



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,
16th APRIL 2013**

PRESENT: Cr Taylor (Acting Mayor); Cr Curran; Cr Garlick; Cr Geard; Cr Gray; Cr Jeffries; Cr Owen and Cr Williams.

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mr H Macpherson (Municipal Engineer); Mr J Dryburgh (Manager Strategic Planning) and Mrs J Banks (Manager Governance & Human Services)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19th MARCH 2013.

Cr Owen moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting of the 19th March 2013, be confirmed.

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 9TH APRIL 2013.

Cr Garlick moved, Cr Gray seconded that the Minutes of the Planning Committee Meeting of the 9th April 2013, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

The Mayor (Cr Tony Foster) had requested leave of absence as he will be overseas from 12th March to 2nd May 2013.

Cr Owen moved, Cr Gray seconded that Cr Foster be granted leave of absence.

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public question time.

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 2005*, 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 2005*.

There were no declarations of interest.

5. REPORTS FROM COUNCILLORS:

5.1 ACTING MAYOR'S COMMUNICATIONS:

FILE REFERENCE: 0205-6

AUTHOR: Acting Mayor
(Cr G Taylor)

The Acting Mayor reported directly to the meeting.

RECOMMENDATION:

That the Acting Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

5.2 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA), LGAT AND JOINT AUTHORITIES:

Correspondence and reports from the STCA, LGAT and Joint Authorities e.g. Southern Waste Authority are received periodically by Council.

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

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it was reported that there were no workshops since the last Council meeting.

(This includes workshop, seminar or meeting, other than a meeting that is conducted by or on behalf of the council for the councillors.)

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 2005, 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 2005.

DECISION:

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

9. REPORTS FROM COMMITTEES:

9.1 PLANNING COMMITTEE MEETING – 9/4/13:

The recommendations of the Planning Committee Meeting of 9th April 2013 were submitted to Council for adoption.

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
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 2005, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10. on this agenda, inclusive of any supplementary items.

10.1 DRAFT PLANNING SCHEME AMENDMENT - COMBINED AMENDMENT AND SUBDIVISION UNDER SECTION 43A OF THE ACT - LOT 615 AND 626 LAMPRILL CIRCLE, RECREATION TO RESIDENTIAL AND SUBDIVISION OF 29 RESIDENTIAL LOTS AND ROAD AND OPEN SPACE LOTS - SECTION 39 REPORT:

FILE REFERENCE: RZ 12/01
AUTHOR: Planning Officer (D Allingham)
APPROVED: Manager Strategic Planning (J Dryburgh)

Applicant: Brighton Council
Owner: 615 and 626 Lamprill Circle, Herdsmans Cove
Location: Herdsmans Cove
Application no.: RZ 12/01
Zoning: *Recreation Zone*
Date received: 29th November 2012
Date advertised: 21st March 2013
Decision required N/A

Background:

Council seeks to amend the *Brighton Planning Scheme 2000* by means of rezoning most of 615 and 626 Lamprill Circle, Herdsman's Cove, from Recreation to Residential and subsequently subdivide the land for residential use. The application is a combined rezoning and development application under Section 43A of the Act.

The Section 35 Report and associated documentation, which provides the strategic justification for the combined rezoning and subdivision has been endorsed by Council and has now completed its period of public exhibition. This report explains the results of public exhibition and any subsequent recommendations.

