



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.30 P.M. ON TUESDAY,
18th SEPTEMBER 2012**

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

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); Miss J Tyson (Planning Officer) and Mrs A Wilson (Project Engineer).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21st AUGUST 2012.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of the 21st August 2012, be confirmed.

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 11TH SEPTEMBER 2012.

Cr Gray moved, Cr Geard seconded that the Minutes of the Planning Committee Meeting of the 11th September 2012, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

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

CARRIED

VOTING RECORD

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

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.

Cr Owen declared an interest in Item 9.1 (Planning Committee)

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:-

- Aug 27 Meeting at council with various Developers and Senior Staff.
- Aug 28 Attended an information forum on the Water and Sewerage Legislation at the C3 Church in South Hobart. Cr Gray also attended.
- Aug 30 Meeting with the Mayor of Clarence Ald Doug Chipman.
- Aug 31 Water and Sewerage Owner Reps meeting at Southern Water office in Moonah. Presentation of the Quarterly Report.
- Sep 03 STCA Infrastructure Committee met with the Tasmanian Liberal Senate team to discuss Infrastructure items for the south of Tasmania.
- Sep 04 James Dryburgh and I met with the ABC to discuss a site for an OB in Brighton on Thursday the 6th of September.
- Sep 06 Participated along with James Dryburgh and Jerry De Gruys on the Leon Compton ABC mornings program
- Sep 10 I met with the Manager of the CFCC "Tagari lia" to discuss issues of concern re pathways and vandalism.
- Sep 11 Meeting at Council with senior staff.

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- Sep 11 Scott Percey and I met with the Manager of the CFCC "Tagari lia" to discuss the issues of concern that they have.
- Sep 11 General Manager and I met with Tim Morris the Greens member for Lyons.
- Sep 11 Council Planning Committee meeting
- Sep 13 Owner Reps of the new Water Corporation meeting in Glenorchy.
- Sep 13 Elected Members and staff forum on the new constitution for the single Water and Sewerage Corporation.
- Sep 14 Water and Sewerage Implementation committee meeting at LGAT Hobart.
- Sep 18 Brighton Council ordinary council meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Taylor moved, Cr Geard 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 Owen	
Cr Taylor	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

Cr Geard advised that he had recently attended a Pontville Users Group meeting.

Cr Garlick 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 Owen	
Cr Taylor	

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

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

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

6. NOTIFICATION OF COUNCIL WORKSHOPS:

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

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

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2005, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

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

9. REPORTS FROM COMMITTEES:

Cr Owen left the meeting.

9.1 PLANNING COMMITTEE MEETING – 11/9/12:

The recommendations of the Planning Committee Meeting of 11th September 2012 were submitted to Council for adoption.

Cr Gray moved, Cr Geard seconded that the recommendations of the Planning Committee meeting of 11th September 2012 be adopted.

CARRIED

VOTING RECORD

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

Cr Owen rejoined the meeting.

10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2005, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10. on this agenda, inclusive of any supplementary items.

There were no Planning items listed on this Agenda.

11. REPORTS FROM OFFICERS:

11.1 REQUEST FOR FINANCIAL ASSISTANCE - ART HOUSE/ SCHOOL OF ART RESIDENCY:

FILE REFERENCE:

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

Background:

Eve Mills, Art House Co-ordinator/Art Teacher at the Jordan River Learning Federation has written to Council seeking \$2,000 to assist fund a resident artist in third term 2012.

Ms Mills has received \$11,000 from the Kimberley Foundation in Melbourne to run another Art House/School of Art residency.

Consultation:

Eve Mills (Jordan River Learning Federation); John Klug (Able Australia); Steve Lewis (Jordan River Learning Federation)

Risk Implications:

May set a precedent to approve requests for funds outside of Council's Annual Grants & Donation process.

Financial Implications:

Council's grants and donations budget of \$71,000 for this financial year has already been allocated.

If approved the 2012/13 budget allocation for grants and donations will be over-expended.

The Jordan River Learning Federation, Able Australia or UTAS are not providing any financial contribution to this project.

Other Issues:

Ms Mills has engaged Tony Thorne (Comic Strip/ Animation) for five weeks from 15th October to 27th November 2 days per week at the Art House, Eddington Street, Bridgewater.

Assessment:

There have been 2 highly successful Art House/School of Art partnerships in the Art House during 2010 and 2011.

The first residency focused on two artists working with 55 Year 5-10 students from the Jordan River Learning Federation across five campuses. The second residency focused on 20 aspirational student in Years 5-11 across five campuses in the Federation.

Ms Mills has advised that 20 students will participate over the 5 week period in 2012.

Options:

1. As per the recommendation.
2. That Council not donate \$2,000 to the Art House residency program.
3. That Council donate a different amount to the Art House residency program.

RECOMMENDATION:

That Council donate \$2,000 to the Art House residency program for Term 3, 2012.

