



# 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> SEPTEMBER 2013**

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

**IN ATTENDANCE:** Mr R Sanderson (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 20<sup>th</sup> AUGUST 2013.

*Cr Curran moved, Cr Gray seconded that the Minutes of the Ordinary Council Meeting of the 20<sup>th</sup> August 2013, be confirmed.*

**CARRIED**

### VOTING RECORD

**In favour**                      **Against**

Cr Curran  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Owen  
Cr Taylor  
Cr Williams

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE  
MEETING OF 10<sup>TH</sup> SEPTEMBER 2013.

*Cr Gray moved, Cr Geard seconded that the Minutes of the Planning Committee Meeting of the 10<sup>th</sup> September 2013, be confirmed.*

**CARRIED**

**VOTING RECORD**

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

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

Mayor Foster requested leave of absence as he will be interstate.

*Cr Jeffries moved, Cr Curran seconded that Cr Foster and Cr Garlick be granted leave of absence.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
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 DEPUTY MAYOR'S COMMUNICATIONS:**

FILE REFERENCE: 0205-6

AUTHOR: Deputy Mayor  
(Cr G Taylor)

The Deputy Mayor reported directly to the meeting.

#### **RECOMMENDATION:**

That the Deputy Mayor's communications be received.

#### **DECISION:**

The Deputy Mayor advised that he didn't have anything to report.

### **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 and Cathy Harper recently attended a 2 day recovery workshop organised by Red Cross.

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

**CARRIED**

#### **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
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 was a workshop held for the self-assessment survey of the roles for Local Government held on 27<sup>th</sup> August 2013, attended by Cr Foster (Mayor), Cr Taylor (Deputy Mayor), Cr Garlick, Cr Gray and Cr Owen.

(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 – 10/9/13:**

The recommendations of the Planning Committee Meeting of 10<sup>th</sup> September 2013 were submitted to Council for adoption.

*Cr Gray moved, Cr Geard seconded that the recommendations of the Planning Committee meeting of 10<sup>th</sup> September 2013, be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
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.

*There were no Planning items listed for this meeting.*

**11. REPORTS FROM OFFICERS:**

## 11.1 APPLICATION FOR KENNEL LICENCE – 145 WILLIAM STREET, BRIGHTON:

**FILE REFERENCE:** WILLIAM/145

**AUTHOR:** Manager Governance and Human Services  
(Mrs J Banks)

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### Background:

An application for a kennel licence for 7 Australian Shepherds and 1 Bichon Frieze was lodged with Council in July 2013.



Location Map

The application was advertised on the 10<sup>th</sup> July 2013. One objection was received during the statutory 14 day advertising period.

### Consultation:

Manager Governance & Human Services, Animal Control Officer, applicant and objector.

### Risk Implications:

N/A

### Financial Implications:

N/A

### **Other Issues:**

This property has had a valid Kennel Licence for 7 dogs since 2009, however due to the Bichon Frieze now living on-site it was recommended that a new Kennel Licence application be submitted.

### **Assessment:**

Both blocks on either side of 145 William Street, Brighton do not have houses on them, they are vacant blocks. There are horses and chickens on 143 William Street, Brighton and occasionally sheep on 147 William Street, Brighton. TasWater's sewage pond backs onto the property.

Council's Animal Control Officer (ACO) has visited the site and advised that the property is satisfactorily maintained and cleaned.

The ACO has previously spoken with the applicant regarding the dogs barking and has suggested a row of trees be planted along the fenceline so any movement from the horses and chickens at 143 Williams Street is minimal and may stop the dogs barking at their movement.

### **Options:**

1. As per the recommendation.
2. Not approve the application for a Kennel Licence at 145 William Street, Brighton.

### **RECOMMENDATION:**

That Council approve a Kennel Licence for 7 Australian Shepherds and 1 Bichon Friez at 145 William Street, Brighton, subject to the following conditions:-

- 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 8 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) The dogs are not to create a nuisance by prolonged barking.

### **DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**11.2 DEREGISTRATION – TASMANIAN WATER & SEWERAGE CORPORATION (SOUTHERN REGION) PTY LTD:**

**AUTHOR:** Manager Governance & Human Services  
(Mrs J Banks)

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**Background:**

The Boards of TasWater and the original water and sewerage corporations have adopted a plan to deregister the four original corporations now that the new statewide corporation is operation and trading. The plan works towards the orderly wind up of the corporations after the normal end of year processes are completed.

The simplest option for the current water corporations is to have them deregistered as dormant companies.

**Consultation:**

General Manager, Southern Water.

