



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD IN THE
COUNCIL CHAMBERS, COUNCIL OFFICES, OLD BEACH
AT 5.30 P.M. ON TUESDAY,
17th AUGUST 2021**

PRESENT: Cr Curran (Acting Mayor); Cr Geard; Cr Gray; Cr Jeffries; Cr Murtagh; Cr Owen and Cr Whelan.

IN ATTENDANCE: Mr J Dryburgh (General Manager); Ms J Banks (Acting Deputy General Manager); Mr D Allingham (Manager Development Services); Mr H Macpherson (Municipal Engineer) and Ms G Browne (Acting Manager Corporate Services)

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council Meeting of 20 July 2021.

Cr Geard moved, Cr Owen seconded that the Minutes of the Ordinary Council meeting of 20 July 2021 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

2.2 Confirmation of minutes of the Planning Authority Meeting of 10 August 2021.

Cr Gray moved, Cr Jeffries seconded that the Minutes of the Planning Authority meeting of 10 August 2021 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

3. Applications for Leave of Absence

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

4. Public Question Time and Deputations

There was no requirement for public question time.

5. 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 Owen declared an interest in Item 12.3

6. Reports from Council

6.1 Acting Mayor's Communications

Acting Mayor Barbara Curran provided a verbal update at the meeting.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

6.2 Reports from Council Representatives

DECISION:

Cr Owen attended the Reconciliation Tas breakfast at Wrest Point Casino.

Cr Gray moved, Cr Geard seconded that the reports be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

6.3 Correspondence from Southern Tasmanian Councils Association (STCA), LGAT, TasWater and Joint Authorities

6.4 Miscellaneous Correspondence

- 6.4.1 Letter to the Premier - South Central Sub-Region's response to the PESRAC report and recommendations (2021-22).
- 6.4.2 Letter to Minister for Local Government and Planning from Acting Mayor Barbara Curran as a follow-up to matters discussed in a meeting on 20 July, 2021.

7. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015:

There were no Council workshops held since the last Council Meeting.

8. Notices of Motion

8.1 Council Assistance for Community Groups

Author - Cr Leigh Gray:

I recently attended a meeting at Old Beach Community Centre that involved a group of people that have started a Neighbourhood Watch program in the Old Beach Area (see attachment on how to start a Neighbourhood Watch group - page).

I feel this is something that can be duplicated throughout our Municipality and this should be encouraged. We see on a day-to-day basis posts on social media relating to bad behaviours, be they criminal or just anti- social. The establishment of groups like Neighbourhood Watch in communities does see a dramatic drop in crime rates reported to be around the range of 16 to 26%. We should, as a Council, assist where we can to get these groups established and up and running. The costs are minimal but the delay for each small community to apply and ask for assistance is something that this motion fixes. We have great staff at our Council and with this motion it gives them the ability to acknowledge and approve request for assistance.

Neighbourhood Watch fees are \$30 per annum per group - no other fees are charged. Hall hire fees or room hire fees are negligible and all of these should be recorded in the Donations and Budgets in the year in which they are approved.

Cr Gray moves that:

1. Council allows other areas in the municipality to access assistance in establishing community groups and in particular Neighbourhood Watch.
2. Council allows free use of Council facilities to ensure this is not a deterrent to a community focussed group being established.

DECISION:

Cr Gray moved, Cr Whelan seconded that:-

1. Council allows other areas in the municipality to access assistance in establishing community groups and in particular Neighbourhood Watch.
2. Council allows free use of Council facilities to ensure this is not a deterrent to a community focussed group being established.

CARRIED**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

8.2 Traffic Movements and Road Safety

Author - Cr Leigh Gray:

Our young people are the future of our communities and currently we are hearing concerned voices asking the question about traffic movements around schools or around areas where school children are dis-embarking from buses and crossing roads.

I am asking that staff do some in depth analysis on the areas covered by my Motion to ascertain if the plans we are putting in place will alleviate risks. Risks are (but not limited to the following): Safety - Traffic Flow - Accidents and Access (the ease of collecting and dropping off students in a safe way).

Traffic issues in and around two primary schools seem to be constantly discussed - Brighton and St. Pauls. This should not preclude staff looking at other areas if that is deemed necessary or as issues arise. The new Brighton High School will incorporate some infrastructure and traffic controls that will alleviate some issues and the plans for Seymour Street, which have been drafted and have funds allocated in year 2 of our 10 year long term plans for a million dollars and incorporate road improvements that on initial designs include bus zones and parking areas that may take away issues from the Brighton Primary School, particularly in Jubilee Avenue. The report should advise if these issues are to be fixed or if further work or consultation needs to take place to make our communities safer. As in our 2050 Vision " *Our home is comfortable: safe, clean and peaceful with services and facilities for all*".