DECISION:

Cr Taylor moved, Cr Geard seconded that Option 2 be adopted.

CARRIED

VOTING RECORD

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

11.2 STORMWATER STRATEGY:

FILE REFERENCE:

AUTHOR: Project Engineer
(Mrs A Wilson)

Background:

Stormwater has been identified as an area that requires greater examination to meet evolving community expectations and standards. It is proposed Council adopt a stormwater strategy to provide clear direction for future stormwater management for Council and developers and identify potential stormwater issues that may arise.

Consultation:

Municipal Engineer, Senior Technical Officer, Project Engineer, Project Officer.

Risk Implications:

If Council does not adopt a stormwater strategy and start to assess current infrastructure against standards and future development it will open Council to a number of risks.

These include:

- Liability risk from not identifying or addressing any flood issues that may affect private property.
- Risk of approving inappropriate development on flood prone land.
- Risk of losing opportunities to manage current and future issues.
- Risk of adopting inefficient infrastructure due to lack of planning.
- Risk of unexpected cost obligations if upgrades are required to Council infrastructure to facilitate development.

Adopting the proposed overall strategy and assessing each catchment as recommended will mitigate these risks.

Financial Implications:

Financial implications of adopting the strategy include:

- Cost of eventually updating Councils stormwater assets to the adopted service levels. This is a long term cost.
- Cost of implementing the new service of stormwater treatment. This will require some initial costs and relatively high ongoing maintenance costs.
- Opens possibility of receiving funds towards treatment from developers.

Other Issues:

The strategy will formalise Councils approach to stormwater treatment and Water Sensitive Urban Design. It will guide the subdivision guidelines currently under development.

The strategy proposes to adopt guiding principles that include management of stormwater for treatment. This will be a new service for Council as traditionally stormwater had only been managed for drainage. There have been some treatment devices installed ad hoc in the municipality in the past few years but by adopting the strategy Council will commit to pursuing stormwater treatment as standard. It is recognised in the strategy that this will take some time and there is flexibility surrounding the application of treatment.

It needs to be recognised that this is however a new service with new assets and new ongoing maintenance costs. It will also provide the service of helping Council address pollution issues including litter retention and maintain the quality of our natural environments.

As part of the strategy catchments throughout the municipality will be examined and issues and opportunities within each catchment will be identified. These will assist in identifying required works by Council and developers. These plans will be assessed by the asset management staff and, if required due to staff concerns, will be put before Council.

Assessment:

The Stormwater Strategy will be used to update the Stormwater Asset Management Plan and guide funding priorities. It will define and support development controls in the Subdivision Guidelines for Developers document. It will be used as a practical and detailed guide to future stormwater works as well as an overall guide to the direction of stormwater management in the municipality.

By adopting the plan Council will future proof itself in regards to stormwater best practice, climate change scenarios and identifying and managing stormwater risk.

Options:

1. As per the recommendation.
2. Council does not support the proposed Stormwater Strategy.

RECOMMENDATION:

Council adopts the proposed Stormwater Strategy.

DECISION:

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

CARRIED

VOTING RECORD

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

11.3 STORMWATER MANAGEMENT PLAN – NORTH EAST OLD BEACH:

FILE REFERENCE:

AUTHOR: Project Engineer
(Mrs A Wilson)

Background:

A Brighton Council Stormwater Strategy has been proposed to guide the future direction of stormwater management within the municipality. The Strategy recommends creating stormwater catchment plans for sub-catchments within the municipality and has highlighted certain catchments as high priority areas to be assessed. The Old Beach Catchment 1 was a high priority catchment and has since been further divided into sub catchments based on issues that have arisen.

Old Beach 1 North East Section has been assessed as a priority due to possible concerns surrounding the use of Lot 100 Childs Drive. Prior to development Lot 100 was earmarked for use as a flood detention basin. It has not been used as such however there are stormwater issues within the catchment so this report identifies these issues and examines possible solutions. Doing so clarifies the potential uses of Lot 100 from a stormwater prospective.

Consultation:

Municipal Engineer, Senior Technical Officer, Project Engineer, Project Officer.

Risk Implications:

There are a number of risks that already exist in the catchment. These include

- In a rare event there is a flow path through lots 27 Clives, 6, 8, Lot 100 and 11 Childs Drive.
- There is currently some flood risk in a rare event to 27 Clives Avenue and 3/11 Childs Drive. Adopting the recommendation will mitigate some risk to 27 Clives but will not reduce the risk to 3/11 Childs Drive.

Financial Implications:

Financial implications of adopting the recommendation include:

Cost of proposed works <\$10 000

Possible cost to Council if properties highlighted in the report are subjected to a rare event that causes damage.

Other Issues:

This report has been brought forward due to the possible future use of Lot 100 Childs Drive.

This lot was earmarked as a flood detention basin in early development plans but has not been officially used as such. Applications have previously been made to subdivide this lot and have been refused based on Public Open Space concerns. However potential stormwater concerns have been raised in these applications and refusals.

