



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,
21st AUGUST 2012**

PRESENT: Cr Foster (Mayor); Cr Curran; Cr Garlick; 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 17th JULY 2012.

Cr Curran moved, Cr Jeffries seconded that the Minutes of the Ordinary Council Meeting of the 17th July 2012, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

1.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 14TH AUGUST 2012.

Cr Garlick moved, Cr Jeffries seconded that the Minutes of the Finance Committee Meeting of the 14th August 2012, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

1.3 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 14TH AUGUST 2012.

Cr Gray moved, Cr Curran seconded that the Minutes of the Planning Committee Meeting of the 14th August 2012, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Geard requested leave of absence as he is overseas.

Cr Jeffries moved, Cr Curran seconded that Cr Geard and Cr Taylor be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	

Cr Jeffries
Cr Owen
Cr Williams

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Michael Wiggins addressed Council in relation to a proposed Youth 'Drop in' space at Gagebrook.
- Paul Warner addressed Council in relation to the use of the Old Beach Community Centre for the youth.

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:-

- Jul 18 Brighton Industrial Housing Corporation Board Meeting.
- Jul 19 Noeline and I accepted an invitation to attend a meeting at the Bahai Centre in Hobart titled " Seeking Asylum in Australia " .
- Jul 20 Herdsman'a Cove - Launch of the BIHC.
- Jul 24 Citizenship Ceremony at Council

Ordinary Council Meeting

21/8/12

- Jul 24 Meeting with Simon Touma - owner/developer of the Army Camp subdivision.
- Jul 30 STCA Workshop - Re structure going forward.
- Jul 30 The GM and I met with the Secretary and Deputy Secretary of the Education Department- Discussion on JRLF and Brighton future education needs.
- Jul 30 Accepted the offer to Chair a Forestry Debate at the Civic Centre between Deputy Premier Bryan Green and Opposition leader Will Hodgman.
- Jul 31 The GM and I attended the funeral in Hobart of Mrs Joan Barwick of Tea Tree (the mother of Maurice)
- Aug 01 Accepted an invitation to meet with Senator Lin Thorp - again discussions focused on JRLF.
- Aug 01 STCA Infrastructure Committee met with Minister David O'Byrne.
- Aug 03 GM, DGM ,Leigh Wighton and I had a meeting with Simon Touma - owner/ developer of the Army Camp subdivision.
- Aug 07 Meeting at JRLF with Judy Travers , General Manager of Learning Services-South
- Aug 10 GM, DGM and Senior Engineer at Council.
- Aug 14 Finance Committee Meeting
- Aug 14 Planning Committee Meeting.
- Aug 15 ABC - regular Mayor's invitation.
- Aug 15 Meeting at JRLF with Judy Travers, General Manager of Learning Services-South.
- Aug 16 STCA Infrastructure meeting in Hobart.
- Aug 16 STCA Board Meeting in Hobart.
- Aug 17 LGAT Water and Sewerage Implementation Committee meeting in Hobart.
- Aug 21 Accepted an invitation to address the Brighton Seniors at the Linc.
- Aug 21 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

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 was a Planning Scheme workshop on 14th August 2012. Those present at the workshop were:- Cr T Foster (Mayor); Cr G Taylor (Deputy Mayor); Cr B Curran; Cr W Garlick; Cr L Gray; Cr M Jeffries; Cr P Owen and Cr S Williams.

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

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

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

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

RECOMMENDATION:

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

DECISION:

There were no supplementary items.

9. REPORTS FROM COMMITTEES:

9.1 FINANCE COMMITTEE MEETING – 14/8/12:

The recommendations of the Finance Committee Meeting of 14th August 2012 were submitted to Council for adoption.

Cr Curran moved, Cr Owen seconded that the recommendations of the Finance Committee meeting of 14th August 2012 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

9.2 PLANNING COMMITTEE MEETING – 14/8/12:

The recommendations of the Planning Committee Meeting of 14th August 2012 were submitted to Council for adoption.

Cr Gray moved, Cr Garlick seconded that the recommendations of the Planning Committee meeting of 14th August 2012 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

10. COUNCIL ACTING AS PLANNING AUTHORITY:

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

There were no Planning items listed on this Agenda.

11. REPORTS FROM OFFICERS:

11.1 MIDLAND HIGHWAY, BRIGHTON – TAKE-OVER BY COUNCIL:

FILE REFERENCE: MIDHWY
AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

The Brighton by-pass is currently due to be opened in November. Once the by-pass is open the sections of the Midland Highway and Andrew Street (plan attached) that will be by-passed will no longer be required by DIER. DIER has approached Council to take over ownership of these roads.

Consultation:

General Manager, DIER

Risk Implications:

The roads will be a liability to Council. As it is not a new road the maintenance cost will be higher when first taken over. The road is designed as a highway so once the bypass is opened the traffic volumes will decrease which should increase the life of the road.

Financial Implications:

DIER has submitted to Council a figure of \$786,957 as a possible compensation for Council taking over the roads. This figure is based on resurfacing the two roads.

Brighton Council has also done a condition assessment of the roads looking at all the repairs that would be required prior to resurfacing. This assessment picked up 217 defects of which 167 are deformations of the pavement that would require milling. Using Council's current unit rates the cost to do all these repairs would equate to about \$378,910 plus an additional \$64,700 if line marking was included.

DIER has commented that the roads don't currently need resurfacing so there is value in the existing surfaces.