Cr Gray moves that:

1. Council seek assistance to establish a road safety report in a couple of troublesome areas within the Brighton and Bridgewater areas as a priority

- Issues surrounding the Brighton Primary School and St. Paul's Primary school.
- Issues surrounding the disembarking of students on buses in or near Elderslie Road and Seymour Street.

DECISION:

Cr Gray moved, Cr Murtagh seconded that:-

1. Council seek assistance to establish a road safety report in a couple of troublesome areas within the Brighton and Bridgewater areas as a priority
 - Issues surrounding the Brighton Primary School and St. Paul's Primary school.
 - Issues surrounding the disembarking of students on buses in or near Elderslie Road and Seymour Street, Brighton and Bowden Drive, Bridgewater.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

9. 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.

10. Reports from Committees

There were no committee reports for the August Ordinary Council Meeting.

11. Council Acting as a Planning Authority

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 11 on this agenda, inclusive of any supplementary items.

There were no planning reports for the August Ordinary Council Meeting.

12. Reports from Officers

12.1 Annual Plan 2021 - 2022:

Author: Governance Manager (Mrs J Banks)

Background

The Annual Plan 2021-22 has been prepared in accordance with Section 71 of the *Local Government Act 1993* and Council's 2021-22 budget.

The Annual Plan is presented in draft format and will be presented in the new Brighton Council report format once it is endorsed by Council for availability to the public.

Consultation

Senior Management Team

Risk Implications

None.

Financial Implications

In accordance with the adopted budget.

Strategic Plan

Goal 4:

S4.1 - Ensure Financial & Risk Sustainability

S4.2 - Be well governed

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable

Economic Implications

In accordance with the adopted budget.

Other Issues

Council is required under the *Local Government Act 1993* to adopt an Annual Plan on an annual basis.

Options

1. As per the recommendation.
2. Do not adopt the 2021/22 Annual Plan.

RECOMMENDATION:

That the Annual Plan 2021-22 be adopted in accordance with Section 71 of the *Local Government Act 1993* and that a copy be forwarded to the Director of Local Government and the Director of Public Health.

DECISION:

Cr Owen moved, Cr Whelan seconded that the draft annual plan 2021/22 include Education and Youth Health and it be held over to the September Ordinary Council Meeting; and a workshop be held to further develop the Annual Plan prior to the September Ordinary Council meeting ie before the next round of Committee meetings.

CARRIED**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

12.2 Historical Interpretation Panels - Brighton Army Camp Parade Ground:

Author: General Manager (Mr J Dryburgh)

Background

The Rotary Club of Brighton is keen to proceed with a project originally proposed in September 2019, to install historical interpretation panels at the old Brighton Army Camp parade ground. The project stalled because of the difficulty in obtaining funding, and in recent times a proposal to link the panels in with Your Town's proposal to restore the hospital, which did not eventuate.

However, the Rotary Club of Brighton has always remained committed to the project, which is seen as invaluable in preserving the amazing history of the site. The Club has a renewed sense of energy around the proposal and would like to proceed as quickly as possible, having set themselves a target of completion by Anzac Day 2022.

Detailed plans, panel layouts and exact costings would be made available to Council for input and approval prior to any designs and plans being finalised. but for now we can offer the following outline. The project would consist of eight graffiti proof panels approximately 900W x 600D each, mounted on steel stands about waist height at an angle of about 30 degrees, similar to the panels on Cadbury Walk between The Claremont WWI memorial and the Cadbury factory. They would be in chronological order as follows:

- Panel 1: A general overview of the history of the area from its occupation by the Mumirimina people for more than 40,000 years until the establishment of a military outpost in the mid-1820s, to the growth of Brighton and Pontville townships.
- Panel 2: Would explore the brief but interesting history of the military camp, which included the Light Horsemen for just three months from August to October at the outbreak of the Great War in 1914 before it was dismantled and moved to Claremont.
- Panel 3: A focus on the use of the area as the initial aerodrome for Hobart from 1931 till the opening of Cambridge Aerodrome in 1935, including the landing of the first Melbourne to Hobart flight on 8th March 1931 piloted by Sir Charles Kingsford Smith.
- Panels 4, 5 and 6: To cover the establishment of the WWII military camp, its layout, construction of buildings and growth to include 2,400 trainees by 1941, plus other data, and a detailed look at the hospital, life in the camp, and the effect on Brighton and its residents.
- Panel 7: Explores the use of the camp for housing Italian prisoners of war from 1944 to 1946, for temporary housing from 1947 to 1951, as a migrant hostel for Eastern European refugees from 1949 to 1951 and as an ongoing military camp including for National Service training and as a Citizen Military Force (CMF) base.
- Panel 8: Covers its use as emergency accommodation for 400 people after the 1967 bushfire before its revitalization as an army camp and then its use in 1999 to house 400 Kosovo refugees.

The panels would complement the storyboard of the Augmented Reality experience already available at the site and the contents crosschecked. Brighton Rotary will consult fully with Brighton Council regarding the design, layout, materials, location and ownership of the panels.