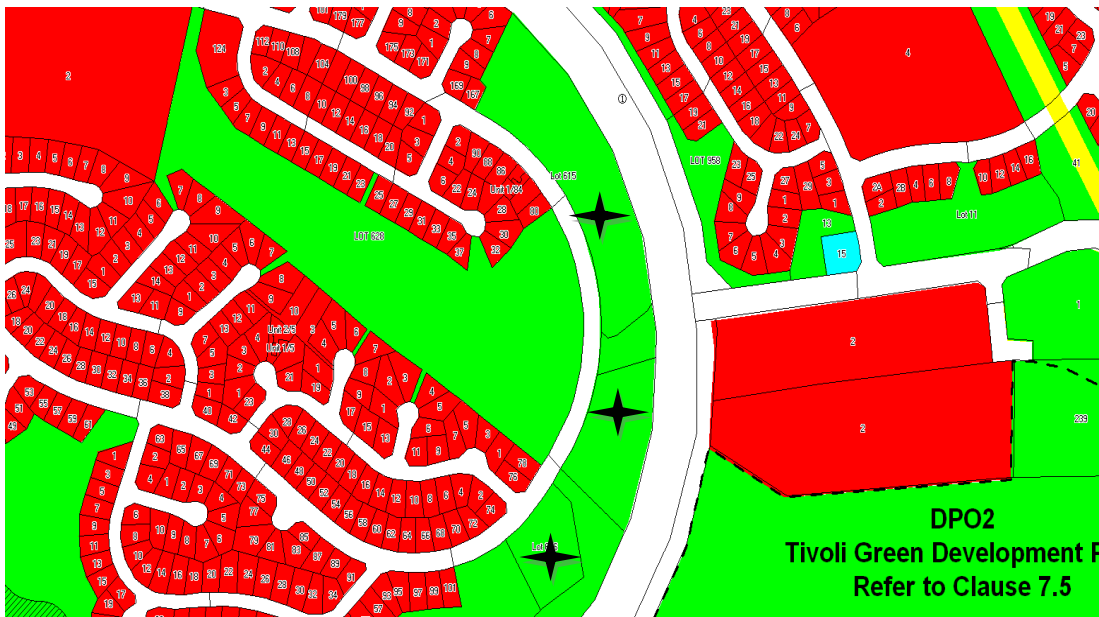


Figure 1: The sites subject to the rezoning are located within the Recreation Zone (marked with a star).

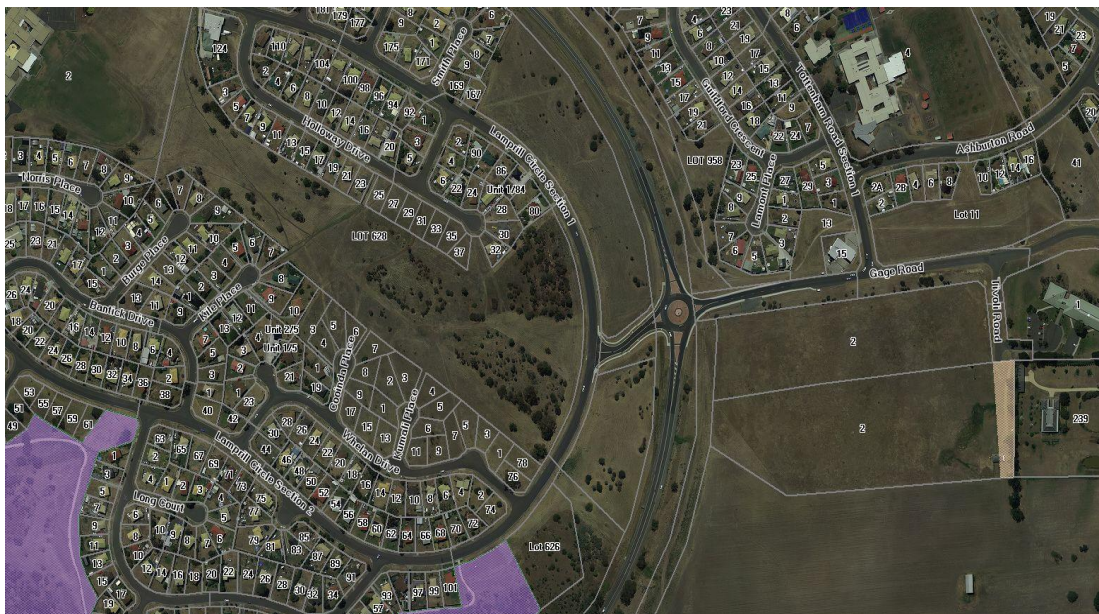


Figure 2: An aerial photograph of the subject sites and surrounding context.

Consultation:

The Draft Amendment was exhibited in accordance with Section 38 of the Act and Section 6 of the Land Use Planning and Approvals Act Regulations 2004 between Saturday 23rd February 2013 and Sunday 17th March 2013.

