



# 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,  
16<sup>th</sup> JULY 2013**

**PRESENT:** Cr Foster (Mayor); Cr Taylor (Deputy 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 Mr B Bastian (Senior Environmental Health Officer)

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

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 18<sup>th</sup> JUNE 2013.

*Cr Geard moved, Cr Jeffries seconded that the Minutes of the Ordinary Council Meeting of the 18<sup>th</sup> June 2013, be confirmed.*

**CARRIED**

### VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF 9<sup>TH</sup> JULY 2013.

*Cr Taylor moved, Cr Garlick seconded that the Minutes of the Waste Management Committee Meeting of the 9<sup>th</sup> July 2013, be confirmed, subject to the replacement of Cr Jeffries from being Present to Cr Geard.*

**CARRIED**

**VOTING RECORD**

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

**1.3 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 9<sup>TH</sup> JULY 2013.**

*Cr Gray moved, Cr Curran seconded that the Minutes of the Planning Committee Meeting of the 9<sup>th</sup> July 2013, be confirmed.*

**CARRIED**

**VOTING RECORD**

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

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

*All members were present.*

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

*There was no requirement for 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 MAYOR'S COMMUNICATIONS:**

FILE REFERENCE: 0205-6

AUTHOR: Mayor  
(Cr T Foster)

The Mayor's communications were as follows:-

- |     |    |  |
|-----|----|--|
| Jun | 19 | "Mary meets Mohammed" at Civic Centre 12.15pm  |
|     | 19 | "Mary meets Mohammed" at Civic Centre 6.30 pm  |
|     | 24 | Meeting at Pontville APOD with Serco Manager and Programs Manager.   |
|     | 28 | GM and I met with Principal of Brighton Primary School, Mr Tony Fagan.                                     |
| Jul | 02 | GM, Heath, Anna and I met with Mr Ken Midson   |
|     | 02 | GM and I met with Ross Howard and Van Ransley from the Brighton Bowls Club                                 |
|     | 03 | Attended the State Memorial Service for Hon Michael Hodgman  |
|     | 04 | Meeting at Taswater office Moonah with Board Chairman Miles Hampton and Company Secretary Carolyn Pillans. |
|     | 05 | GM, DGM and I met with new STCA CEO Brenton West.  |
|     | 05 | SMT and I met to discuss status of Army Camp Parade ground and future of Grant Application.                |
|     | 09 | Along with GM, senior staff and Councillors attended the sod   |

- turning for TOLL by the Premier at the Transport Hub.
- 09 Planning Committee Meeting
- 10 ABC Radio with Rick Goddard.
- 16 Ordinary Council Meeting.

**RECOMMENDATION:**

That the Mayor’s communications be received.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

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

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

Cr Geard advised that he recently attended the following meetings - Southern Waste Strategy Board Joint Authority, Cycling South, Senior Citizens and Day-care & Bridgewater Skate/Bike Park meeting

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

**CARRIED**

**VOTING RECORD**

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

Cr Taylor  
Cr Williams

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

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

If any Councillor wishes to view documents received contact should either be made with the 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 held 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:**

*There were no supplementary agenda items.*

**9. REPORTS FROM COMMITTEES:**

**9.1 WASTE MANAGEMENT COMMITTEE – 9/7/13:**

The recommendations of the Waste Management Committee Meeting of 9<sup>th</sup> July 2013 were submitted to Council for adoption.

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

**VOTING RECORD**

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

**9.2 PLANNING COMMITTEE – 9/7/13:**

The recommendations of the Planning Committee Meeting of 9<sup>th</sup> July 2013 were submitted to Council for adoption.

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

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
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 INTERIM PLANNING SCHEME PROCESS UPDATE:**

#### **FILE REFERENCE:**

**AUTHOR:** Manager Strategic Planning  
(Mr J Dryburgh)

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#### **Background:**

The purpose of this report is to provide Council with letters from the Planning Minister and the Executive Commissioner of the Tasmanian Planning Commission in relation to the Interim Planning Scheme process and to provide some further comment and advice on this matter.

Importantly, it should also be noted that the Regional Planning Project is undertaking a "house-keeping review" of the Southern Tasmania Regional Land Use Strategy (STRLUS) to clarify some of the potentially ambiguous statements and to address some of the concerns raised by the Solicitor General's advice regarding interim planning schemes. This review is supported by the Minister in his letter and will undoubtedly ensure the process is more robust. Councillors and the public will have the opportunity to comment on these modifications

In summary, both letters provide clarification on the interim planning scheme process and provide greater security that the process is legally robust and that council's will achieve as much from this process as from the "traditional" route for planning scheme approval.

