Zone
  - 13.4.2 A4 - Setback to Environmental Management Zone
  - 13.4.3 A1-A4 - Design
  - E6.6.1 A1 - Number of parking spaces
  - E6.7.1 A1 - Number of vehicle access points
  - E6.7.2 A1 - Design of vehicle access point
  - E6.7.3 A1 - Vehicular passing
  - E6.7.4 A1 - On-site turning

- E6.7.6 A1 – Surfacing
- E6.7.14 A1 – Road access
- E7.7.2 A1 – Water Sensitive Urban Design

7.3. The following discretions are invoked:

	<b>Discretion</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
1	Side setback	20m	5.32m (minimum)
2	Setback to Rural Resource Zone	100m	67m

Discretion 1 – Side setback

- 7.3..1. The proposed dwelling has a minimum west side boundary setback of 5.32m.
- 7.3..2. If within 20m, the following Performance Criteria (ensuring building setback maintains the desirable characteristics of the surrounding landscape and protects the amenity of adjoining lots) must be met:

Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:

- (a) the topography of the site;
- (b) the size and shape of the site;
- (c) the location of existing buildings on the site;
- (d) the proposed colours and external materials of the building;
- (e) visual impact on skylines and prominent ridgelines;
- (f) impact on native vegetation;
- (g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:
  - (i) overlooking and loss of privacy;
  - (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.

- 7.3..3. The character of the area is generally for single dwellings with minimum 10m side setback to the boundary. The site does slope gently, but isn't steep enough to prevent the house being setback further. The site is also large enough to accommodate a larger setback and increasing the setback will reduce the visual prominence of the dwelling. It is recommended that the side setback be increased from 5.32m to 10m as a permit condition.
- 7.3..4. The proposal satisfies the Performance Criteria with conditions.

Discretion 2 - Setback to Rural Resource Zone

- 7.3..5. The proposed dwelling has a minimum setback of approximately 67m to the nearest land zoned Rural Resource (on the opposite side of Tea Tree Road to the north of the site).
- 7.3..6. If within 100m, the Performance Criteria (ensuring any conflict or fettering of primary industry uses on adjoining land is prevented) must be met.
- 7.3..7. The application is considered to meet the Performance Criteria for the reasons below:
  - Tea Tree Road is an existing buffer to potential land-use conflict.
  - The aforementioned Part 5 Agreement addresses new residential ('sensitive') use in this rural area.

**8. Concerns raised by representors**

8.1. The following table outlines the issues raised by the representor.

Issue	Response
The proposed 5.32m (minimum) building setback to the east side boundary is insufficient to prevent unreasonable adverse impact on residential amenity the adjoining lot.	A condition requiring the side setback to be increased to 10m is recommended as per discussion in 7.3.1 to 7.3.4.

**9. Conclusion**

9.1. The proposed use and development of a single dwelling in the Rural Living Zone at 9 Monks Court, Brighton, satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for conditional approval.

## **RECOMMENDATION:**

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA 2018/00013 for a single dwelling in the Rural Living Zone at 9 Monks Court, Brighton, for the reasons outlined in the officer's report, and a permit containing the following conditions be issued:

### *General*

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (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.

### *Amended Plan*

- (3) Prior to works commencing, an amended plan must be submitted showing an increased setback from the eastern boundary to 10m to the satisfaction of Council's Manager Development Services.

### *Services*

- (4) 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.

### *Amenity*

- (5) The proposed colours and materials for the walls ("Heritage Stone") and roof (Colorbond "Monument" or "Night Sky") are approved. Any variation in the colours and materials must be submitted to and approved by the Council's Manager Development Services.
- (6) No vegetation other than that necessary for the construction of the building, associated access and services is to be cleared without the approval of Council.

### *Parking and Access*

- (7) At least two (2) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

- (8) The internal driveway and 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) Minimum carriageway width of 4 metres.
  - (c) Drained to an approved stormwater system.
- (9) The internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.

#### Stormwater

- (10) Stormwater drainage from the proposed development must be retained on site to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

#### Soil and Water Management

- (11) 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 General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- (12) 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.

#### Construction amenity

- (13) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.