No representations were received in relation to the draft planning scheme amendment.

Other issues:

Section 39(2) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission this report on representations received to the draft amendment.

The report is required to provide a statement on each representation and such recommendations in relation to the draft amendment as the authority considers necessary, or state that no representations were received.

The report may include any recommendations concerning the exhibited draft amendment the Council considers necessary, including any other information in support of its recommendations.

Assessment:

No representations were received. As such, no additional issues have been raised regarding the draft amendment.

The Tasmanian Planning Commission is required to ensure that the draft amendment meets the objectives of the Resource Management and Planning System of Tasmania (RMPS) and State policies. These objectives were addressed in the original report to Council on the certification of the draft amendment.

It is recommended that no changes be made to the Draft Amendment.

Options:

1. To adopt the recommendation; or
2. To adopt an alternative recommendation, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That in accordance with Section 39 (2) of the Land Use Planning and Approvals Act 1993 Council resolves to:

- A. Advise the Tasmanian Planning Commission that no representations were received following exhibition of draft amendment RZ 12/01 to the Brighton Planning Scheme 2000; and
- B. Advise the Tasmanian Planning Commission that no modifications to draft amendment RZ 12/01 are considered necessary:

DECISION:

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

CARRIED

VOTING RECORD

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

**10.2 CONSENT MEMORANDUM – PLANNING APPEAL - 22
CHURINGA WATERS DRIVE, OLD BEACH**

FILE REFERENCE: CHURIN/22

AUTHOR: Manager Strategic Planning
(Mr J Dryburgh)

Applicant: Leonidas Giakis
Owner: Leonidas Giakis
Location: 22 Churinga Waters Drive, Old Beach

Application no.: DA2012/186

Zoning: *Residential-* Brighton Planning Scheme 2000 (the planning scheme)

Date accepted: 18 December 2012

Date advertised: 9 January 2013

Decision required: 19 February 2013

Background:

Council approved the above application on the 19th February 2013 with conditions. The approval was subsequently appealed by an adjoining neighbour and the other adjoining neighbour later joined the appeal.

On site mediation was held on Monday 8th April the result of which was a series of agreed minor changes to the design, which allow the proponent and the appellants to sign a consent memorandum to agree approval of the development, subject to the changes. Both parties have signed the agreement and as such it simply needs Council approval for the signing of the agreement on Council's behalf for the agreement to be submitted to the Tribunal for implementation.

The changes to the proposal are as follows:

- Rather than the conditioned 1.7m high sill height for the windows on the southwest side of the dwelling angled louvers have now been agreed. The louvers allow light and a view from the bedroom, but do not allow overlooking to the living areas of the neighbouring property.
- The proposed carport is to be moved 1.5m from the side boundary for greater separation from the neighbouring dwelling.
- An 8m long 3m high slatted timber privacy screen is to be constructed to provide greater privacy between 22 and 23 Churinga Waters Drive.
- The 1.7m high frosted glass screen condition by Council on the western end of the north face balcony is now proposed to be 1.8m high and to wrap around the corner for 2m on the northern elevation.

The changes do not create any new discretions under PD4 or the *Brighton Planning Scheme 2000*.

Given that appellants and proponent have managed to reach agreement and the agreement does not create any issues for Council, there is no satisfactory reason for Council to not sign the consent memorandum.

Consultation:

Consultation has occurred between Council's lawyer, who was part of the appeal and mediation process, and Council's Manager Strategic Planning.

Risk Implications:

There are no risk implications.

Financial Implications:

A mediated outcome such as proposed will save all parties (including Council) the costs of having to go through a full planning appeal process.

Options:

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

RECOMMENDATION:

That Council resolve to authorise the signing of the consent memorandum.

DECISION:

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

CARRIED

VOTING RECORD

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

10.3 DRAFT BRIGHTON PLANNING SCHEME - ENDORSEMENT OF INFORMAL PUBLIC EXHIBITION PROCESS:

FILE REFERENCE:

AUTHOR: Manager Strategic Planning
(Mr J Dryburgh)

Background:

The purpose of this report is to seek council endorsement of the informal public exhibition process for the draft planning scheme. Councillors should be clear that this report is not seeking an endorsement of the draft planning scheme itself, but merely that council allow the public the opportunity at this stage to view it and to make comment on it. Councillors needn't be one hundred per cent supportive of all elements of the draft scheme, but it considered an appropriate time to allow public comment, after which time Council can make further changes and/or make submissions regarding regional sections of the draft scheme that are considered problematic.