**Risk Implications:**

Nil

**Financial Implications:**

Nil

**Other Issues:**

N/A

**Assessment:**

Corporations Law and the Australian Securities and Investment Commission prescribe particular actions to deregister companies. The Southern Water Board will attend to these matters generally, but one of the requirements is that ALL owner Councils in each region agree to deregister their respective corporation.

**Options:**

1. As per the recommendation.
2. That Council not agree to voluntarily deregister Tasmania Water and Sewerage Corporation (Southern Region) Pty Ltd.



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**RECOMMENDATION:**

That Council as a member of Tasmania Water and Sewerage Corporation (Southern Region) Pty Ltd (the Company) agree that as the Company is not carrying on business, that the apply to the Australian Securities and Investments Commission for voluntary deregistration.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**11.3 SUBDIVISION DESIGN AND CONSTRUCTION GUIDELINES:**

**AUTHOR:** Project Engineer  
(Mr O Heyward)

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Adoption of the Current Subdivision Design and Construction Guidelines

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**Background:**

In April 2013 Councils from the North and North West of Tasmania produced a final draft of the Subdivision Design and Construction Guidelines (the guidelines). Through the Institute of Public Works Engineers Australasia (IPWEA), Councils from Southern Tasmania were then invited to adopt the guidelines and participate in their ongoing review and maintenance.

The objective of the guidelines is to provide information on the minimum standards required by participating Councils, for the design and construction of assets which will be adopted by Council. Furthermore, the guidelines outline to developers the process to be followed during the construction of civil works; audit inspections; practical completion of works; defects liability period and final takeover of assets.

Where local requirements differ from those stipulated in the guidelines, Councils can provide specified departures. These are listed for each Council in an appendix of the document.

Council's Asset Services Department have reviewed the guidelines and determined that they do not deviate substantially from Council's existing requirements. Where differences exist, listing specified departures will be sufficient to ensure Councils requirements are met.

Currently, Council ensures its' subdivision design and construction requirements are met by way of conditioning of the subdivision permit. In adopting the guidelines a substantial number of Council's standard permit conditions would be omitted from an ordinary subdivision permit and replaced by a single condition which refers the guidelines.

While it is intended Council endorse and implement the guidelines along with a number of specified departures, where unusual circumstances require deviation from the guidelines Council would retain the right to include specific conditions in the subdivision permit which would over-ride the guidelines.

### **Consultation:**

Institute of Public Works Engineers Australasia (IPWEA) Tasmania Division; IPWEA Southern Working Group; Heath Macpherson - Municipal Engineer; Leigh Wighton - Senior Technical Officer and Oliver Heyward - Project Engineer

### **Risk Implications:**

As some of the conditions in the guidelines vary slightly, in wording or intent, to Council's current standard conditions, it may be perceived that Council's requirements are now more onerous. As it is intended for this document to become standard practice across Tasmania this is not seen as a significant risk.

### **Financial Implications:**

Nil.

### **Other Issues:**

Provided as an attachment to this report are the Guidelines for Stormwater Design. This document has been developed by Council's Asset Services department for use by engineers who are designing stormwater infrastructure within the Brighton municipality. It provides information to ensure the requirements of the Brighton Council Stormwater Strategy are met. It also contains Council's existing Guideline for Management of Excess Runoff.

All content within the Guidelines for Stormwater Design has been adopted previously by Council, either through the Brighton Council Stormwater Strategy, or the Guideline for Management of Excess Runoff report.

It is intended that the Guidelines for Stormwater Design be provided to developers as an accompanying document to the Subdivision Design and Construction Guidelines. It would also be referred to in the list of specified departures.

There are a number of minor discrepancies with the draft interim planning scheme for Brighton and the Guidelines for Stormwater Design. It would be preferable for the guidelines to reflect what is required under the planning scheme and Council is still in the process of resolving those discrepancies. It is intended that the guidelines be used in their current state until the interim planning scheme is finalised, at which time it may be amended to be consistent.

### **Assessment:**

The guidelines largely reflect Council's current conditioning of subdivision permits. Adopting the guidelines will therefore not constitute substantial change from existing requirements and would pose minimal risk to Council.

In order to ensure the guidelines meet Council's current requirements, it is proposed that a number of comments and specified departures be included. These are listed in attachment 2.

The list of comments and specified departures will be reviewed by Council's Asset Services department periodically when the guidelines are reviewed and rereleased.

Council will benefit from adoption of the guidelines by:

- ensuring greater consistency between developments within the Brighton Municipality;
- being part of a consistent state-wide approach subdivision design and construction; and
- simplifying the conditioning of permits.

