



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.35 P.M. ON TUESDAY,
18th JANUARY 2011**

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

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

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 21st DECEMBER 2010.

*Cr Geard moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting
of the 21st December 2010, be confirmed.*

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

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

CARRIED

VOTING RECORD

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

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*.

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

FILE REFERENCE: 0205-6

AUTHOR: Mayor
(Cr T Foster)

The Mayor reported directly to the meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
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.

Bridgewater Library + On-line Access Centre Advisory Committee – Cr Garlick representative.

5.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA) AND JOINT AUTHORITIES:

Correspondence and reports from the STCA 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 is reported that no workshops were 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:

The General Manager advised that the LGAT had distributed a media release regarding the Queensland Flood Appeal. The Council Agenda had already been distributed to Councillors therefore this matter was not able to be included on the Agenda.

Cr Gray moved, Cr Geard seconded that Item 11.5 as tabled by the General Manager be discussed.

CARRIED

VOTING RECORD

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

11.5 QUEENSLAND FLOOD APPEAL:

FILE REFERENCE: 0297
AUTHOR: General Manager
(Mr R Sanderson)

Background:

Many Tasmanian councils are intending to make donations to the Queensland flood appeal. The LGAT is not coordinating donations but advising councils to donate to the mainstream Premier's appeal. The LGAT has had discussions with the LGAQ about whether there are other forms of help than financial that may be required in the clean up and recovery. LGAQ will review the situation and advise the LGAT in the near future.

It is important that Council discuss its position in providing assistance to the appeal or to individual councils. Due to Council's low staff numbers it is not considered appropriate to send staff to assist with the clean-up and recovery. Therefore, it is recommended that any assistance should be a financial donation.

The Mayor has suggested that Council donate \$50,000 to the Queensland Premier's Flood Appeal and (for discussion) that elected members forego their January allowance of \$1,024 to be donated to the appeal.

Consultation:

Mayor, Deputy General Manager, LGAT CEO

Risk Implications:

None.

Financial Implications:

There is no approved budget item for such assistance. Council has sufficient cash reserves to make a cash donation or other form of assistance.

Other Issues:

Possible negative public perception if Council doesn't contribute to such a cause.

Assessment:

The amount of destruction of infrastructure is of such magnitude that communities throughout Australia will be providing assistance to help the many suffering communities in Queensland.

The decision of making a donation to the flood ravaged areas of Queensland has to be made by Councillors as the elected representatives of Brighton ratepayers.

Options:

1. As per the recommendation
2. Do nothing

RECOMMENDATION:

That Council determine its position regarding the provision of assistance to the Queensland Premier's flood appeal.

DECISION:

Cr Taylor moved, Cr Geard seconded that Council contribute \$50,000 to the Queensland Premier's flood appeal.

CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held in January.

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 ORDINANCE AMENDMENT:

FILE REFERENCE:	RZ 10/09
AUTHOR:	Planning Officer (Miss J Farmer)
APPROVED:	Planning Officer (Miss J Tyson)
Applicant:	Brighton Council
Owner:	N/A
Location:	N/A
Application no.:	RZ 2010/09
Zoning:	N/A
Date received:	NA
Date advertised:	NA
Decision required	NA

Background:

The purpose of this draft amendment is for Council to consider pursuant to Section 34 of the *Land Use Planning and Approvals Act 1993* ("the Act") a number of text amendments to the Brighton Planning Scheme 2000 ("the Scheme").

The proposed amendment falls into two categories:

- RZ2010/09A - Section 35 text amendments that must be certified and exhibited in accordance with section 32 and 38 of the Act (as per normal planning scheme amendments); and
- RZ2010/09B - Section 37 text amendments that are minor and for the correction of mistakes and abnormalities (amongst other matters) and which are not required to be exhibited.

Council staff has been preparing the proposed amendments over the past few months in order to rectify the terminology and operation of particular elements of the Planning Scheme. The application of the Scheme has highlighted a number of errors, inconsistencies, poor grammar and structuring which have impacted on Council both financially and operationally. It is apparent that corrections and modifications will enable better clarity and understanding of certain Scheme provisions, administration and application.

Consultation:

A copy of the draft planning scheme amendment must be forwarded to the Tasmanian Planning Commission within 7 days of the draft amendment being certified. The certified draft amendment must then be placed on public exhibition for a period being not less than 3 weeks or more than 2 months, with public notice of the exhibition being given in the 'Mercury' newspaper.

It is proposed that the draft amendment be placed on public exhibition at the Councils and Commissions offices for 3 weeks.

Risk Implications:

Section 63A of the Act provides that a planning authority that fails to take all reasonable steps to ensure that its planning scheme is complied with may be liable to a fine of up to \$50,000.

Financial Implications:

Advertising costs will be incurred during the exhibition period. A fee of \$250.00 is required to be paid to the Commission on submission of the certified draft amendment.