The Planning Minister, Bryan Green, makes it clear that he is committed to working with local government through the process of interim scheme assessment, siting the ability of northern councils to work through the issues and have schemes declared.

The Minister also declares that whilst he does not perceive any significant legal risk in the process, should there be any legal challenge, it will be a challenge against the State government, and they will "vigorously respond to such an action." The letter from the Executive Commissioner supports this statement saying, "the State Government would be responsible for defending any such action in the courts."

The Executive Commissioner, Greg Alomes, also states that local or sub-regional strategies are “appropriate for the delivery of the finer-grained outcomes as envisaged by the STRLUS.” This enables councils, where they have sufficient justification, to make appropriate changes at the local level. In effect, this makes the process in this regard no different the “traditional” planning scheme approval process.

Subject to the three elements discussed above – the letter from the Minister, the letter from the Executive Commissioner and the “house-keeping review” of the STRLUS – it is my opinion that there is no significant advantage to council in abandoning the interim planning scheme process for the “traditional” route. The majority of concerns councils had regarding the interim process have now been addressed. The issues that remain, such as whether or not individual local changes will be approved, are issues that are equally present under the “traditional” approval route.

It is also worth noting that significant delays in planning scheme approval would likely occur should a council determine to opt for the “traditional” planning scheme approval route whilst the majority of other councils have committed to the interim process.

### **Consultation:**

Consultation has occurred regularly over the past two years between Council’s Manager Strategic Planning, the Regional Planning Project Manager, representatives of the Tasmanian Planning Commission and members of the Regional Planning Project Steering Committee Meeting.

### **Risk Implications:**

There are no risk implications in receiving this information.

### **Financial Implications:**

None.

### **Options:**

1. As per the recommendation.
2. Council not receive the report.

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### **RECOMMENDATION:**

That Council resolve to receive the information in this report.



**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**11. REPORTS FROM OFFICERS:**

**11.1 SPECIFIC EVENT MANAGEMENT POLICY – AP15:**

**FILE REFERENCE:**

**AUTHOR:** Senior Environmental Health Officer  
(Mr B Basstian)

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**Background:**

A Place of Assembly Licence (Specific Event) is required for public events, which includes: any performance, public gathering, exhibition, circus, festival, food festival, pageant, regatta, sports event, dance, publically advertised lecture or other similar entertainment for the public.

Events that are open to the public (either by general advertisement or by paid/ticketed admission) are required to be licensed as a Place of Assembly under the *Public Health Act 1997*.

**Consultation:**

Representatives from the Department of Health and Human Services (DHHS) have reviewed the policy intended to be implemented and believe this is what is expected for public liability and risk minimisation, it fulfils Council's legislative requirements by outlining a due process for the assessment of specific events that affect public safety. The policy has been supported in house by Executive Assistant Wendy Young, Building Compliance Officer Betty Stapenell and Council Services Officer Cathy Harper.

**Risk Implications:**

By the adoption of such a policy Council is able to demonstrate due diligence in the assessment of specific events and that every effort has been made to protect public safety in the administration of the *Public Health Act 1997* and *Building Act 2000* requirements.

**Financial Implications:**

Failure to enforce the legal requirements of the *Public Health Act 1997* leaves Council liable for legal action in the event that a person or persons are injured if inappropriate safety precautions and measures are not implemented for specific events open to the general public.

**Other Issues:**

In the past there have been a number of issues with the management of specific events. These include:

- determining what constitutes a ‘Specific Event’;
- late submission of applications and/or information;
- who is responsible for the submission of the applications and information;
- which section in Council is responsible for the signoff of the event; and
- which events require a formal ‘Event Management Plan’.

In order to manage significant public events in a way in which the benefits to the people of Brighton are maximised whilst potential negative impacts are minimised a Specific Event policy has been developed.

**Assessment:**

N/A

**Options:**

1. As per the recommendation.
2. That Council not adopt Policy AP15 - Specific Event Management.

**RECOMMENDATION:**

That Policy AP15 – Specific Event Management be adopted.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Foster	
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 6.35 pm.

Confirmed:

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

Date:

\_\_\_\_\_  
20 August 2013