Consultation

Rotary Club of Brighton, Senior Management Team.

Risk Implications

Nil.

Financial Implications

Funding remains an issue for the Rotary Club, with the total project cost expected to be around \$20,000. They are confident they can raise half this amount from sources such as local businesses and those associated with the Brighton Estate, but would greatly appreciate it if Council could contribute the \$10,000 balance, which would guarantee the timely completion of the project.

Strategic Plan

Goal 1: Strengthen our Communities.

S1.3: Provide public facilities/amenities.

S1.4: Support connected communities.

Social Implications

A more permanent and physical presence of the social and cultural history of this site for all generations of our community to see and understand. This is a site of important and widely varied historical and cultural significance for the Brighton community.

Environmental or Climate Change Implications

Improving the general amenity and appreciation of the old Brighton Army Camp site.

Economic Implications

Encouraging visitors to stop and perhaps spend some time in the township of Brighton through a more visitor friendly presentation of the town and highlighting the site as an historical point of interest.

Other Issues

Nil.

Assessment

The project is of minimal cost to Council but will provide a very positive visual impact in terms of Council's connection to community, support of a local community group project, improving the amenity of the area and providing a point of interest for visitors and residents alike, that conveys and preserves the significant cultural and social history of the site.

Options

1. As per the recommendation.
 2. Does not approve the recommendation.
-

RECOMMENDATION:

That Council agrees to provide up to \$10,000 in funding towards the production of the Rotary Club of Brighton's historical interpretation panel project at the old Brighton Army Camp parade ground.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Owen left the meeting 5.53pm

12.3 Hobart Gymnastic Academy (HGA) Upgrade - 27-29 Hurst Street Bridgewater:

Author: General Manager (J Dryburgh)

Background

The Hobart Gymnastic Academy (HGA) secured a funding commitment of \$500,000 in the recent State Government Election to upgrade the building that is leased from Council at Hurst Street Bridgewater.

Council have been in discussions with HGA regarding works required to the property, which will ensure that young gymnasts from surrounding areas have access to the same quality facilities and coaching as those available in other parts of Tasmania.

There are many limitations with the current building, which are limiting HGA's capacity to grow.

Hobart Gymnastic Academy are seeking a contribution from Council of \$10,000 towards a report on the engineering and structural design options for the building.

Consultation

Hobart Gymnastic Academy and Senior Management Team.

Risk Implications

Nil.

Financial Implications

HGA are seeking a Council contribution of \$10,000 towards a report on the engineering and structural design of the building. Funds are available in the existing operational budget.

Strategic Plan

Goal 1: Strengthen our Communities

S1.1 Understand/Improve Health and Wellbeing.

Social Implications

Communities that participate in sport and recreation develop strong social bonds, are safer places and the people who live in them are generally healthier and happier than places where physical activity isn't a priority. Sport and recreation build stronger, healthier, happier, and safer communities.

Sport teaches many important values, which can reshape the foundation of human society. By participating in sports, one learns that there are no barriers in terms of social, political and ethnic aspects.

Environmental or Climate Change Implications

Nil.

Economic Implications

There is an opportunity for Council's building to be substantially upgraded for the greater good of our community.

From an economic perspective, providing health and wellbeing centres like a gymnasium can provide savings in direct health care costs to our communities.

Other Issues

Nil.

Assessment

Upon receipt of the design/structural report, the Council, HGA, and the State Government, will have a much clearer picture of what's possible on the current Hurst Street site, and what options might then be explored.

It is important for council to support this upgrade and the gymnastic community, as they endeavour to grow and have a positive health and wellbeing impact to the Brighton Municipality and surrounding areas.

Options

1. As per the recommendation.
2. Do not approve the \$10,000 Council contribution towards the report.

RECOMMENDATION:

That Council approve a \$10,000 contribution to HGA so they can engage an engineering and structural report on the current building in Hurst Street, Bridgewater.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Whelan	

Cr Owen rejoined the meeting 6.01pm

12.4 Southern Central Sub-Region - Economic Infrastructure Development Study:

Author: General Manager (Mr J Dryburgh)

Background

The Southern Central Sub-Region (SCS) has agreed to commission an Economic Infrastructure Development Study for the region, along the lines of the study that was completed for South East Region Development Association (SERDA) in 2015 and updated in 2019.

The study will consist of compiling baseline data, foreseeable projects and initiatives over the next 5-10 years, which will have impact on infrastructure in the SCS region and compile a list of pipeline projects and initiatives being proposed by government, councils and GBEs over the next 5-10 years.

The study will also seek to identify tensions or pressure points that may be at risk of emerging and provide a recommended pathway to alleviate these.

Consultation

SCS, KPMG, SMT.

The study will include consultation with 15-20 key stakeholders as outlined in the attached proposal.

Risk Implications

Nil.

Financial Implications

The project proposal provided by KPMG outlines a fee capped at \$40,000 including expenses, plus GST.