Other issues:

Before certifying a draft amendment, a planning authority must determine that a draft amendment meets the requirements specified in section 32 of the Land Use Planning & Approvals Act 1993 ("the Act"), which provides that an amendment to a planning scheme:

- a) *Must seek to further the objectives of the Resource Management and Planning System of Tasmania set out in Schedule 1 of the Act; and*
- b) *Must be prepared in accordance with the provisions of State Policies made under the State Policies and Projects Act 1993; and*
- c) *May make any provision that relate to the use, development, protection or conservation of any land; and*
- d) *Must have regard to the safety requirements set out in the standards proscribed under the Gas Pipelines Act 2000.*
- e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

Sections 35 and 37 of the Act are reproduced as follows:

35. Certification of draft amendments by planning authorities

(1) *After preparing a draft amendment of a planning scheme, the planning authority must determine whether the draft amendment meets the requirements specified in section 32 and –*

(a) if satisfied that it does, certify the draft amendment as so meeting those requirements; or

(b) if not so satisfied, proceed to modify the draft amendment until it does meet those requirements and then certify the modified draft amendment as so meeting those requirements.

37. Power of Commission to dispense with certain requirements

(1) *Where, on the submission to the Commission of a draft amendment of a planning scheme, the Commission is satisfied that –*

(a) the draft amendment is for the purpose of –

(i) the correction of any error in the planning scheme; or

(ii) the removal of any anomaly in the planning scheme; or

(iii) clarifying or simplifying the planning scheme; or

(iv) removing any inconsistency between the planning scheme and any Act; or

(v) making procedural changes to the planning scheme; or

(vi) amending the planning scheme to bring it into conformity with the model planning scheme framework; or

(vii) for any other prescribed reason; and

(b) the public interest will not be prejudiced –

the Commission may, by notice in writing given to the planning authority, dispense with the requirements of sections 38, 39, 40 and 41 in relation to the draft amendment and give its approval to the draft amendment in accordance with section 42.

(2) *Before approving the draft amendment in accordance with section 42, the Commission may modify the amendment to correct any errors or remove any anomalies.*

If the Council agrees to initiate both proposed amendments it must also resolve to certify the amendments before placing only RZ10/09A on exhibition or a period of between 3 weeks and 2 months. Within 35 days of the end of the public exhibition period for RZ10/09A, Council is required to prepare a report and forward it with any representations to the Tasmanian Planning Commission. The TPC is required to review the report and hold a hearing for any representations received where they will then modify, approve or reject the amendment.

RZ10/09B is not required to be placed on public exhibition after being certified and will instead be submitted directly to the TPC for assessment.

Assessment:

Brighton Planning Scheme:

As stated previously, the minor amendments contained in RZ10/09B (if certified by Council) will be submitted to the TPC to be considered pursuant to section 37 of the Act. These minor amendments relate to a number of typographical errors witnessed throughout the scheme. Correction of these mistakes will provide a more legible planning scheme.

The proposed amendments contained in RZ10/09A are considered self-explanatory, however they can generally be summarised as:

- Amending the use and development definitions within Part 4 of the Planning Scheme by way of correcting minor grammatical errors that will allow for the more effective operation of the Planning Scheme.
- Restructure Clause S7.9(g)A8 of the Planning Scheme so that it includes an uncovered manoeuvring space in calculating the permissible number of spaces allowed in between the dwelling and the street. This amended provision aims to reduce the amount of hardstand car parking areas contained in front of unit developments. Performance Criteria P8 will also be deleted to prevent any discretion to allow for more than one visitor space/ manoeuvring space in front of the building line which will act to preserve the integrity of the street.
- Restructure clause AS7.9(E)a5A) of the Planning Scheme so that private open space areas must be located behind the building line of the dwelling. This will protect the streetscape values and diminish the potential for solid, high fencing along street frontages. P5 will also require modifications to allow for consideration of the streetscape values.
- Restructure clause 7.3.3 of the Waterway Overlay in order to exclude structures such as dams, roadwork's and parks and playgrounds from the operation of this provision.

Objectives of the Resource Management and Planning System of Tasmania

The Objectives of the Resource Management and Planning System of Tasmania are listed below with appropriate planning comment:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

It is considered that the operational effect of the proposed draft amendments will not result in the Scheme being unable to continue to promote sustainable development, maintenance of ecological processes and genetic diversity.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

As discussed above, the proposed amendment promotes fair, orderly and sustainable use and development as the proposed text amendments will enable these outcomes to be more easily achieved.

(c) to encourage public involvement in resource management and planning; and

The public will be involved in the planning scheme amendment through opportunity to make representation and attend public hearings.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

The proposed text amendments will result in operational improvements and will simplify the planning process without diminishing the power of the planning authority to appropriately regulate and condition use and development. This simplified process promotes economic development and removes some potential for unjustified complication and delays.

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Consultation will involve the Tasmanian Planning Commission, the Brighton Council and the community.

The draft amendment applies to all land within the planning scheme area and does not vary the existing planning scheme provisions with respect to the Objectives of Part 2 of Schedule 1 of the Act. However, it is consistent with all these objectives and furthers several. The proposed Planning Scheme Amendment as it relates to the Objectives of Part 2 of Schedule 1 of the Act are discussed below:

(a) to require sound strategic planning and co-ordinated action by State and local government;

The proposed text amendments have been prepared applying a contemporary approach to the application of the Scheme requirements consistent with State agencies including the Tribunal.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.

The proposed amendment will form part of the Planning Scheme which controls the use, development and protection of land and seeks to improve it's operation and application by rectifying errors, clarifying intent and simplifying assessment criteria consistent with the above.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

The proposed text amendments have been formulated in consideration of the environmental effect they may have and it is submitted that they will result in the more logical application of relevant Scheme provisions.

- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

The proposed amendment furthers this objective and takes into account State, Regional and local planning policies and strategies as it is considered that the proposed amendment will result in a more consistent approach to development planning.

- (e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

This objective is not application to the proposed draft amendment.

- (f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*

The proposed amendment will have no adverse impact on achieving this Objective.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

The proposal is not affected by this objective.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

This objective is not considered relevant to the proposed draft amendment.

- (i) *to provide a planning framework which fully considers land capability.*

This objective is not considered relevant to the proposed draft amendment.

State Policies

The State Coastal Policy 1996 (Coastal Policy)

The proposed amendment is consistent with the *State Coastal Policy 1996* though it has little relevance as the amendment will not alter the requirements for use and development to be considered against the *Policy*.

The State Policy on Water Quality Management 1997 (Water Quality Policy)

The proposal is not inconsistent with the State Policy on Water Quality Management 1997 as they will have no adverse impact on the overall aim to facilitate greater opportunity for use and development to be more sensitive to water quality and sustainable environmental practice.

The Revised State Policy for the Protection of Agricultural Land 2007 (PAL Policy)

The draft amendments do not seek to rezone land, or alter the use and development standards of either Rural or Intensive Agriculture zoned land. In this regard they are considered to comply with the provisions of the policy.

National Environmental Protection Measures (NEPM).

NEPMs are broad framework setting statutory instruments made under the *National Environment Protection Council (Tasmania) Act 1995* and are taken to be State Policies. Eight NEPMs have been made to date and these deal with air quality, movement of waste, site contamination and used packaging materials. None of the NEPMs are considered relevant to the proposed draft amendment.

Gas Pipeline safety

Section 32(a) of the Act provides that a draft amendment must have regard to the safety requirements for gas pipelines.

There are no issues of gas pipeline safety associated with the draft amendment.

Adjacent Land Use Conflicts

The proposed amendment is not considered to create land use conflicts with adjacent permissible use and development due to the current Planning Scheme land use controls associated with use status, development standards, overlays and schedules.

Regional Impacts

It is considered the operation of the proposed amendment will not have any adverse impact on the use and development of the region as an entity in environmental, economic or social terms.

Services

It is considered that the proposed draft amendment will have no impact on services as a result of the amendment.

Conclusion

The proposed Planning Scheme Amendment seeks to amend the Brighton Planning Scheme ordinance by correcting typographical errors, simplifying references and assessment criteria to ensure its operation and associated mechanics are compatible with contemporary planning practice.

This draft amendment is consistent with all relevant policies and legislation and will help to streamline assessment processes for Council by removing inconsistencies and reduce administrative and appeal cost for all parties.

On the above basis, the draft Planning Scheme Amendment is considered to warrant certification.

Options:

1. To certify an amendment in accordance with the recommendation.
2. To certify an alternative amendment as determined by Council.
3. To refuse to certify an amendment.

RECOMMENDATION:

- A. That in accordance with Section 35(1) of the *Land Use Planning & Approvals Act 1993*, Council certifies that draft amendment RZ 10/09 to the Brighton Planning Scheme 2000 meets the requirements of Section 32 of the *Land Use Planning and Approvals Act 1993*; and
- B. That in accordance with Section 35(2) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 10/09 be certified by instrument in writing affixed with the common seal of the Council; and
- C. That in accordance with Section 35(2) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 10/09 be given to the Tasmanian Planning Commission within 7 days;
- D. That in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 10/09 be placed on public exhibition for three weeks.

DECISION:

Cr Gray moved, Cr Geard seconded that the recommendation with amendments be adopted. Cr Jeffries requested that the proposed amendments be circulated to Councillors.

CARRIED

VOTING RECORD

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

10.2 APPLICATION FOR PLANNING APPROVAL – COMMUNITY SERVICES, BUSINESS & PROFESSIONAL SERVICES, EDUCATION & OCCASIONAL CARE - BRIDGEWATER LINC, 21 CHESWICK CRESCENT, BRIDGEWATER:

FILE REFERENCE:	CHESWI/21
AUTHOR:	Planning Officer (Miss J Farmer)
Applicant:	Department of Education
Owner:	Brighton Council and Housing Tasmania
Location:	21 Cheswick Crescent, Bridgewater
Application no.:	DA2010/281
Zoning:	Residential - Brighton Planning Scheme 2000 (the Planning Scheme)
Date advertised:	18 December 2010
Decision required	18 January 2011 (agreement of extension of time)

Background:

Application has been made for the subject land to be developed by a child and family centre, Bridgewater LINC (learning information network centre, relocation of Service Tasmania and associated site works.

The subject land consists of two certificates of title described in Folio of the Register Volume 156415 Folio 1 & 2. The land has a rectangular shape with a gentle southern slope.

The land is bordered by Council's Civic Centre to the north, vacant land to the west, residential lots to the east and Cheswick Crescent to the south. Refer to Figure 1 below.

The land is vacant. Surrounding lots are of similar or smaller size used for a mix of Residential uses which have been developed with single dwellings and others used for Community services.

It is proposed to develop the land by constructing a child and family centre and a learning and information network centre (LINC) which incorporates a Service Tasmania facility. The child and family centre will consist of offices, meeting rooms, play areas, toilet facilities and a kitchen. The LINC will provide training rooms, reading rooms, toilet facilities, offices, and a Service Tasmania.