It will be made clear in the advertising of public exhibition that Councils have not endorsed the draft, merely its public exhibition.

The STCA is hoping all 12 southern councils will agree to undertake this public consultation process in unison, in June. To this end, Councils will save money on advertising expense, as combined advertisements will be provided in the Mercury by the STCA. It was previously advised this would occur in May, however some councils (not including Brighton) have not been able to meet this deadline.

It proposed that Brighton arrange a series of drop-in sessions during the exhibition period as opposed to public meetings. For example, Council's Manager Strategic Planning and the Regional Planning Project Manager could be available between 8am and 1pm then 2pm and 7pm at an appropriate location with screens, printed maps and other relevant documents and members of the public could drop in and receive more personal advice relating to their concerns and their specific property.

The draft scheme will also be available to view on line.

Consultation:

Consultation has occurred regularly over the past two years regarding the draft planning scheme between Councillors and Council's Manager Strategic Planning.

Risk Implications:

There are no risk implications.

Financial Implications:

There will be some small costs to cover advertising, printing and catering for public information sessions, which were budgeted for within the 2012-13 budget.

Options:

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

RECOMMENDATION:

That Council resolve to endorse the informal exhibition of the draft Brighton Planning Scheme.

DECISION:

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

CARRIED

VOTING RECORD

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

11. REPORTS FROM OFFICERS:

11.1 SALE OF SURPLUS LAND – Lot 203 NATLEE CRESCENT, OLD BEACH:

FILE REFERENCE: NATLEE/Lot 203
AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

At its meeting on 17th April 2012, Council authorised the sale of surplus land at Lot 203 Natlee Crescent, Old Beach.

The sale of this property was advertised in the Mercury on the 9th and 16th June 2012. As a result of being advertised two objections were received.

Under Section 178 of the *Local Government Act 1993*, Council is required to consider any objection which is lodged and advise the objector of its decision. The objector may appeal council's decision to the minister who may accept or reject the appeal.

Consultation:

Municipal Engineer, Executive Officer & Public

Risk Implications:

N/A

Financial Implications:

The land at Lot 203 Natlee Crescent, Old Beach was identified as surplus and was authorised for sale as an offset to the purchase of 5 Childs Drive, Old Beach. Should this property not be sold then the funds to offset the purchase of 5 Childs Drive, Old Beach need to be obtained elsewhere.

Other Issues:

N/A

Assessment:

Two objections were received:-

The first objection was based on the following;

- The major decision for the resident purchasing their property was that next door was public open space and would never be sold.
- They have maintained the block for the past 11 years at no cost to Council.
- The block is used as a play area for children in the neighbourhood.

The second objection stated there was a lack of opportunity for public input prior to council's decision, the property was not identified correctly by using lot numbers and there was no public notification notice on the block at all.

Council officers have confirmed that public notification was affixed to the property fence in accordance with section 178 of the *Local Government Act 1993*.

Options:

1. As per the recommendation.
2. Do not sell Lot 203 Natlee Crescent, Old Beach

RECOMMENDATION:

That Council authorise the sale of Lot 203 Natlee Crescent, Old Beach.

DECISION:

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

CARRIED

VOTING RECORD

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

11.2 MONTHLY FINANCE REPORT AS AT 31 MARCH 2013:

FILE REFERENCE: 0103
AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The finance reports were submitted for consideration.

They comprised the summarised financial position and revenue and expenses of the Council for the first nine months of the 2012/13 financial year.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Not Applicable

Other Issues:

Nil

Assessment:

Nil

Options:

1. As per the recommendation.
2. Not receive the reports.

RECOMMENDATION:

That the reports be received.

DECISION:

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

CARRIED

VOTING RECORD

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

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 5.55 pm.

Confirmed:

(Mayor)

Date:

21 May 2013