Strategic Plan

Goal 1: Strengthen our Communities

S1.3: Provide public facilities/amenities.

S1.5 Building a resilient community.

Goal 2: Create 2-3 Hubs for our Connector Satellite City

S2.3: Support further development of a 'business & logistics hub'.

Goal 3: Drive Infrastructure Development.

S3.1: Support 30% growth target.

S3.3: Enabling infrastructure.

Goal 4: Ensure a Stable Organisation

S4.3: A shaping agenda facilitated through strong engagements.

S4.4: Long-term thinking and evidenced based.

Social Implications

Providing long term infrastructure plans that meet the needs of a region with a growing population.

Environmental or Climate Change Implications

The plan will take into consideration issues related to addressing and mitigating environmental and climate change implications.

Economic Implications

Provides an overview of foreseeable and pipeline projects to ensure relevant and well planned economic development and investment is undertaken in the region.

Other Issues

Nil.

Assessment

The Economic Infrastructure Development Study for SCS will provide evidence based thinking around future infrastructure development and investment needs using a whole of region approach.

Options

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

RECOMMENDATION:

That Council notes for its information the KPMG proposal and engagement letter for the Infrastructure Development Study to be conducted on behalf of the Southern Central Sub-Region of Councils.

DECISION:

Cr Gray moved, Cr Jeffries seconded that the report be noted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

12.5 Workplace Equality & Respect - Statement of Intent:

Author: General Manager (Mr J Dryburgh)

Background

The Director recently wrote to Councillors (circulated by the General Manager 16/7/2021) regarding two matters i.e. confidentiality and safe workplaces.

The Director further followed up with a letter received 4th August 2021, seeking a commitment from Councils to develop a workplace equality and respect Statement of Intent (Sol) to be signed by all Councillors. This commitment is seen to be a valuable first step to ensure safe workplaces for all people.

Consultation

Senior Management Team, Director of Local Government, Councillors, LGAT

Risk Implications

Not applicable.

Financial Implications

Not applicable

Strategic Plan

Goal 4: Ensure a Stable Organisation.

S4.2 - Be well governed.

Social Implications

Nil.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable

Other Issues

The Director has requested a response by 30th August 2021, regarding Council's support for this commitment.

Options

1. As per the recommendation.
2. That Council does not support the development of a workplace equality and respect Statement of Intent.

RECOMMENDATION:

That Council advise the Director of Local Government its support for a workplace equality and respect Statement of Intent; and

Council will intend working with LGAT to further develop this Statement.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

12.6 Request for Kennel Licence - 19 Landermere Drive, Honeywood:

Author: Governance Manager (Mrs J Banks)

Background

The owner of 19 Landermere Drive, Honeywood has applied for a Kennel Licence for ten (10) dogs i.e. 9 Japanese Spitz & 1 German Shepherd.



The applicant purchased the property recently without contacting Council in relation to a proposed kennel licence and Council's Policy. The dogs are Show dogs and are not kept for breeding.

The property is zoned Rural Living and has an area size of 1 hectare. The area and number of dogs is not consistent with Council's Policy.

Council's Policy for the area size 1 hectares, a maximum of 4 dogs is allowed; extract from Council's Policy 4.3 is below:-

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

1.0 - 2.0ha for 3-4 dogs

2.0 - 5.0ha for 5-7 dogs

5.0 - 10.0 ha for 8-10 dogs

Greater than 10ha for 11-20 dogs.

Before a licence for more than 10 dogs is issued, applicants must be able to demonstrate to Council they have the time, resources and ability to satisfactorily maintain the number of dogs for the breed(s) states on their application.

Consultation

The *Dog Control Act 2000* requires a person to place a notice in the public notices section of the Mercury advising their intention to apply for a kennel licence from Council. People residing within 200 metres of the subject site may lodge an objection within 14 days of the placing of the public notice with the General Manager, who cannot consider the application until 28 days after the placing of the public notice.

Public notification of the kennel licence application had been carried out by the owner in July 2021. No objections were received.

The owner advised Council officers that she had visited her neighbours to notify them of her intent in respect to the kennel application.

Risk Implications

May set a precedent to allow other residents to seek approval outside of Council's Policy.

Financial Implications

Nil.

Strategic Plan

Not applicable.

Social Implications

Nil.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

The applicant intends to construct kennels for the dogs which may require planning approval. This would be dealt with by the Development Service staff and is outside the scope of this kennel licence request.

Kennel licences require annual renewal and Council's Animal Control Officer (ACO) inspects the premises for compliance under the DCA.

The DCA specifies that a person may apply to the General Manager for a kennel licence and that it is the General Manager who either approves or refuses the application.

Only an applicant may appeal a decision of the General Manager to the Magistrates Court.

Assessment

In accordance with Council's Policy 4.3- Kennel Licences - *Dog Control Act 2000* - Delegation to the Governance Manager; this application is outside of the scope of this delegated authority due to the requested number of dogs in this application ie 10.