Fig. 1 - Locality Plan

The buildings have proposed setbacks of 13 metres from the rear boundary, between 2.4 and 2.9 metres from the side boundaries and 14 metres from the frontage.

The existing car parking located at the Civic Centre is proposed to provide car parking as part of the development, no further additional car parking is proposed onsite.

The development proposes opening hours from Monday to Friday between 9:00am to 5:00pm, with approximately 19 staff.

Consultation:

The application was advertised in accordance with the Act and *Land Use Planning and Approvals Regulations 2004* and one (1) representation was received.

The issues raised in the representation are as follows:

<i>Issue</i>	<i>Comment</i>
Representation 1:	
If approved, the proposal will generate increased traffic in Cheswick Crescent which will affect the occupants.	The proposed car parking will be provided at the existing Brighton Civic Centre on Green Point Road, therefore the access will not be off Cheswick Crescent.
The proposed site is understood to be public open space	21 Cheswick crescent is zoned Residential and is not designated public open space. The proposal is a discretionary development in the Residential Zone.

<p>The is a stormwater outlet where the proposed car parking will be</p>	<p>There is stormwater outfall to the creek which is located approximately 38 metres south of the Cheswick road frontage. There is an existing drainage easement inside the eastern boundary of the property and proposed structures are located clear of this easement. There is no proposed car parking onsite.</p>
<p>Current public buildings are constantly targets of vandalism and arson and if approved this building would be subject to the same.</p>	<p>This concern is not considered to have planning merit.</p>

Consultation has been held with the Council’s Senior Technical Officer.

Risk Implications:

Section 63A of the Act provides that a planning authority that fails to take all reasonable steps to ensure that its planning scheme is complied with may be liable to a fine of up to \$50,000.

Financial Implications:

No financial implications for Council are foreseen.

Other Issues:

This report details the basis and reasons for the recommendation. An alternative decision by the Council will require a statement of the reasons for the decision in order to maintain the integrity of the planning approval process and to comply with the intent of the Judicial Review Act 2000. In addition, section 25 of the Local Government (Meeting Procedures) Regulations 2005 provides that the General Manager is to ensure that the reasons for a decision by a Council acting as a planning authority are recorded in the minutes of the meeting.

Assessment:

Strategic Plan

The objectives of the planning process established by the *Land Use Planning and Approvals Act 1993* (the Act) in support of the Objectives of the Resource Management and Planning System of Tasmania include a requirement for sound strategic planning and co-ordinated action by State and local government. In addition, section 20(d) of the Act provides that a planning scheme must have regard to the strategic plan referred to in Division 2 of Part 7 of the *Local Government Act 1993* adopted by Council at the time the Scheme was prepared.

The Council's Strategic Plan provides for a future with practical and effective land use strategies that will be achieved by focusing on the following key area¹: -

1. *A land use and development strategy to provide a long-term approach that produces sustainable and measurable economic, environmental (built and "green") and social benefits for the municipal area and the region.*

It is considered that the proposed use or development will further the land use and development strategy by providing for further economic development of the municipal area with acceptable social or environmental benefits if carried out in accordance with the recommended conditions.

Objectives of the Resource Management and Planning System of Tasmania

Section 5 of the Act provides that a planning authority is obliged to further the Objectives of the Resource Management and Planning System of Tasmania (RMPS) set out in Schedule 1 of the Act when determining an application for planning approval. The Objectives of the RMPS are -

- a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- c) *to encourage public involvement in resource management and planning; and*
- d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

It is considered that the development is a fair and sustainable use of air, land and water. The public have had an opportunity to provide input into the assessment of the proposal.

It is considered that the development will further the objectives of the RMPS if carried out in accordance with the conditions attached to this report.

State Policies

State Policies are made under the State Policies and Projects Act 1993. Section 13C provides that a planning authority is bound by a State Policy and Section 13(1) provides that if a planning scheme is inconsistent with a State Policy the planning scheme is void to the extent of that inconsistency.

Clause 3.3 (a) of the planning scheme requires Council to take into consideration any State planning policies before granting or refusing planning approval.

¹ Brighton Council: *Strategic Plan 2006 – 2016*, Brighton Council, Gagebrook, 2006.

The State Coastal Policy 1996 (Coastal Policy) came into operation on 10 October 1996. This Policy applies to the coastal zone, which includes all State waters and land within 1 km from the High Water Mark (HWM).² The subject land is located within 1 km from the HWM of the Derwent Estuary and the Coastal Policy applies to the land.

The following provisions of the Coastal Policy are relevant:

Clause 1.1.10

The design and siting of buildings, engineering works and other infrastructure, including access routes to the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.

Clause 2.1.3 provides that:

Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone, will be sensitive to the natural and aesthetic qualities of the coastal environment.

In this case the development is on land zoned Residential under the planning scheme that is within an existing township or settlement.

The proposed use is classified as discretionary under the Scheme and the development and use are covered by the requirements of the Scheme. The design is considered compatible with existing development and the aesthetic qualities of the surrounding location. The design and siting of the development satisfies the development standards of the planning scheme and, by extension, the Coastal Policy.

Clause 2.4.2 provides that: -

Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

On the above basis it is considered that the application complies with the Coastal Policy.

The State Policy on *Water Quality Management* 1997 (Water Quality Policy) came into operation on 27 September 1997. Clause 31.5 of the Water Quality Policy requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Clause 31.5 of the Water Quality Policy requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised. In addition, Issue 7 of Schedule 4 of the Scheme requires Council to ensure that the development will not result in the transport of pollutants off-site that have the potential to cause environmental nuisance or material or serious environmental harm through site disturbance.

