



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,
15th MARCH 2011**

PRESENT: Cr Foster (Mayor); Cr Taylor (Deputy Mayor); 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); Mrs J Banks (Manager Governance & Human
Services) and Mr J Dryburgh (Senior Planner).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 15th FEBRUARY 2011.

Cr Gray moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of the 15th February 2011, be amended to include Cr Jeffries as an official apology and that the minutes be confirmed.

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 8th MARCH 2011.

Cr Gray moved, Cr Taylor seconded that the Minutes of the Planning Committee Meeting of the 8th March 2011, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

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

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public question time.

4. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2005, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.

There were no declarations of interest.

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

FILE REFERENCE: 0205-6

AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:-

- Feb 17 STCA Board Meeting in Hobart.
- Feb 17 Southern Water Corporation Owners Meeting Hobart.
- Feb 28 GM, DGM and I met with National representatives of a major Bank to discuss opportunities that in the future may secure a Pillar Bank for our Community.
- Mar 02 GM and I met with senior DIER representatives for an update and time frame for the Brighton By-Pass.
- Mar 02 I had a Meeting with Libby Lester, senior lecturer in Journalism at UTAS to discuss issues relating to Brighton Municipality.
- Mar 03 Meeting with both the GM and Council's Senior Engineer.
- Mar 07 GM and I met with a prominent Hobart Developer to discuss investment in the Brighton Municipality.
- Mar 07 Meeting in Hobart of the Light Rail Community Advisory Panel.
- Mar 07 I had a meeting with the Consultant's appointed to do the Business Case Study for the Light Rail Project.
David Greig Director Infrastructure ACIL TASMAN and Nick Wills-Johnson Senior Consultant , Economics Policy ACIL TASMAN.
- Mar 08 Planning Committee Meeting.
- Mar 09 GM and I met with Steve Lewis, Lead Principal of the Jordan River Learning Federation, Gerry White from Colony 47 and Tony Fagan from Learning Services East- discussion re future Community position.
- Mar 09 GM and I had a meeting in Hobart with Infrastructure Minister David O'Byrne.
- Mar 09 Civic Centre for the Les Chauffeurs Group concert.

Ordinary Council Meeting

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- Mar 10 Chaired a meeting of the Statewide Water and Sewerage Corporations Owner Representatives. Main topic was to appoint a Common Director to fill the position vacated when Miles Hampton was appointed Chairman of the Corporations.
- Mar 15 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
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 the had attended two meetings of the SWSA recently.

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

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

CARRIED

VOTING RECORD

In favour	Against
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) 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 was 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 supplementary Item 11.8 Delegations - Land Use Planning & Approvals Act. This item is considered as a supplementary item to the agenda as the report was not available when the agenda was prepared. The matter is deemed to be urgent due to changes to Management responsibilities and the appointment of the Senior Planner.

This item is to be considered respectively as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

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

CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

9.1 PLANNING COMMITTEE MEETING – 8/3/11:

The recommendations of the Planning Committee Meeting of 8th March 2011 were submitted to Council for adoption.

Cr Gray moved, Cr Jeffries seconded that the recommendations be adopted except Item 4.8.

CARRIED

VOTING RECORD

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

Item 4.8 was discussed.

Cr Taylor moved, Cr Jeffries seconded that the application be approved subject to conditions.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	Cr Gray
Cr Garlick	Cr Owen
Cr Geard	
Cr Jeffries	
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 reports submitted to the Ordinary Council Meeting.

11. REPORTS FROM OFFICERS:

11.1 MONTHLY FINANCE REPORT AS AT 28 FEBRUARY 2011:

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

Background:

The financial reports were submitted for consideration.

They comprised the summarised financial position and revenue and expenses of the Council for the first eight 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 Garlick seconded that the report be received.

CARRIED

VOTING RECORD

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

11.2 REQUEST TO WAIVE HIRE FEES – LINC TASMANIA:

FILE REFERENCE:

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

Background:

The Education Department have recently appointed two Literacy Co-ordinators with LINC Tasmania in the Brighton and Southern Midlands municipalities. They are based at Gagebrook Primary School until the LINC is constructed at Bridgewater.

The Literacy Co-ordinators are requesting from Council free use of the Civic Centre, Council Chambers, Old Beach Community Centre and any other Council spaces in order to meet clients, volunteer tutors and to run literacy classes until the LINC is operational.

Consultation:

Literacy Co-ordinators and Council Services Officer.

Risk Implications:

Council sets a precedent of allowing State Government, and in particular the Education Department free use of Council's facilities.

Financial Implications:

Depending on the use needs lost revenue could be in the order of up to \$10,000.

Other Issues:

Council's Partnership Agreement with the State Government, and in particular the Department of Health & Human Services allows for free use of Council venues in relation to targeted health events i.e. Men's, Women's and Youth Health.

Assessment:

Council should support the early completion of the LINC and not offer incentives that could have potential to delay construction such as the waiver of property hire fees. The LINC is expected to cost the Education Dept. approximately \$5 million so any delay in capital expenditure equates to a departmental saving of around \$6,000 per week.