Under the (DCA), any person residing or owning land within 200 metres of the boundary of the premises to which a licence relates may object to the general manager against the granting of the licence within 14 days after a notice is published. No objections were received.

Council's Animal Control Officer inspected the property on the 10th August 2021. The dogs were well kept and have been provided with above average living quarters.

Options

1. As per the recommendation.
2. That Council not approve the kennel licence at 19 Landermere Driver, Honeywood.

RECOMMENDATION:

That in accordance with Council Policy 4.3, Council resolve to recommend to the General Manager that a kennel licence be issued pursuant to the *Dog Control Act 2000* for the keeping of ten (10) dogs at 19 Landermere Road, Honeywood and that the following conditions be included on the kennel licence:

1. The Council is to be notified of any change in the breed.
2. Any change in the breed of dogs may require submission of an application for a new licence.
3. No more than 10 dogs are to be kept on this property.
4. Adequate provisions for the health, welfare and control of all dogs.
5. Compliance with all laws relating to public health, environmental protection and required plumbing and planning approvals for the kennel structures.
6. Compliance with the provisions of the *Dog Control Act 2000* or any other relevant Act, including but not limited to the *Animal Welfare Act 1993*.
7. The condition of the premises shall not create a nuisance at any time.

8. Each dog is to be registered annually and microchipped in accordance with the Dog Control Act 2000. Council to be notified of each microchip number.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

12.7 Waste Joint Authority and Recycling Tender:

Author: Manager Asset Services (Mr H Macpherson)

Background

Council's former contractor for the processing of co-mingled recycled materials (SKM Industries, Pty Ltd (SKM)) was placed into administration in late 2019.

Cleanaway Pty Ltd took over the operation of the Derwent Park Materials Recycling Facility in December 2019 with a 'Receipt of Recyclable Agreement' entered into between the Council and Cleanaway on 6 November 2020 to cover the period December 2019 to December 2021.

This agreement is an interim measure to ensure recycling continues to be able to be processed in southern Tasmania.

The 12 Southern Tasmanian councils are working together to enable the procurement of a new contract for the processing of co-mingled recyclable materials to take effect late 2021.

This partnership is being coordinated (on an interim basis) through the Waste Management Memorandum of Understanding, with support from the Local Government Association of Tasmania (LGAT).

It has been identified that there is a need for the establishment of a joint authority to be formed by the councils in the southern region of Tasmania to manage the new recycling contract and progress other waste related issues for the region.

Consultation

Manager Asset Services, General Manager, LGAT

A considerable amount of stakeholder engagement has been undertaken in the strategic analysis undertaken by Urban EP.

Risk Implications

As with all tendering processes there are some risks associated with this matter.

There is always a risk there will be limited interest from service providers meaning the cost could be expensive or the contract provisions unattractive.

Initial conversations with service providers. However, suggest that this will not be the case and there will be interest from service providers who may be prepared to provide a service at a cost similar to the existing arrangement.

The Council working with 11 other local government partners does introduce a level of risk. However, there has been significant goodwill expressed between the councils in southern Tasmania.

That level of cooperation and goodwill suggests that this risk is also low. With the 12 councils working together there is a need for ACCC requirements to be satisfied.

There is a risk this approval will not be secured. Again, this risk is considered low as a similar approval has been secured previously and there is nothing to suggest that the approval will not be again provided. There is a risk with establishing a joint authority, but they have been established previously in the southern region. These authorities have not been as successful as they could have been.

There is a risk any newly establish joint authority might not be as effective as it should be. However, the establishment of the joint authority with the appropriate governance arrangements (including the establishment of an expert Board) and appropriate membership will minimise this risk.

On balance it is considered each of the risks identified can be appropriately mitigated to a level within the Councils' risk appetite.

The *Local Government Act 1993* provides the ability for the establishment of a single or a joint authority:

30. *Single and joint authorities*

- (1) *A council, by a resolution of an absolute majority, may resolve to establish –*
 - (a) *a single authority; or*
 - (b) *a joint authority with one or more other councils.*
- (2) *A single authority or joint authority may be established –*
 - (a) *to carry out any scheme, work or undertaking; and*
 - (b) *to provide facilities or services; and*
 - (c) *to perform any function or exercise any power of a council under this or any other Act.*

Financial Implications

Funding source and impact on current year operating result:

- The processing of co-mingled recycled materials currently costs Council \$139,000 (1000t of recycling at \$139 per tonne).
- Costs associated with processing recycling are recovered through a waste management service charge on the Council's rates notices.
- The costs associated with the establishment of new tender documentation have been estimated at \$70,000 with the Council's share of that cost being \$4,200.
- The costs associated with the establishment of a new Joint Authority will be the subject of a subsequent report.

Impact on future years' financial result:

- The costs associated with the processing of the Councils co-mingled recycled materials is anticipated to be in the order of \$139,000.
- The operational costs of a new joint authority could be in the order of \$200,000 per annum.
 - It is anticipated that some of these costs could be covered by the State Government through the allocation of a portion of the new waste levy.