² *State Coastal Policy Validation Act 2003*

The total site disturbance will be greater than 250 square metres and, in accordance with the Environmental Management Schedule of the Scheme and regional guidelines³, a Soil and Water Management Plan (SWMP) providing details of temporary soil and water management works is required to ensure that the risk of sediments being transported into surface waters such that environmental harm might be caused is acceptable and that effective soil and water management is addressed prior to site disturbance occurring.

The temporary works are required to be installed and maintained to reduce the risk of the transport of sediments into surface waters such that environmental harm might be caused during the carrying out of works to an acceptable level.

On the above basis it is considered that the application complies with the provisions of the Water Quality Policy.

The Revised State Policy for the Protection of Agricultural Land 2009 applies to all agricultural land in Tasmania. The subject land is located in a residential zone and established township and it is considered that the Agricultural Land Policy does not apply to the land.

National Environmental Protection Measures (NEPM's) are broad framework setting statutory instruments made under the National Environment Protection Council (Tasmania) Act 1995 and are taken to be State Policies. Eight NEPM's have been made to date which deal with air quality, movement of waste, site contamination and used packaging materials. None of the NEPM's are considered relevant to the application.

Planning Scheme

The land is located within the Residential zone of the planning scheme and a child and family centre is defined as educational and occasional care whilst a learning information network centre is defined as community services both of which are defined as discretionary, subject to it complying with the standards of the zone and environmental standards, including environmental impact, natural hazards and emissions.

Clause 3.3(b) of the Scheme requires Council to take into consideration the Scheme Objectives before granting or refusing planning approval. In addition, Clause 3.3(c) of the Scheme requires Council to take into consideration the purpose of the zone and all other provisions of this Scheme including the decision guidelines for each zone before granting or refusing planning approval.

Clause 2.2 of the Scheme provides that the residential objective of the Scheme is:-

- (a) *To encourage and facilitate opportunities for diversity in residential type, choice and affordability commensurate with Brighton's quality of lifestyle and environment.*
- (b) *To promote Brighton as an independent suburb within the regional metropolitan context.*

³ HMCA (1999), "Guidelines for Soil and Water Management" (HMCA, Hobart).

Ordinary Council Meeting

18/1/11

- (c) *To establish residential growth within existing settlement areas serviced with infrastructure.*
- (d) *To ensure that the future patterns of residential development protect and enhance the natural and man-made assets of the Municipality.*
- (e) *To encourage infill within the existing townships and suburbs as a consolidation of services and to provide definable communities with strong interconnectivity.*
- (f) *To discourage the loss of existing housing stock by conversion to or redevelopment for non-residential uses.*
- (g) *Concentration of new residential development remains within the green field sites of Tivoli Green and Compton and for continued growth of Old Beach and Brighton – Pontville. Other areas will concentrate on the infill of existing developed areas within the service capabilities of the local area.*

The application is for a Child and Family Centre, Service Tasmania and a Learning Information Network Centre (LINC) on fully serviced residential land within the Bridgewater township. Whilst it is a discretionary development in the Residential zone, the proposed development will be adjacent to existing commercial development along Green Point Road. It provides for an important development which will provide additional educational and employment opportunities within the community while meeting the performance guidelines of the Scheme. On this basis it is considered that the application conforms to the purpose of the Residential zone and the intent of the Scheme.

Clause 6.2.1 of the Scheme provides that the purpose of the zone is -

- a) *To ensure sufficient land is available to meet anticipated demand for residential use in the next 5 years.*
- b) *To protect residential amenity by reducing the potential for land use conflicts between residential uses and other uses.*
- c) *To allow for a range of housing types within the zone, subject to meeting performance guidelines, so as to satisfy different housing needs within the community.*
- d) *To restrict non-residential uses to those that are compatible with maintaining residential amenity and servicing local needs.*
- e) *A broad range of residential options should be accommodated subject to the maintenance of satisfactory levels of amenity for new and existing development.*

The application provides for an alternative community facility which will maintain residential amenity whilst servicing local needs. On this basis the application is considered consistent with the purpose of the zone.

In addition to the matters listed in Clause 3.3, Council must consider the following matters before deciding on an application -

- (a) *the building appearance from public streets and adjoining sites is visually compatible with surrounding development;*

- (b) *the siting and design of the development protect the amenity of neighbours, minimise overshadowing and overlooking, enable passive surveillance without unreasonably diminishing privacy, and contribute to residential character and usability of private open space;*
- (c) *issues relevant to multi-unit housing are addressed adequately; and*
- (d) *the design and siting of lots and buildings optimises solar access and water usage, minimizes waste and contributes to efficient use of energy and water.*

The development is proposed to have a front setback of 14 metres from Cheswick Crescent and has been sited and designed to have minimal impact to maintain the residential amenity of the area.

Other relevant issues are considered below.

Development standards

Clause 3.3(j) of the Scheme requires Council to take into consideration the position and scale of buildings on allotments in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades before granting or refusing planning approval.

The standards for the zone include a front setback of 5.00 metres and a side setback of either zero for walls less than one-third the length of the adjoining side or rear boundary or 1.50 metres for longer walls, measured horizontally from the boundary to the wall and with an encroachment of up to 0.60 metres for eaves, bay windows, chimneys etc.

