



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,
17th JANUARY 2012**

PRESENT: Cr Foster (Mayor); Cr Taylor (Deputy Mayor); Cr Curran; 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 20th DECEMBER 2011.

Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of the 20th December 2011, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Margie Nolan, Centre Leader, Bridgewater Aboriginal Child and Family Centre addressed Council in relation to the services to be offered at the Child & Family Centre.
- Carrie Southern, Inspiring Place addressed Council on the Draft Public Open Space Strategy.
- Cr Gray addressed Council in relation to a Code of Conduct matter.

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:-

Dec 21	Meeting with the Lord Mayor of Hobart, the Glenorchy Mayor and the General Manager's of Hobart, Glenorchy and Brighton.
Dec 22	Depot Christmas Lunch.
Dec 23	Funeral Service for Glenda Wardlaw, wife of former LGAT CEO Stewart Wardlaw.

Jan 17 Meeting with Senator Lisa Singh.
Jan 17 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

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

Premier's Physical Activity Council - Cr Owen representative.

There were no reports from Councillors.

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 there were no workshops 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:

There were no supplementary items.

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.

There were no planning reports to be discussed at this meeting.

11. REPORTS FROM OFFICERS:

11.1 INTENTION TO ADOPT AVERAGE AREA RATING:

FILE REFERENCE:

AUTHOR: Deputy General Manager
(Mr G R Davoren)

Background:

Council has provided flat rating to all residential properties now for 5 years. In recognition of capacity to pay, council has previously supported that homes located in Bridgewater, Gagebrook and Herdsmans Cove area pay a lower general rate than the remaining locations within Brighton municipality. All commercial properties are rated based on their AAV.

The new *Local Government Amendment bill (No, 2) 2011* was recently passed to provide legislative certainty to Brighton Council's current rating structure. The bill allows for Councils to apply a flat rate known as an "Average Area Rate" (AAR) by location for residential properties. This bill also requires any Council adopting the AAR to undertake a community consultative process and apply for a certificate of compliance regarding the process.

Consultation:

Julie Evans - (Senior Rates Officer)

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

Nil

Assessment:

Council has supported the continuation of its current rating structure, including flat residential rating by location and an expectation to keep rates at or below CPI.

Due to the onerous nature and timing requirements to adopt an AAR, it would be appropriate for Council to declare its intent prior to undertaking the community consultative process to qualify for a government certificate to adopt an AAR rating methodology.

Proposed timing and process required to adopt an Average Area Rate

17 Jan 2012	Adopt AAR principle - OCM
20 Jan 2012	Advertise in The Mercury, Council's intent to adopt an AAR. Write to all residential ratepayers of Council's intent to adopt an Average Area Rate. Calculate and develop residential rating options
Feb (early) 2012	Prepare summary document of written submissions for OCM & Public Meeting for AAR (14/02/12)
14 Feb 2012	Public Meeting for AAR followed by Committee Meetings.
15 Feb 2012	Prepare Minutes of AAR public meeting and include a summary document. Address all issues raised at meeting to adopt AAR. Prepare recommendation to adopt AAR at next OCM
21 Feb 2012	Adopt AAR - OCM
22 Feb 2012	Application to Director of Local Government for Certificate to apply AAR
Feb 2012	Prepare rates & charges policy
14 Mar 2012	Certificate received from Director of Local Government
Mar 2012	Prepare Rates resolution Establish legal support for rate resolution

April 2012	Finalise budget
17 Apr 2012	OCM - Budget adopted in principle with final rate resolution inclusive of AAR rating methodology
18 Apr 2012	Media marketing of intent to keep rates at CPI and continue with flat rating methodology.
19 Jun 2012	OCM Adopt budget including Rates Resolution

Options:

1. As per the recommendation.
 2. That Council not begin the consultative procedures required to adopt an Average Area Rate.
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RECOMMENDATION:

That Council begin the consultative procedures required to adopt an Average Area Rate in accordance with the new *Local Government Amendment bill (No, 2) 2011*

DECISION:

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

CARRIED

VOTING RECORD

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

11.2 STRATEGIC PLAN REVIEW – RISK MANAGEMENT:

FILE REFERENCE:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

In December 2011, MAV Insurance conducted its annual Public Liability and Professional Liability Audit. A finding from this audit suggests that Council needs to demonstrate its commitment to risk management in Council's Strategic Plan.

Consultation:

Julie Dean, Senior Risk Consultant (MAV Insurance); Wendy Young (Executive Assistant) and Greg Davoren (Deputy General Manager)

Risk Implications:

Nil.