Strategic Plan

S1.5: Build a resilient community and environmentally sustainable future

S4.1: Ensure Financial & Risk Sustainability

Environmental or Climate Change Implications

The kerbside recycling service is currently diverting around 1000 tonnes of material from landfill.

Recycling paper, cardboard, plastic, steel and aluminium recovered through the kerbside recycling system, reduces the use of virgin materials and the environmental impacts associated with obtaining those raw materials from the natural environment.

Economic Implications

The assessment section covers a number of points on the economic implications.

Other Issues

The purpose of this report is to seek approval to proceed with a tender to secure a new contract for the processing of Recyclable Materials.

The report also seeks approval for the establishment of a new Joint Authority (with other Southern Tasmanian councils) to manage the new recycling contract (and other waste related issues) on behalf of the region.

Assessment

There have been numerous changes associated with the processing of recyclables over recent years, these include:

- Impacts of a decision by China to restrict the import of material.
- Decisions by the Australian Government to restrict the export of recyclables.
- The Council's (then) contractor for the processing of recyclables, SKM Industries Pty Ltd (SKM) being placed into administration.
- The subsequent acquisition of SKM's assets by Cleanaway Pty Ltd.
- Agreement (in December 2019) that Cleanaway Pty Ltd would accept the Council's recyclables for 2 years.

This arrangement allowed the Council (and region) time to prepare to procure a new contract for the processing of recyclables whilst service continuity was maintained.

The 12 southern councils collectively signed a Memorandum of Understanding (MOU) to enter into an arrangement to work co-operatively on waste management and resource recovery issues and projects for the southern Tasmanian region.

Under this MOU, the Southern Tasmanian Waste Management Group (STWMSG), facilitated by LGAT, committed to a range of activities including supporting councils in securing efficient, sustainable and suitably scaled end-of-collection facilities for processing materials including co-mingled recycling.

The LGAT was also successful in obtaining assistance from the State Government (Department of State Growth and EPA) to help fund a Southern Tasmanian Strategic Recycling Analysis.

With the completion of the analysis, the region has direction to enable the development of tender specifications.

The analysis identified the following:

- A preferred contract duration of 10-15 years.
- Recycling service administration and management via a dedicated third party.
- Benefits of expanded reporting and disclosure settings.
- Capacity to influence products and end buyers.
- Gate fees to incorporate price transparency and shared ownership.

There is 20,300 tonnes of recycling currently collected and delivered for processing by the 12 councils in the southern region.

This equates to a total cost of just over \$2.81m per year, based on the current gate fee of \$139 per tonne.

The volume of recycling in the south exceeds the combined total of both the North (11,000 tpa) and the North West (6,700 tpa) regions, with each of those regions running a single contract administration through its Regional Waste Authority.

It is noted that the collection of recycling is outside the scope of this proposal, with collection arrangements of each council area to remain separately determined/administered by each council, to their own satisfaction and requirements.

Details of the findings follow:

Contract duration of 10-15 years

The study recommends the councils acquire a recycling service operating for between 10-15 years' duration.

This proposal enables a timeframe that allows operators to invest in modern, high performance plant and equipment needed to produce high quality sorted materials.

High quality products would help diminish market risk arising from strong competing demand for reprocessing capacity on the mainland while positioning the councils to offer material to more local re-processors over coming years.

Equally important, a longer timeframe could also attract new entrants who would need to invest in a complete facility.

While a longer contract represents some risk that the service may grow out of step with market and policy conditions over time, this is itself a more systemic issue caused by a reliance on capital intensive services as a means to deliver resource recovery during a time of market change.

Other recommendations below seek to alleviate this potential disparity, while the State Government may have a role in trialling less capital intensive recycling models with a subset of councils, in parallel to the mainstream use of sorting infrastructure.

Recycling service administration and oversight via a dedicated third party

The report determined that the preferred model to administer the recycling service would involve a single entity overseeing the recycling operator's activities on behalf of the 12 councils, joined through a single contract.

This is anticipated to lower the overall administrative burden across the 12 councils, and help to ensure that those communities whose councils have modest internal resources allocated to waste management are able to access a high standard of recycling services.

It is important that a minimum level of expertise and attention be retained from the council sector to oversee the performance of this third party administrator, both to ensure it acquits its duties in line with expectations, and to ensure governance arrangements place councils' priority outcomes at the front and centre of all activities.

The analysis found that in ideal circumstances, this single entity model would undertake the procurement process although timing constraints prevent the southern councils from adopting this option in this instance.

As such, the councils will need to continue to work together to initiate the procurement process in parallel to establishing the third party arrangement (which will include ACCC authorisations and internal sign-offs across the 12 councils).

Expanded reporting and disclosure settings

The study recognised a number of councils raised the issues of transparency and the need for a suitably encompassing interpretation of accountability with respect to recycling services.