The maximum height is 3.00 metres at the boundary or 8.0 metres otherwise.

The application complies with the setback and height standards.

The a maximum site coverage of is 40% for a single dwelling or 30% for all other developments, including units, unless varied by Council in accordance with Section 57 of the Act to an absolute maximum of 45% where it considers that the amenity of neighbours will not be adversely affected.

The proposed site coverage is approximately 1795 square metres, or 28.6%, and complies with the site coverage standard.

Environment

Clause 3.3(n) of the Scheme requires Council to take into consideration the effect on the environment of the development on nearby land before granting or refusing planning approval. In addition, Clause 3.3(q) of the Scheme requires Council to take into consideration whether native vegetation is to be or can be protected, planted or regenerated through the proposed use or development.

The land was cleared as part of the previous subdivision development and there is no vegetation that requires protection or replanting.

Issue 6 of the Environmental Management Standards Schedule of the Scheme deals with potential nuisance generators, including noise and hours of operation.

Any development work is required to be carried out during standard hours and the building site and surrounding roads must be kept clear of building materials and debris during the construction period. Conditions to this effect are required.

Issue 7 of the Environmental Management Standards Schedule of the Scheme deals with soil and water management. This issue has been discussed above.

Landscape

Clause 3.3(i) of the Scheme requires Council to take into consideration the provision of adequate landscaping and associated furniture, amenity facilities, illumination and treatment of the site generally before granting or refusing planning approval. In addition, Clause 3.3(u) of the Scheme requires Council to take into consideration the protection of landscape and visual aesthetics before granting or refusing planning approval.

In this case a landscaping plan has been submitted to Council and is considered acceptable.

The landscaping is required to be completed in accordance with the endorsed landscape plan and to the satisfaction of Council within six (6) months of the first use of the development and must continue to be maintained to the satisfaction of Council.

Parking

Clause S1.2 of the Off-street parking: - Car parking, Access & Loading Schedule of the Scheme provides that the number of car parking spaces be provided in accordance with the requirements of Table S1.1.

Clause S1.18 of the Off-street parking: - Car parking, Access & Loading Schedule of the Scheme provides that for other than a single dwelling, adequate manoeuvring space shall be provided to ensure that a vehicle may leave the site in a forward direction with a single turning movement. A turning area complying with this requirement is provided as part of the application.

Clause S1.9 of the Off-street parking: - Car parking, Access & Loading Schedule of the Scheme provides that before any use commences or any building or works associated with the use is constructed, a plan shall be prepared showing all required car parking spaces, access lanes, driveways and associated works and landscaping.

Traffic engineer Milan Prodanovic was engaged by Council to undertake a Traffic Impact Assessment in relation to utilising the existing car parking located at the Brighton Civic centre located adjacently to the proposed development.

The TIA reviewed the level of traffic activity along Green Point Road through the commercial area and also the current level of parking supply and demand from various use activities between Scott Road and Eddington Street.

It found that Green Point Road currently carries around 6000 vehicles a day, substantially more than a few years ago.

In regard to the current parking situation the TIA found that less than 40% of the available car parking at the Brighton Civic centre and Green Point shopping centre is used at peak shopping times when there is no function being held in the Civic centre. If there was a major event held in the Civic centre, the car parking demand would still be less than 75% capacity at the busiest times at both the Civic Centre and Green Point Shopping Centre.

In accordance with the requirements of table S1.1 which sets out the number of car spaces for a particular use or development in the Brighton Planning Scheme 2000, the proposed LINC and CFC development would require 38 car parking spaces as a result of the proposal.

The TIA concludes that in a worst case scenario with an all day event held in the Civic centre during a week day there would still be 50 vacant car parking spaces available within this commercial area including both Greenpoint and Brighton Civic Centre.

For most days of the year the car parking areas will be used no more than around 65% of capacity.

The TIA concluded that the proposed development will not adversely affect the parking situation in the area. The Civic Centre car parking area can meet the parking demand at most times, with some days of the year there needing to be a reliance on some of the spare parking capacity within the Green Point shopping centre precinct to accommodate overflow car parking demand.

It is considered that this proposal complies with the requirements of Schedule 1 of the Brighton Planning Scheme 2000.

Engineering comments

Access

Access to the site is proposed from the Civic Centre car park off Green Point Road. The existing vehicle crossing in Cheswick Crescent will be redundant and will require removal and reinstatement. A condition to this effect is provided.

Stormwater

An existing DN1050 stormwater main is located inside the eastern boundary of the property. A smaller DN45 main is located just outside the Western boundary. It is expected the site will drain to the larger main to the east.

Sewer & Water

The application was referred to Southern Water.

Options:

1. Issue a written approval specifying the conditions (if any) imposed upon the use or development in accordance with the recommendation; or
2. Issue a written approval providing alternative or additional conditions (if any) imposed upon the use or development; or
3. Issue a written refusal for the use or development stating the reasons for refusal.

RECOMMENDATION:

That the application submitted in accordance with Part 4 of the Land Use Planning and Approvals Act 1993 for land at 21 Cheswick Crescent, Bridgewater, described in Folio of the Register Volume 156415 Folio 1 & 2, to be used for Educational and Occasional Care and Community Services and developed by the construction of a child and family centre, Service Tasmania and a learning information network centre and associated works be approved subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT -

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *land Use Planning And Approvals Act 1993*.