The report highlights that Lot 100 is unsuitable as a flood detention basin for a number of reasons but will still be used as an overland flow path. If development was going to occur on Lot 100 this overland flow path would have to formally be defined by a 4m wide easement along the Western boundary of the lot.

Stormwater storage for the 20 year event has been placed in a different area of the catchment and this will continue as further development occurs.

Some earthworks will have to be done to formally shape the drain along the western boundary of lot 100 to maximise usable area within the lot.

Assessment:

There are some stormwater concerns surrounding this catchment. Using Lot 100 as a flood detention basin will not be an effective means of alleviating these issues.

The report details the possible options for dealing with the concerns in this area. A summary of these options is provided below.

Option 1.

Works	Cost Estimate
Footpath works 27 Clives - reshape path to direct flop away from residence.	\$2000 - \$5000
Define drain and easement through Lot 100 Childs. 4m wide swale and easement.	\$5000
Total	\$7 000 - \$10 000

Option 1A.

Complete Option 1 and the following:

Works	Cost Estimate
Relocate drainage line along Lot 100 entrance	\$7500
Total including works above	\$14 500 - \$17 500

Option 2.

Works	Cost Estimate
Install large side entry pits (Clives Av and Childs Dr) x 2	\$ 8 000
280m 900 dia sw pipe. All inclusive to lay. (Clives Av to East Derwent Highway)	\$ 120 000
Manholes x 5	\$ 15 000
Remove and replace 11 Childs Driveway	\$ 12 000
Remove and replace section of Childs Dr	\$ 3 200
Total	\$ 158 200
Add 15% for contingencies	\$ 182 000

The report highlights 2 options that are possible to deal with these issues into the future. Option 2 will deal with all of the concerns but at great financial cost to Council. Damage that may be caused in the case of a rare event is likely to cost significantly less to rectify than piping the 100 year flow. Therefore it is not considered cost effective to Council to spend \$180 000 on piping the 100 year event when the maximum benefit would be protecting 2 dwellings from minor damage in a rare event and the removal of stormwater flow that is already contained within easements from some backyards.

Option 1A is possible and would divert flow from the backyards of 6 and 8 Childs Drive down the driveway of lot 100 but would involve major earthworks and there are potential complications in doing so. As the flow through 6 and 8 Childs is only likely to affect the yards in a rare event and there is existing drainage easements in both of these properties this option is also not recommended.

Option 1 is considered the most practical option. It has the potential to mitigate most of the risk to the 27 Clives Avenue dwelling and contain the 100 year event within easements along the Western boundary of Lot 100. It would involve some earthworks to lot 100 and discussions with the owners of 27 Clives to remove an unused section of crossover.

This option does come with some risks to Council but is the most cost effective alternative.

Options:

1. As per the recommendation.
2. Council adopts the proposed Stormwater Management Plan - Old Beach 1 North east Section Analysis and adopts options 1 and 1A.
3. Council adopts the proposed Stormwater Management Plan - Old Beach 1 North east Section Analysis and adopts option 2.
4. Council does not accept the proposed Stormwater Management Plan - Old Beach 1 North east Section Analysis.

RECOMMENDATION:

Council adopts the proposed Stormwater Management Plan - Old Beach 1 North east Section Analysis.

Council adopts Option 1 only as provided in the Stormwater Management Plan - Old Beach 1 North east Section Analysis Recommended Solutions.

DECISION:

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

CARRIED

VOTING RECORD

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

11.4 MONTHLY FINANCE REPORT AS AT 31 AUGUST 2012:

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 two months of the 2012/13 financial year.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Not Applicable

Other Issues:

Nil

Assessment:

Nil

Options:

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

RECOMMENDATION:

That the reports be received.

DECISION:

Cr Jeffries moved, Cr Garlick 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 Owen
Cr Taylor

11.5 2012/13 ANNUAL PLAN:

FILE REFERENCE: 0669-3

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The Annual Plan for 2012/13 had been prepared in accordance with Section 71 of the *Local Government Act 1993*, and Council's draft budget.

Consultation:

Senior Management Team

Risk Implications:

Nil

Financial Implications:

In accordance with the adopted budget.

Other Issues:

N/A

Assessment:

Council is required under the *Local Government Act* to adopt an Annual Plan on an annual basis.

Options:

1. As per the recommendation.
 2. That Council not adopt the 2012/13 Annual Plan
-

RECOMMENDATION:

That the 2012/13 Annual Plan be adopted in accordance with Section 71 of the *Local Government Act 1993*, and that a copy be forwarded to the Director of Local Government and Director of Public Health.

DECISION:

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

CARRIED

VOTING RECORD

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

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 Jeffries moved, Cr Garlick 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 Owen
Cr Taylor

12. QUESTION ON NOTICE:

There were no questions on notice.

Meeting closed: 6.40 pm

Confirmed:

(Mayor)

Date:

16th October 2012