- Sunday and State-wide public 10:00 a.m. to 6:00 p.m. holidays
- (14) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (d) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - (e) The transportation of materials, goods and commodities to and from the land.
  - (f) Obstruction of any public footway or highway.
  - (g) Appearance of any building, works or materials.
- (15) 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.
- (16) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (17) 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.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995 or the Commonwealth Environmental Protection and Biodiversity Protection Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of State Growth or the Commonwealth Minister for a permit.
- C. **If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.**

D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

**DECISION:**

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

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

*Cr Gray moved, Cr Williams seconded that the Ordinary Council Meeting be resumed.* **CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**11. REPORTS FROM OFFICERS:**

## 11.1 DOG REGISTRATION & KENNEL LICENCE FEES 2018-2019:

**AUTHOR:** Deputy General Manager  
(Mr G. Davoren)

### Background:

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

The dog registration fee has not increased since 2016-2017 and it is recommended that they stay the same for the upcoming financial year apart for a small increase in the reclaim fee for the Hobart Dogs Home.

In comparison to other Council’s fee, Brighton’s fees are relatively low.

### Consultation:

Governance Manager.

### Risk Implications:

None foreseen.

### Financial Implications:

As provided.

### Assessment:

A comparison between the current (2017-2018) and proposed dog registration and kennel licence fees for the 2018-2019 financial years are as follows:-

	CURRENT 2017-2018	PROPOSED DISCOUNTED 2018-2019	FULL RATE 2018-2019
	Paid by July 31	Paid by July 31	Paid after July 31
Domestic Dog (desexed)	\$27.00	\$27.00	\$42.00
Domestic Dog (not desexed)	\$77.00	\$77.00	\$92.00
Working Dog	\$42.00	\$42.00	\$57.00
TGRB registered Greyhound	\$42.00	\$42.00	\$57.00
Pure Bred Dog kept for breeding	\$42.00	\$42.00	\$57.00
Dangerous Dog (declared under the Act)	\$450.00	\$450.00	\$450.00
Assist Dog	Nil	Nil	Nil

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

	CURRENT 2017-2018	PROPOSED DISCOUNTED 2018-2019	FULL RATE 2018-2019
	Paid by July 31	Paid by July 31	Paid after July 31
<b>Concession Rates</b>			
Domestic Dog (desexed)	\$25.00	\$25.00	\$40.00
Domestic Dog (not desexed)	\$52.00	\$52.00	\$67.00

**Fees will be discounted to the above rates if registrations are paid by 31<sup>st</sup> July 2018 or otherwise the full rate will apply.**

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

Kennel Licences & Fees	CURRENT 2017-2018	PROPOSED DISCOUNTED RATE 2018-2019	FULL RATE 2018-2019
Renewal	\$125.00	\$125.00	\$155.00
Dog Complaint Fee	\$90.00	\$90.00	\$90.00
Replacement Tags	\$3.00 each	\$3.00 each	
Animal Agistment Fee	\$45.00 per day	\$45.00 per day	\$45.00 per day
<i>Reclaim Fees from the Dogs Home</i>	\$70.00 per dog	\$75.00 per dog	\$75.00 per dog

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

	CURRENT 2017-2018	PROPOSED 2018-2019
Farm Animals not confined to the owner's property ( <i>Brighton Council Environmental Health By-law No.1 of 2017</i> )	Up to \$400	Up to \$400

### Other Issues:

N/A

### Options:

1. As per the recommendation.
  2. That Council not adopt the Animal Control fees for the 2018-2019 financial year.
-

**RECOMMENDATION:**

That Council adopts the Animal Control Fees for the 2018-2019 financial year as listed in the report.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**11.2 WEILY PARK HALL TECHNOBEAT LEASE REQUEST:**

**AUTHOR:** Council Services Officer  
(Ms C Harper)

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**Background:**

Technobeat Dance Studio, operated by Joanne Gallagher has approached Council requesting to lease Weily Park Hall. Joanne previously sublet the hall from St John Ambulance for many years. Joanne is a long-term resident of the municipality and has operated a local dance studio for many years. She has also volunteered her time and skills at schools and other organisations during that time. Joanne has a positive impact on many children by providing them with easy access to experience and learn dance and be involved in fitness activities.

Joanne would like to take over the lease under the same conditions and financial contribution as St John Ambulance.

**Consultation:**

Joanne Gallagher (Technobeat Dance Studio), Janine Banks (Governance Manager), Cr Peter Geard (Chairperson, Parks and Recreation Committee).

**Financial Implications:**

Council will continue to have the same income for this building.

**Assessment:**

Joanne is a well-respected member of the community, noted especially for both her voluntary work with children in schools in the area and her dance studio. She had sublet from St John Ambulance since before their move to Weily Park Hall. Her influence on fitness and dance with children, through an affordable positive avenue along with the voluntary work, contributes significantly to their wellbeing.