Councils (and their communities) need to understand destinations involved with recovery of resources downstream of the sorting facility.

Given the situation it was proposed the recycling service involve the following reporting obligations placed on the operator:

- Volumes received by the operator, reported on a fixed periodic (i.e. monthly) basis.
- Volumes discarded, processed and consigned, reported on a fixed periodic (i.e. monthly), and covering:
 - Tonnages disposed of to landfill
 - Tonnages consigned to recovery activities, represented according to material types and their end purchasers (company, location and processing activities/outputs), and including volumes of rejected shipments and shipments handed over at 'no charge' to buyers
 - Tonnages stockpiled on site at the end of each reporting period (or sites elsewhere, managed by the operator) awaiting shipment to recovery and disposal facilities as relevant, represented according to material types and intended end markets (subject to sales and acceptance of material)

Sales reports and disposal costs pertaining to the materials listed above, represented as average unit pricing (i.e. per tonne) over the period and total payments and charges from sale of material and discard to landfill respectively.

Major contaminants identified in kerbside materials received by the operator from kerbside collections (as observed during normal operations) over the period, where 'major' may refer to larger volume contaminants and/or those that entail greater commercial risk to the operator.

Market information and intelligence as relevant, where this information may help the operator and the councils better plan for and address commercial and/or reputational risks and unnecessary cost impacts upon the recycling service, shared on a periodic (e.g. quarterly or six-monthly) basis or as needed to manage undue costs and risks.

Details of incidents that may have impacts on the operator's social and regulatory licences to operate, including incidents that may give rise to or have given rise to:

- Complaints raised by the community.
- Investigations, official warnings/notices and enforcement actions associated with environmental regulation, occupational health and safety responsibilities, and other potential breaches of law occurring on premises.
- Planned and unplanned changes to operations where this may have an impact on nearby communities and the environment, and/or deleterious impacts on the quality of materials recovered on councils' behalf and/or stockpiling levels.
- Other developments and incidents that may impair the social licence of recycling operations conducted by the operator on the councils' behalf.

Capacity to influence products and end buyers

The study found that expectations on councils have changed, with their exposures to risk and opportunity not as static as in the past.

Further, incidents over recent years reveal that councils cannot be completely insulated from market and policy changes that affect downstream operations.

Rather, there is some need to respond and adapt while staying within the confines of a service agreement with the recycling operator.

Councils need some capacity to influence the pathway that their sorted recyclable materials take once they leave the sorting facility.

Noting the study proposed that the following terms be applied in the relationship between the councils and the recycling operator:

- The requirement for the recycling service provider to scan for and engage with councils on alternative products sorted from kerbside materials and alternative end markets.
- Based on 1 above, the capacity for councils to require that the operator undertake commercial investigations (e.g. potentially including market sounding; feasibility studies and business cases within a confined scale) seeking to explore the merit in adjusting products and end markets, noting that this may potentially involve gate fee impacts and/or the need to introduce upgrades to the service
- Based on 2 above, the capacity for councils and the operator to agree to a schedule of service amendments to bring online new products and/or sales to new end-markets.

It is anticipated that the above terms strike a suitable balance between councils' and commercial operator needs, accounting for the stakes they share in how the recycled material is managed after leaving the recycling facility.

Gate fees to incorporate price transparency and shared ownership

The current arrangement to set gate fees involves a fixed rate (per tonne received from the kerbside), with the provision for the operator to seek adjustments to the gate fee in response to market conditions.

While this provides some price certainty for councils, it may not be wholly adequate given the volatility in demand and pricing for materials sorted by the recycling operator and given the shared responsibility that the councils and the operator have for ensuring the quality of recovered material.

The study identified a more efficient and risk reduced approach to gate fees could involve two components:

- A fixed (static) cost component applied to cover the relatively stable cost for the recycler to operate recycling services.
- A variable (dynamic or floating) component that covers the sharing of sales revenue between operator and councils for the sorted material sold onto buyers in various end-markets.

These findings will inform the development of the specifications used as a basis of the new tender.

The STWMG has developed a project plan listing all elements of this complex process (copy attached).

The plan identifies timelines for each of the projects to be undertaken and a potential budget associated with those tasks.

One key task is the establishment of a Tender Review Committee (TRC).

This five member Committee would be comprised of representatives of the 12 councils and be supported by a Senior Procurement Officer from the City of Hobart and an external Probity Auditor.

The TRC would provide oversight of the following:

- Tender specification development
- Tender Process and Documentation
- Evaluation of tenders received
- Development of recommendations in relation to the determination of the tenders received
- Oversight the development of the contract documentation.

Joint Authority

A key finding of the investigations undertaken by the STWMG is the need for the establishment of a single body to manage the recycling contract on behalf of the 12 southern Tasmanian councils.

Whilst there have been bodies established previously to manage regional waste in Southern Tasmania, the current circumstances present a unique opportunity for the creation of a new body.