Amenity

- (3) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's Municipal Engineer.

Landscaping

- (4) The site must be landscaped by trees, shrubs, fences or other means approved by Council's Municipal Engineer. Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas.
- (5) The landscaping works must be completed to the satisfaction of Council's Municipal Engineer within six (6) months of the first use of the development. All landscaping must continue to be maintained to the satisfaction of Council.

Parking & access

- (6) The existing vehicle crossing or crossing opening to the subject land, off Cheswick Crescent, must be removed and replaced using an uncoloured reinforced concrete footpath pavement, nature strip and concrete kerb and channel to the satisfaction of Council's Municipal Engineer.

Services

- (7) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Ordinary Council Meeting

18/1/11

- (8) The approved structure(s) must be sited clear of any easement and located at least 1.00 metre measured horizontally from any Council service mains.

Stormwater

- (9) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Southern Water

- (10) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(2)(b) Southern Water impose conditions on the permit as per Form PL05P (attached).

Protection of water quality

- (11) Before any work commences a Soil and Water Management Plan (SWMP) recommending measures to control stormwater runoff from the land so that runoff does not cause erosion and sedimentation or discolouration of any surface water outside the boundaries of the land during the construction phase must be submitted to and approved by the Council's Municipal Engineer (refer to advice below). The SWMP shall form part of this permit when approved.
- (12) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development to the satisfaction of Council's Municipal Engineer.
- (13) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Construction amenity

- (14) The development must only be carried out between the following hours unless otherwise approved by the Council's Municipal Engineer:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
 - Saturday 8:00 a.m. to 6:00 p.m.
 - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (15) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.

- (d) Appearance of any building, works or materials.
- (16) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
- (17) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (18) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

Hours of Operation

- (19) The use or development must only operate between the following hours unless otherwise approved by Council's Municipal Engineer:
- Monday to Friday 9:00 a.m. to 10:00 p.m.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. A separate permit is required for any signs unless otherwise permitted by Council's planning scheme.
- C. The issue of this permit does not ensure compliance with the provisions of the Commonwealth *Disability Discrimination Act 1992* in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other *Disability Discrimination Act 1992* provisions relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the *Disability Discrimination Act 1992*.

There are currently no standards prescribed for compliance with the *Disability Discrimination Act 1992*, however, Australian Standards associated with the Act, including AS 1428.1-2001 - *Design for access and mobility - General requirements for access - New building work* and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the *Disability Discrimination Act 1992* from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

- D. The SWMP shall be prepared in accordance with HMCA (1999): *Guidelines for Soil and Water Management*, HMCA, Hobart, the State Policy for Water Quality Management 1997 and the requirements of the Council's Municipal Engineer and show the following -

- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;
 - Timing of the site rehabilitation or landscape program;
 - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
 - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
 - Temporary erosion and sedimentation controls to be used on the site; and
 - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.
- E. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -
- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
 - Rehabilitation of all disturbed areas as soon as possible.
- F. **If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.**
- G. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

DECISION:

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

CARRIED

VOTING RECORD

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

11. REPORTS FROM OFFICERS:

11.1 SPEED LIMITS – RURAL AND SEALED ROADS:

FILE REFERENCE:

AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

Brighton Council has received a letter from the Road Safety Advisory Council advising Council that they are currently undertaking a consultation on a proposal to reduce the default rural speed limit from 100km/h to 90km/h on sealed roads and from 100km/h to 80 km/h on unsealed roads.

A regulatory impact statement has been provided and can be found on the file 0590-4, Roads safety traffic management, as are brochures outlining the proposed changes, supporting research and potential benefits which can also be found at www.rsac.tas.gov.au.

It is suggested that the proposed changes could save 4 lives and 13 serious injuries each year and consideration would be given to the possibility of signing higher standard roads at 100km/h.

As part of the consultation process the Advisory Council would like to conduct a community information/ feedback forum in each municipality in February of this year and invite representatives from council and businesses associated with the transport industry. A representative from Department of Infrastructure Energy and Resources (DIER) will be in touch shortly to discuss planning for this forum.

Consultation:

Heath Macpherson, Municipal Engineer

Risk Implications:

This proposal has the potential to reduce levels of injury on rural roads in the municipality.

Financial Implications:

Nil

Other Issues:

Elderslie Road may be of sufficient standard to support a 100km/h speed limit. This can be addressed with DIER if the recommendation are approved.

Assessment:

Council maintained roads affected in the Brighton Municipality include:

- Millvale Road
- Back Tea Tree Road
- Middle Tea Tree Road
- Merriworth Road
- Elderslie Road

Options:

1. As per the recommendation.
2. Write a letter to the Road Safety Advisory Council showing Brighton Councils opposition to the proposed reduction to default speed limits on rural roads.
3. Do nothing

RECOMMENDATION:

That Council support the proposal to reduce default speed limits on rural roads and that a letter be written to the Road Safety Advisory Council advising them of Brighton Councils decision.

DECISION:

Cr Taylor 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 Taylor	
Cr Williams	

11.2 ANZAC DAY OBSERVANCE ACT 1929:

FILE REFERENCE: 0371-2

AUTHOR: Manager Governance & Human Services
(Ms J Banks)

Background:

Councillors may recall that an e-mail was sent on the 1st December 2010, seeking comment in relation to the review of the *Anzac Day Observance Act 1929*, by 15th December 2010.