The hall is not being sought after by any other groups or purpose, and Joanne will continue to take care of the building and the surrounds from potential damage from vandalism by her regular use of the area.

**Options:**

1. As per the recommendation.
2. Council approve the lease with different conditions and fee.
3. Council not approve leasing the hall to Technobeat.

**RECOMMENDATION:**

Council approves leasing Weily Park Hall to Technobeat under the same conditions as were given to St John Ambulance, with a fee currently of \$706 per six month period, with annual Australian CPI increases to be applied each financial year.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

## **11.3 SKM - RECYCLING COSTS:**

### **FILE REFERENCE:**

**AUTHOR:** Manager Asset Services  
(Mr H Macpherson)

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### **Background:**

Brighton Council currently sends all its kerbside recycling materials to SKM Industries Pty Ltd at Lutana.

SKM recently held a meeting with the southern Councils, and have followed it up with a letter, discussing the recent regulatory changes in China.

China have recently introduced Chinese National Sword and the Blue Sky policy that are targeting the amount of contamination in recycling and reducing the amount of smog in China.

As part of this policy any recyclable material sent into China should have a contamination rate of less than 0.5%. SKM currently export a material that is just under 1%.

Due to China not taking the volumes of recyclable materials that they previously did, it has resulted in an oversupply of recyclables which has resulted in a significant reduction in price. Due to this price drop SKM are proposing that they need to increase the current charge for Council's to dispose of their recyclable materials.

### **Consultation:**

Ron Sanderson (General Manager), Greg Davoren (Deputy General Manger), Heath Macpherson (Manager Asset Services),

### **Risk Implications:**

If Southern Councils aren't willing to pay the increase in costs it could result in the Lutana Material Recycling Facility closing and all recyclable materials going to land fill or alternative markets would need to be found.

### **Financial Implications:**

Currently we pay approximately \$74/tonne and SKM are proposing \$115/tonne which is a \$41/tonne increase. Currently Council has just under 800 tonnes of recyclables per year so this would result in a disposal cost increase of \$33k per year.

The proposed new agreement is to start from 1 March and is to be reviewed after 6 months. This would result in an additional \$11k unbudgeted this year (4 months from March - June) and \$5.5k for the first 2 months next year. After the 6 months it is unknown what is likely to happen.

Council could consider sending all the materials to landfill which would cost in the order of \$60-64/tonne. As it has taken years of work to educate people to recycle this should not be considered as a short-term option.

### Other Issues:

The proposed increase has been raised with the LGAT who have written to the Minister for Environment and informed her of this situation and are seeking an urgent meeting to discuss it and see what assistance the State Government is willing to provide, noting that the Victoria and NSW governments have provided reasonable short-term assistance packages to impacted local governments.

At this stage LGAT are responding to SKM stating that Southern Councils would like to negotiate in a consolidated fashion.

### Assessment:

The current agreement is valid for 2 years until 1<sup>st</sup> December 2019. The agreement does have a Force Majeure Event clause which allows for them to renegotiate a new rate when events like this happen.

The proposed changes will result in an increase of \$16.5k for the next 6 months and then it is unknown at this stage what will happen after that. The \$115/tonne is the first offer from SKM so there may be some room for negotiation.

### Options:

1. As per the recommendation.
2. Council not agree to signing the new agreement.
3. An alternative recommendation.

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### RECOMMENDATION:

Council agrees to the General Manager and Manager Asset Service furthering discussions with SKM as part of the Southern Council's group to agree on a fee for the recyclable materials.

### DECISION:

*Cr Owen moved, Cr Jeffries seconded that the recommendation be adopted with the inclusion of Cr Owen being included in the discussions.*

**CARRIED**

### VOTING RECORD

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

## 11.4 MONTHLY PLANNING UPDATE:

**AUTHORS:** Chief Operations Officer  
(Mr J Dryburgh)

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The Chief Operations Officer reported directly to the meeting.

### Options:

1. As per the recommendation.
  2. That the report not be received.
- 

### RECOMMENDATION:

That Council receive the report.

### DECISION:

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

**CARRIED**

### VOTING RECORD

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

## 11.5 PROPOSED BRIGHTON CRICKET TEAM IN THE CRICKET TASMANIA PREMIER LEAGUE

**AUTHOR:** General Manager  
(Mr R Sanderson)

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### Background:

For several years Brighton Council has been working with Cricket Tasmania to have a team from Brighton back in the Premier League. Two options were considered; to have two city clubs merge to allow a new team to enter or to have an existing team relocate to Brighton. Both options were rejected by existing teams.