Other Issues:

DIER has stated that they will not be handing over the Historic Pontville Bridge on the Midland Highway or the Polonia Bridge on Andrew Street.

The sections of road that are to be adopted are approximately 4050m long for the Midland Highway and 2300m long for Andrew Street.

Assessment:

DIER's current proposed calculation is \$786,957. Including the costs that Council have calculated for additional repairs it totals \$1,230,567. If you were to split this down the middle it would equate to \$1,008,762.

Options:

1. As per the recommendation
2. Propose a different amount to approach DIER with.

RECOMMENDATION:

The Council agrees to take over the ownership of the Midland Highway from the new roundabout at the southern end of Brighton to the end of the municipality to the north at Pontville excluding the Historic Pontville Bridge at Pontville.

The Council agrees to take over the ownership of Andrew Street from the Midland Highway intersection to the start of the Tea Tree Rd / Brighton bypass interchange excluding the Polonia Bridge.

That Council approach DIER requesting a one off payment of \$1,008,762 from DIER to take over the two roads as stated above.

If DIER does not agree with the \$1,008,762 then the General Manager is authorised to negotiate a payment.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.2 RENAMING OF MIDLAND HIGHWAY, BRIGHTON & PONTVILLE:

FILE REFERENCE: MIDHWY
AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

The Brighton by-pass is currently due to be opened in November. Once the by-pass is open the section of the Midland Highway from the new Roundabout at the southern end of Brighton to the border at Pontville that will be by-passed will no longer be required by DIER to form part of their road network. This section of the Midland Highway will need to be renamed.

Consultation:

Nil

Risk Implications:

None

Financial Implications:

None

Other Issues:

The Nomenclature Board have guidelines outlining names that can and can't be used and once a name is submitted they have final approval of what name is approved.

Assessment:

Some possible names are:

- Brighton Road
- Main Road
- Macpherson

Options:

1. As per the recommendation.
2. That the road be renamed Main Road.
3. Propose a different name.

RECOMMENDATION:

That Council submit to the Nomenclature Board renaming the section of Midland Highway through Brighton and Pontville - 'Brighton Road'.

DECISION:

Cr Gray moved, Cr Garlick seconded that Option 2 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.3 DISPOSAL OF COUNCIL LAND:

FILE REFERENCE:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

At the July Council meeting Council authorised the sale of three packages of land to be included as part of the agreement with the state government to develop affordable housing in Bridgewater and Herdsmans Cove.

The properties included:

- Taylor Crescent Bridgewater identified on sealed plan 31616/1696, 35464/1 & 30857/1762
- Lot 1513 Paice Street Bridgewater
- Lot 628 Lamprill Circle Gagebrook

Consultation:

Sale advertised twice in The Mercury newspaper.

Risk Implications:

Nil

Financial Implications:

Valuation of land is estimated at an average of around \$50,000 per lot when developed.

Other Issues:

Nil

Assessment:

Council advertised the above land for sale in accordance with section 178 of the *Local Government Act*. Section 178 requires Council to publish its intentions to sell on at least 2 separate occasions in *The Mercury* and notify the public that objections to the proposed sale will be considered by Council. Council will advise the objectors of its decision and an objector may also appeal to the Minister within 21 days of the Council's decision

Council only received 1 objection from a developer to the sale of all properties. No objections were received by residents.

Issues raised by the objector included:

The loss of recreational and public land.

Response – Council has established a principle that all money raised from the sale of land will be solely used for the purchase and development of recreational and public land.

The land is zoned recreation and has little or no value

Response – Council will not sell land zoned recreation.

Council will be a developer in direct competition with private developers

Response – Council intends to sell land at market value only after a qualified valuation. Council intends to restrict sales for house and land packages of quality houses only. Other developers believe Council's approach to increase private ownership of new quality houses in Bridgwater and Herdsmans Cove will stimulate market conditions for further private development.

Increase housing density may result in greater socio economic disadvantage.

Response – Residents have supported the increase in quality private home ownership for low income earners and recognise the positive influence on socio economic conditions for Bridgewater and Herdsmans Cove.

Council is in breach of the National Competition Policy

Response – Council is not in breach of the National Competition Policy. Any breach of the National Competition Policy will be identified in our annual audit.

Undeveloped Residential Land should be developed first

Residential land development in Bridgewater and Herdsmans Cove has provided limited opportunities for developers over the last 15 years.

The Tasmanian Government Land Information System identified just 14 land sales in Herdsmans Cove over the last 5 years. Council's approach to increase private ownership of new quality houses in Bridgewater and Herdsmans Cove will stimulate market conditions for further private development

Options:

1. As per the recommendation
2. Do not authorise the sale of:-
 - Taylor Crescent Bridgewater identified on sealed plan 31616/1696, 35464/1 & 30857/1762
 - Lot 1513 Paice Street Bridgewater
 - Lot 628 Lamprill Circle Gagebrook

RECOMMENDATION:

That Council authorise the sale of:

- Taylor Crescent, Bridgewater identified on sealed plan 31616/1696, 35464/1 & 30857/1762;
- Lot 1513 Paice Street, Bridgewater;
- Lot 628 Lamprill Circle, Gagebrook;

And advise the objector of its decision.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	Cr Owen
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Jeffries	
Cr Williams	

12. QUESTION ON NOTICE:

There were no questions on notice.

Meeting closed: 7.00 pm

Confirmed:

(Mayor)

Date:

18th September 2012