The hourly rates for the various buildings are as follows:-

- Old Beach Community Centre - \$21/hour
- Council Chambers, Gagebrook - \$21/hour
- Civic Centre – Meeting room - \$42/hour
- Pontville Hall – supper room - \$21/hour

It is unknown as to the frequency of our facilities, particularly as this program is new and only commenced in January.

Options:

1. As per the recommendation.
2. That Council reduce the hire fee for the LINC Literacy Service by 50% on all Council owned buildings.
3. That Council waive the hire fees for the LINC Literacy Service on all Council owned buildings.

RECOMMENDATION:

That Council charge the Education Department full hire fees for the use of Council owned building for the LINC Literacy Services.

DECISION:

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

CARRIED

VOTING RECORD

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

11.3 PLANNING & BUILDING FEES – DONATION:

FILE REFERENCE: 0653

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

Background:

Councillors may have seen the article in the Mercury newspaper on the 2nd March 2011, regarding the Davie family at Honeywood.

Their daughter has both Down syndrome and cerebral palsy and the family are in the process of fundraising in the hope of purchasing a hydrotherapy facility in their home.

Consultation:

Mayor, Deputy General Manager, Council Services Officer, Admin Officers – Regulatory Services.

Risk Implications:

May set a precedent for other families in need within the municipality.

Financial Implications:

Due to the unknown hydrotherapy facility to be installed the exact planning and building fees are unknown but would be in the vicinity of \$1,200.

Other Issues:

The Davie family have not approached Council officers to request that the fees be waived, however Cathy Harper has contacted the family to gauge the type of facility that they were proposing.

Assessment:

The article stated that “council would most likely deem it a pool rather than a treatment so there are political hurdles as well as financial”.

This may be the case but Council have not been approached regarding the installation of the facility so are unable to comment on this statement.

However, if deemed to be a ‘pool’ then there would be planning and building applications to be submitted.

Options:

1. As per the recommendation.
2. That Council not waive the Council fees for the Davie family at Honeywood.

RECOMMENDATION:

That Council waive any planning and building fees for the installation of the hydrotherapy facility in the Davie home at Honeywood, if requested and applications complied, and that the total amount be classed as a donation and reported in Council’s Annual Report.

DECISION:

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

CARRIED

VOTING RECORD

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

11.4 APPLICATION FOR KENNEL LICENCE – 28 PEGASUS DRIVE, DROMEDARY:

FILE REFERENCE: PEGASUS/28
AUTHOR: Manager Governance & Human Services
(Mrs J Banks)

Background:

An application has been submitted for a kennel licence for up to fifteen greyhounds at 28 Pegasus Drive, Dromedary.

The site comprises a rural residential property of 2.390Ha and contains a dwelling and associated outbuildings. The kennel enclosure is existing and together with the dwelling, is located in a cleared level area. The proposal has a number of runs for the dogs on the Boyer Road side of the block with the kennels being situated up closer to the owner's house.

The applicant will be breeding the dogs on site and currently has seven (7) four month old pups.

Consultation:

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

Public notification of the kennel licence application has been carried out by the owner and there were seven (7) objections from residents in Pegasus Drive, Dromedary.

Risk Implications:

None foreseen.

Financial Implications:

None foreseen.

Other Issues:

Kennel licences require annual renewal and Council's Animal Control Officer (ACO) inspects the premises annually prior to renewing any licence.

The Dog Control Act incorporates the necessary authority for the ACO to act on noise complaints from excessive barking, the treatment of animals and condition of the premises.

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

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

Assessment:

Council's Policy 4.3 states that the following should apply:-

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

1.0 – 2.0 ha for 3-4 dogs

2.0 – 5.0 ha for 5-7 dogs

5.0 – 10.a ha for 8-10 dogs

Greater than 10 ha for 11-20 dogs

The majority of objections related to noise. The owners took up residence in January this year and we have received a complaint regarding barking.

Waste disposal has been discussed with the owner on-site by Council's Animal Control Officer and this has been resolved satisfactorily.

The ACO has inspected the site, consulted with the applicant and recommends that the General Manager issue the kennel licence subject to conditions.

There are currently seven 4 month old pups on-site.

Options:

1. As per the recommendation.
 2. To resolve not to support the application and advise the General Manager not to issue a kennel licence.
-

RECOMMENDATION:

That in accordance with Council Policy 4.3, Council resolve to recommend to the General Manager that a kennel licence be issued pursuant to the *Dog Control Act 2000* for the keeping of up to seven greyhound dogs at 28 Pegasus Drive, Dromedary and that the following conditions be included on the kennel licence:

1. The Council is to be notified of any change in the breed.
2. Any change in the breed of dogs may require the submission of an application for a new kennel licence.
3. Adequate provision for the health, welfare and control of all dogs.
4. Compliance with all laws relating to public health, environmental protection and required building, plumbing and planning approvals for the kennel structures.
5. 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*.
6. The condition of the premises shall not create a nuisance at any time.