The new CEO of Cricket Tasmania, Nick Cummins, has made major changes at Cricket Tasmania, one being the introduction of a northern team into the Premier League.

This allows another team to retain an equal number of teams that negates the need for a bye.

The Brighton Eagles Cricket Club has applied to Cricket Tasmania to join the Premier League. They have a presentation scheduled for 1<sup>st</sup> May to the Cricket Tasmania Board.

Nick Cummins has made it very clear that they would have no chance of joining without the support of Brighton Council.

### **Consultation:**

Mayor, Councillor Gray, Manager Asset Services, Council Services Officer, Cricket Tasmania Staff

### **Risk Implications:**

If Council does not support this application, it will likely be many years before the area will have a Premier League Team.

### **Financial Implications:**

Council would need to commit to provide turf practice wickets costing an estimated \$120,000 which could be offset by receiving grant funds.

### **Other Issues:**

A successful inclusion in the Premier League could assist in getting grant funds for a new regional sports centre at Pontville.

### **Assessment:**

Council is maturing and such a team would enhance its place in the region. As a growing area with a large youth population it is important that Council provides the best possible facilities and opportunities for its youth, both male and female.

The proposal is to enter the Premier League in a phased approach beginning next year in the third grade, moving to first grade in one or two years later. Cricket Tasmania would take a strong role in making sure that this new team is successful during this period.

### **Options:**

1. As per the recommendation.
2. That Council does nothing.

### **RECOMMENDATION:**

That Council supports the application of the Brighton Eagles Cricket Club to join the Cricket Tasmania Premier League by working with the club and advising Cricket Tasmania of its support.

**DECISION:**

*Cr Higgins moved, Cr Owen seconded that Item 11.5 be deferred to special Council meeting on 30<sup>th</sup> April, 2018.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**11.6 C&R MANSON 17 SHAWNLEE COURT, OLD BEACH - DOG COMPLAINT:**

**AUTHOR:** General Manager  
(Mr R Sanderson)

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**Background:**

For approximately two years the Mansons have complained about the barking of two dogs located at a neighbouring property, 20 Purdon Street, Old Beach. Council staff have attended the site on several occasions but didn't hear any barking that could be considered a nuisance.

Mrs Manson has been very sick with cancer and has been very disturbed by barking by the neighbour's dogs. Staff have advised that they should lodge a "Notice of Complaint as to a Nuisance Created by Dog". They were reluctant to do so due to the state of Mrs Manson's health. They met with the author on 27<sup>th</sup> March to plead their case and ask for council's help. The author's advised that they needed to lodge the formal notice as required by the Dog Control Act for staff to undertake a proper investigation.

They lodged the attached notice on 5<sup>th</sup> April. However, the prescribed fee of \$90 was not included. The author emailed them stating that the fee was not included. They replied that they wanted me to take their case to Council requesting that the fee be waived.

**Consultation:**

Governance Manager, Animal Control Officers and council's lawyer.

**Risk Implications:**

None identified.

**Financial Implications:**

Potential loss of the fee of \$90, although the fee would be returned to the complainant if the nuisance is deemed correct.

**Other Issues:**

Waiving the fee may set a precedence.

**Assessment:**

The Mansons, particularly Mrs Manson, have been very upset by the neighbour’s dogs barking. They have said that the dogs bark every time they go outdoors and have many details of such occurrences. They advised in an attachment to the notice that:

“On Easter Sunday we had visitors and abandoned the use of our outdoor area due to continuous barking between 1:00 – 5:00+pm (dog owners not at home).”

Only a proper investigation will confirm the existence of a nuisance and comply with legal advice that it is necessary under the Dog Control Act.

**Options:**

1. As per the recommendation.
2. That does not waive the fee.

**RECOMMENDATION:**

That Council waive the fee for the complaint of a dog nuisance lodged by C&R Manson of 17 Shawnlee Court, Old Beach.

**DECISION:**

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

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

*Cr Curran moved, Cr Garlick seconded that Council resolve into Closed Council.* **CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
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 were 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 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 20<sup>th</sup> MARCH 2018.**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**13. QUESTIONS ON NOTICE:**

*There were no questions on notice.*

*Meeting closed 7.05pm*

Confirmed:

\_\_\_\_\_  
(Mayor)

Date:

\_\_\_\_\_  
15<sup>th</sup> May 2018