The State Government (Treasury) have extended the comments date to 31st January 2011, and the Local Government Association of Tasmania (LGAT) have written to Councils seeking comment.

Consultation:

Councillors, General Manager, Local Government Association of Tasmania.

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

Cr Curran had responded to the original e-mail suggesting that Anzac Day should be a day of remembrance and not a public holiday.

Assessment:

If Councillors are unable to locate the e-mail the following is a link to the consultation paper:

[http://www.treasury.tas.gov.au/domino/dtf/dtf.nsf/LookupFiles/Anzac-consultation-paper.pdf/\\$file/Anzac-consultation-paper.pdf](http://www.treasury.tas.gov.au/domino/dtf/dtf.nsf/LookupFiles/Anzac-consultation-paper.pdf/$file/Anzac-consultation-paper.pdf)

The paper asks 10 questions which are:-

1. Do you think the observance of Anzac Day should be set out in Tasmanian legislation?
2. Does the Act need to prescribe that Anzac Day is to be observed as a national holiday?
3. Do you think there should be any restrictions on certain activities on Anzac Day?
4. If so:
 - a. do you agree that the restriction should apply just to activities that draw paying crowds?
 - b. what activities should be restricted and at what time should they be allowed to recommence?
5. Is the current Act clear as to what is and is not restricted, or is further clarification required?
6. Do you think there is still a role for the Anzac Day Trust and Fund?

7. Do the current arrangements for providing funding to support veterans need to be in legislation or should it be through the standard State Government Budget process?
8. Do you think shops should be restricted from trading on any part of Anzac Day?
9. If so:
 - a. do you think that the restrictions should apply to shops above a certain size?
 - b. do you think that the current restrictions in the Shop Trading Hours Act are appropriate?
10. Should markets be restricted on part of Anzac Day?

The LGAT were not intending to make a submission, but are aware that some local Councils have a significant role to play in Anzac Day activities, and if we wished the LGAT to provide a submission then we need to advise them as soon as possible.

Submissions are due to Treasury by 31st January.

Options:

1. As per the recommendation.
2. That Council not provide a submission.
3. That Council provide a submission to the Department of Treasury and Finance by 31st January 2011.

RECOMMENDATION:

Submitted for discussion and recommendation.

DECISION:

Cr Curran suggested the following in response to the questions raised in the Consultation Paper:-

That Anzac Day is a day of remembrance and should be celebrated on the day, with a holiday, but not have a holiday on Monday if Anzac day is Tuesday.

1. Yes.
2. Yes,
3. Yes
- 4(a) no,(b) as in the past shops should not open until 12.15, other activities (races ect) also should not commence until after 12.15 ,
5. Perhaps further clarification.
6. Yes.
7. unsure
8. Yes
9. (a) Yes
9. (b) No.
10. Same as per shops etc.

Cr Curran moved, Cr Jeffries seconded that a letter be sent to the Department of Treasury responding to the questions raised in the Consultation Paper.

CARRIED

VOTING RECORD

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

11.3 MONTHLY FINANCE REPORT AS AT 31 DECEMBER 2010:

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 six months of the 2010/11 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 Williams seconded that the report be received.

CARRIED

VOTING RECORD

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

11.4 DRAFT STRATEGIC PLAN 2011-2021:

FILE REFERENCE: 0620
AUTHOR: General Manager
(Mr R Sanderson)

Background:

Council is required by the Local Government Act to prepare a strategic plan for its municipal area to be in respect of at least a five year period. The existing Strategic Plan 2006 - 2016 was adopted by Council in October 2006.

Many focus areas of the existing plan, Strategic Plan 2006-2016, have been substantially progressed and Brighton has been undergoing major population and business growth. Accordingly, it was deemed appropriate to review and update Council's strategic plan.

A two day value management workshop was held on 22nd and 23rd September 2010. The report of this workshop has been previously been provided to all Councillors.

The scope of the workshop was to:

Involve key stakeholders, working together, to develop strategies to achieve the best possible outcome for the Brighton Municipal Area.

Specific objectives to be achieved during the workshop were to:

- *Identify the key focus areas for Brighton Council covering the next ten years*
- *Identify key issues*

- *Develop and prioritise short and long-term strategies to meet future challenges*

The Draft Strategic Plan 2011 – 2021 was developed from the outcomes of this workshop.

Consultation:

The value management study was attended by seven councillors, various council staff, Brighton residents and interested stakeholders. The attendees are listed in the study report.

Risk Implications:

None.

Financial Implications:

Funding will be required to undertake approved strategies.

Other Issues:

There will be specific projects based on this draft plan that will commence prior to the formal adoption of the strategic plan in order to achieve the benefits of these new strategies and to keep abreast of the growth and changes occurring in the municipality.

Assessment:

The draft strategic plan is based on the value management workshop and is reflective of the intent of where the Council should focus its efforts for the next ten years. Council’s annual plans will deliver the content and specific strategies of how these efforts will be delivered.

Options:

1. As per the recommendation
2. Retain the existing strategic plan

RECOMMENDATION:

That Council adopt the proposed updated strategic plan as a draft and invite public submissions in respect of this draft.

DECISION:

Cr Gray 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 Taylor
Cr Williams

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 6.45 pm.

Confirmed:

(Mayor)

Date:

16th February 2011