DECISION:

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

CARRIED

VOTING RECORD

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

11.5 ROYAL FLYING DOCTOR SERVICE (RFDS) – USE OF BRIGHTON CIVIC CENTRE – ‘BREATHING HEARTS’ PROJECT:

FILE REFERENCE: 0653
AUTHOR: General Manager
(Mr R Sanderson)

Background:

The Royal Flying Doctor Service (RFDS) is funding an outpatient program of education, exercise training and lifestyle training in chronic disease self management for patients referred by doctors of the Green Point Clinic. The project model is titled “Breathing Hearts”.

Bridgewater has been selected as an outlying area not easily accessible by existing services. The project expects a reduced mortality from ischaemic heart disease of 25-30% for participants.

The project is funded by the RFDS for salaries and travel costs. The RFDS have requested to use the Brighton Civic Centre for the program with no venue hire cost.

The project is detailed in the attachment.

Consultation:

The author and staff met with the RFDS President and a Physiotherapist at the civic centre.

Risk Implications:

None identified.

Financial Implications:

The civic centre is charged out at \$103/hr. For an anticipated 13 days for the program (at 7 hrs/day) Council would need to recognise approximately \$9,373 as a donation under Section 77 of the Local Government Act.

Other Issues:

Council should monitor the outcomes of this project.

Assessment:

This project would clearly benefit the selected Brighton outpatients. It would also be a positive model for other programs if proven to be successful.

The request for Council’s contribution is in possible foregone venue hire revenue rather than a direct cash contribution.

It is recommended that Council supports the project and waives the hire fees for the civic centre as requested by the RFDS.

Options:

1. As per the recommendation
2. Do not support the "Breathing Hearts" Project

RECOMMENDATION:

That Council supports the Royal Flying Doctors Tasmania "Breathing Hearts" Project by allowing the use of the Brighton Civic Centre for the project and waiving venue hire charges.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
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)

The General Manager and Deputy 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.

RECOMMENDATION:

That the report be received.

DECISION:

Cr Owen moved, Cr Williams seconded that the report be received.

CARRIED

VOTING RECORD

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

11.8 DELEGATION – LAND USE PLANNING & APPROVALS ACT 1993:

FILE REFERENCE: 0056

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

Background:

Councillors may recall that this delegation was amended in June, August 2007 and December 2010, however there is a need to remove and add staff based on recent changes of the delegated officers.

Section 6 of the *Land Use Planning and Approvals Act 1993*, enables a planning authority to delegate some of its functions and powers to assist in the smooth and efficient running of Council affairs.

In order for Council to make a valid delegation, legislation requires:

- a. A planning authority must have authority from legislation to delegate the Function
- b. The legislation must allow the authority to delegate the Functions or powers to Delegate
- c. An authority must resolve to make the delegation
- d. Council must resolve to seal an Instrument of Delegation

Consultation:

Senior Staff.

Risk Implications:

Council may incur legal costs if demonstrated that Council’s delegation/s are invalid.

Financial Implications:

None unless delegations are deemed invalid and action is taken against Council.

Other Issues:

None identified.

Options:

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

RECOMMENDATION:

That the authority resolve to delegate the following functions and powers to Mr Ron Sanderson (General Manager); Mr Greg Davoren (Deputy General Manager); Mr Heath Macpherson (Municipal Engineer); Mrs Janine Banks (Manager Governance & Human Services) and Mr James Dryburgh (Senior Planner) in accordance with Section 6 of the *Land Use Planning and Approvals Act 1993*.

Land Use Planning & Approvals Act 1993

1.	S.43I(4A) - Extension to s.43 permit
2.	S.53(5A) - Extension to s.57 & s.58 permit
3.	S.54 - Additional information
4.	S.55 - Correction of mistakes
5.	S.56 - Minor amendments to permits not originally determined at a Council meeting
6.	S.57(2) - Application for discretionary permit – to refuse to grant a permit within 7 days
7.	S.57(5) - To extend the 14 day representation period
8.	S.57(6) - To grant a permit where no objections were received and to refuse to grant a permit for which an extension of time has not been granted by the applicant
9.	S.57(6) and 6A) - To extend the 42 day time period
10.	S.57A - Mediation
11.	S.58 - Approval of permitted applications

12.	S.64 - Enforcement proceedings
13.	S.71 - Planning authority may enter into agreements
14.	S.73 - Bonds and guarantees
15.	S.73A - Payments and contributions for infrastructure
16.	S.74(3) - Duration of agreement
17.	S.75 - Amendment of agreements
18.	S.78 - Registration of agreements

The Delegations are made on the following conditions:

1. The Delegation is subject to the conditions or restrictions (if any) outlined in the table above.
2. The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve.
3. The Delegation is subject to the Council’s by-laws or the provisions of any Act.
4. That the general Instruments of Delegation in relation to the Act listed above be signed and sealed by the authority.

DECISION:

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

CARRIED

VOTING RECORD

- | In favour | Against |
|------------------|----------------|
| 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.

Meeting closed: 6.30 pm

Confirmed:

(Acting Mayor)

Date:

19th April 2011