Those circumstances include:

- The introduction of a new statewide waste levy that could provide funding to resource the body.
- The State Government has committed to the provision of funding to regional bodies in the North and North West of the State, to ensure equity, funding should also be available to southern councils.
- The experiences of the recycling service demonstrate the need for the region to 'work as one'.
- There are numerous other waste related changes facing the region (and Tasmania) in coming months, the region must be well positioned to take advantage of these changes.
- A range of joint (or regional) procurement opportunities could be available for organics, green waste, collection services, education and community awareness programs.

The MoU as an interim measure, has allowed the 12 councils to more formally work together while a long term structure was being considered and developed, being this the proposed Joint Authority.

The Joint Authority will:

- Provide a direct link to the State Government for discussion and collaboration and funding opportunities) in the waste sector.
- Coordinate responses to proposed actions arising from the State's Draft Waste Action Plan (including proposed legislation), providing one source of negotiation on behalf of the 12 councils.
- Provide a formal structure and administrative body to assist and/or take the place of regional projects and tenders across the region, whereby previously this has been left to a single Council to initiate, coordinate, request involvement of others, and administer (various examples of this being the recycling contract, FOGO processing, compostable bags, recycling units, education programs and collateral, state-wide communications program (Rethink etc).
- Improve the ability to secure/access funding, particularly through the levy, but also grant programs.

Objectives and Terms of Reference for such a body should also include specific reference to the management of the recycling contract on behalf of the southern councils, to ensure compliance and to ensure contract provisions are utilised to deliver on priority outcomes for the councils.

- With an annual value in excess of \$2.8M, a 10-year contract will have a value of \$28M and is a significant financial undertaking.
- More specific reference to the management of the elements of the recycling contract can be included if considered necessary.

Australian Competition and Consumer Commission

The Australian Competition and Consumer Commission (ACCC) granted an authorisation in June 2014 for the Hobart, Glenorchy and Clarence City Councils to jointly tender and subsequently enter into individual contracts comprising common terms for recycling.

The ACCC determined that the proposed arrangements were likely to result in a public benefit that would outweigh the detriment to the public constituted by any lessening of competition arising from the contract.

In preparation for the current tender process, legal advice was sought by the City of Hobart that indicated:

- (a) Councils may be viewed as competitors where they are seeking to acquire the same goods or services; and*
- (b) By undertaking joint tendering, councils are aggregating their buying power, which may be seen to have a potential anti-competitive effect on the market.*

Given the advice received, it is recommended the councils lodge an application for authorisation of the Proposal with the ACCC.

The ACCC has recently granted authorisations for a number of similar proposals.

If granted by the ACCC, authorisation will provide the participating councils with complete immunity from potential contraventions of the *Competition and Consumer Act 2010 (Cmwltth)*.

Proposal and Implementation

This is a complex matter with the following key elements:

- Proceeding with the procurement of a new contract for the processing of co-mingled recyclable materials.
- Agreeing to work with other councils in Southern Tasmania to secure the new service.
- Seeking ACCC approval to proceed with a joint tender.
- Agreeing to establish a new Joint Authority with other councils in Southern Tasmania to progress waste related issues.

This report provides a detailed analysis of issues surrounding the above and proposes the General Manager be delegated authority to undertake all actions necessary to enable:

- Tender specification to be developed and advertised.
- ACCC approval to be pursued.
- Arrangements for the establishment of a new Joint Authority with other Southern Tasmanian councils to be progressed.

Options

1. As per the recommendation.
 2. Do not approve the recommendation.
-

RECOMMENDATIONS:

That:

1. The update on the Council's arrangements for the acceptance and processing of its co-mingled recyclable materials be received and noted.
2. Authority be provided to the General Manager to proceed with the procurement of a new contract for the processing of co-mingled recyclable materials.
 - (i) In doing so, the General Manager be authorised to work with other councils in Southern Tasmania to develop specifications, call tenders and award the tender in accordance with the assessment of the submissions received by the Tender Review Committee.
 - (ii) The General Manager be authorised to work with other councils in Southern Tasmania to secure ACCC approval to proceed with a joint tender.
3. In accordance with Section 30 of the *Local Government Act 1993*, the Council resolve to establish a Joint Authority with other Southern Tasmanian councils to progress waste related issues.
 - (i) The General Manager be authorised to work with other councils in Southern Tasmania to progress the establishment of a new Joint Authority including the development of rules and governance arrangements for the new Joint Authority.
4. A further report be provided to the Council detailing the outcome of the tender process and seeking formal approval of the membership of the Joint Authority, within the next 6-months.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	

Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

13. Closed Meeting

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

There were no matters to be dealt with in 'closed session' for the August Ordinary Council Meeting.

14. Questions on Notice

There were no 'Questions on Notice' for the August Ordinary Council Meeting.

The meeting closed 6.20pm

Confirmed:

(Mayor)

Date:

21 September 2021