### **Options:**

1. As per the recommendation.
2. Do nothing.

### **RECOMMENDATION:**

It is recommended that Council:

1. adopt the Subdivision Design and Construction Guidelines and all subsequent revisions;

2. delegate authority to add to, remove from or alter the list of specified departures to Council's Municipal Engineer; and
3. delegate authority to add to, remove from or alter the Guidelines for Stormwater Design to Council's Municipal Engineer.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**11.4 ROYAL HOBART HOSPITAL RESEARCH FOUNDATION –  
FUNDRAISING INITIATIVE:**

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

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**Background:**

Council Officers recently met with the President of the Rotary Club of Hobart, Heather Chong and Deputy Chairman Royal Hobart Hospital Research Foundation (RHHRF) Peter Murfett to discuss a joint fundraising project proposal for 79 Braeview Drive, Old Beach.

This block of land was donated to the RHHRF, with a Deed of Agreement existing between the two organisations in order to proceed in developing this property as a joint fundraising initiative.

**Consultation:**

Heather Chong (President Rotary Club of Hobart); Peter Murfett (Deputy Chairman, Royal Hobart Hospital Research Foundation); General Manager and Deputy General Manager.

**Risk Implications:**

Nil

**Financial Implications:**

The RHHRH & Rotary Club are seeking assistance from Council by way of waiving the planning and building costs.

Based on a \$180,000 structure the following would apply:-

- Planning - \$501.76 (has to be advertised because it is in a bushfire prone area)
- Building - \$795.29 (levies are .3% of the value of works)
- Plumbing - \$360.00
- Total \$1657.05

**Other Issues:**

It is the intention of the two organisations to seek community support in constructing a suitable dwelling, with the proceeds of the net sale being equally divided between the two organisations.

Wilson Homes have been engaged to prepare plans for the property.

**Assessment:**

As Councillors would be aware Rotary is a service organisation providing a range of assistance to people and organisations in communicates across the State and the Hobart Club alone distributes in excess of \$100,000 each year.

The RHHRF is an entirely independent entity raising and distributing funds for local health and medical research. The Foundation has invested almost \$6M since 1997 and currently allocates some \$600,000 to Tasmanian researchers each year.

**Options:**

1. As per the recommendation.
2. That Council not waive the planning and building fees i.e. donation.

**RECOMMENDATION:**

That the Planning and Building fees associated with the building of a dwelling on 79 Braeview Drive, Old Beach be waived and recorded as a donation in Council's Annual Report for the RHHRF and Rotary Club of Hobart.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

Cr Taylor  
Cr Williams

## **11.5 LOCAL GOVERNMENT CODE OF CONDUCT – DISCUSSION PAPER:**

### **FILE REFERENCE:**

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

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### **Background:**

The Local Government Association of Tasmania (LGAT) are seeking feedback from Council on a proposed future model for Local Government Code of Conduct issues, prior to developing a more detailed paper for the Minister's consideration.

### **Consultation:**

General Manager, LGAT

### **Risk Implications:**

Nil

### **Financial Implications:**

Nil

### **Other Issues:**

The LGAT has been working with the Department of Premier and Cabinet's Local Government Division for some time to improve the effectiveness and workability of the code of conduct provisions in the *Local Government Act 1993*, and *Local Government (General) Regulations 2005*.

Legal issues were raised by the Office of the Parliamentary Council which suggested that some of the changes LGAT has sought may not be possible without amendment to both the Act and the Regulations. The Minister for Local Government has agreed to the establishment of a working group to undertake a holistic and strategic assessment of the current code of conduct processes, and make recommendations for a future approach.

### **Assessment:**

The LGAT are seeking Council's responses to the following four questions:-

1. Do you think the model outlines addresses issues and concerns raised?
2. Should LGAT continue to have a role in overseeing Code of Conduct issues or should all triaged complaints be referred to an independent body for action?

3. Which bodies might be best suited to take on the 'triage' process and the 'external complaints' jurisdiction?
4. What other mechanisms or models should the working group consider?

**Options:**

1. As per the recommendation.
  2. That Council not provide responses to the LGAT questions.
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**RECOMMENDATION:**

For discussion and responses to the 4 LGAT questions.

**DECISION:**

*Cr Geard moved, Cr Gray seconded that Council were satisfied that the proposed model addresses issues and concerns raised but did not wish to comment on questions 2, 3 or 4.*

**CARRIED**

**VOTING RECORD**

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

**11.6 MICROWISE - UPDATE REPORT:**

**FILE REFERENCE:** 0838-3

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

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The General Manager provided an update on the progress of Microwise at the Council meeting.

**Options:**

1. As per the recommendation.
  2. Not receive the report.
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**RECOMMENDATION:**

That the report be received.

**DECISION:**

*Cr Owen moved, Cr Curran seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
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 6.25 pm.

Confirmed:

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

Date:

\_\_\_\_\_  
15<sup>th</sup> October 2013