Financial Implications:

N/A

Other Issues:

N/A

Assessment:

To include a risk statement as a key issue in Council's Strategic Plan.

Options:

1. As per the recommendation.
 2. That the risk statement not be included in Council's Strategic Plan.
-

RECOMMENDATION:

That the following risk statement is included in Council's Strategic Plan:-

Council is actively committed to the prevention and control of risks throughout the municipality in order to maintain and enhance quality of living for its employees, contractors, residents and visitors.

DECISION:

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

CARRIED

VOTING RECORD

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

11.3 PROPOSED ITEMS FOR A NEW PARTNESHIP AGREEMENT WITH THE STATE GOVERNMENT:

FILE REFERENCE: 0823

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The State Government has changed the way it will enter into partnership agreements with councils. Bilateral partnership agreements will only be developed where the State and councils identify a need.

Agreements will be developed where issues:

1. are unique to a local area and of significant interest to the State and the respective council;
2. are outside of normal business and are unlikely to be delivered through other processes;
3. have specific and achievable objectives that are supported by both the Council and the State; and
4. can be adequately resourced.

The following matters are proposed to be included in a new partnership agreement with the State Government.

1. The relocation of the Bridgewater police station to the existing ambulance and fire brigade site to create an emergency services precinct.
2. The future public education needs of Brighton, including the most appropriate long-term location of the Bridgewater school farm and the development of a secondary education campus.
3. The development of new public buildings, including council chambers at Green Point in Bridgewater and the use of the Tivoli Road council offices.

4. The transfer of State Government land to Council for development as affordable housing and light industrial uses in Bridgewater and the transport hub.
5. The creation of a rare and endangered flora 'offset' zone within the Brighton Municipality.
6. The transfer of the Green Point Nature Reserve to Council for development as a park.

Consultation:

Reports provided in 2011 by Paul Lennon and Nigel Reeves and the Deputy Director of Local Government.

Risk Implications:

That the State Government is not willing to consider these items in a partnership agreement.

Financial Implications:

None resulting from this recommendation. Successful negotiations resulting from an agreement have the potential for positive financial outcomes for Council and the community.

Other Issues:

Council should pursue this agreement with haste in order to give momentum to its desire to manage growth in the municipality.

The inclusion of the Bridgewater High School Farm will likely entice a push from some persons to make this a political issue.

Assessment:

The proposed partnership agreement between Council and the State Government will document the shared desire of the two tiers of government to work closely together to enhance a strong cooperative relationship.

Both parties are strongly committed to –

- The strategic delivery of shared economic, social and environmental priorities;
- Building regional capacity; and
- Identifying and delivering joint initiatives that contribute to the wellbeing of the local Brighton community

The proposed items involve different government departments such as Education, Police, Crown Land, DIER and Housing. Many issues are intertwined among these departments and the State Government is responsible making decisions for any of these matters to be undertaken. For example, the future of the school farm is entirely the prerogative of the Department of Education.

Following is the rationale for the proposed items for a new partnership agreement.

1. The relocation of the police station to the ambulance/fire brigade site would provide a much needed modern police station which could be partly funded by the sale of the existing site for commercial development. The existing site would be more appropriately used for retail or health services. The new emergency services precinct would provide lower operating costs and effectiveness through sharing facilities and more effective operations.
2. The Education Department is reviewing its future requirements in Brighton with a view that a new school will be required in the not too distant future. The operation and location of the Bridgewater High School Farm should be considered in this review.

The existing site (or part of the site) of the school farm could potentially be developed as a medium density residential precinct. By including this item in the partnership agreement, Council will have some input to represent the community's interest at a high level for the future education needs of the area.

3. Since further broad scale development in the Gagebrook / Old Beach area was stopped by the Housing Department the Council Offices and Chambers have been left isolated from population centres. Moving to Bridgewater near the Civic Centre would make the council much more accessible to residents and ratepayers. The development of new council offices would stimulate other investment in the area. As the State Government owns some 18.5% of the existing building it is appropriate that the future use of the Tivoli Road building be included in the partnership agreement.
4. The State Government owns parcels of vacant land in Bridgewater that could be better used for affordable housing and light industrial development. Examples are Paice Street adjacent to Council owned land, land near the waste transfer station and land at the new transport hub. One option for Council is to replace its waste transfer station (built in 1986) with a modern facility on land at the transport hub which would free up land on the existing site for new light industrial uses.
5. Over time in Brighton, extensive clearing has left isolated islands of protected native vegetation. This not only inhibits development but inhibits wildlife movement as well. For some years Council has discussed this idea and it is now appropriate to take action with the relevant government departments.
6. In December 1993 Council requested a possible lease of the Green Point Nature Reserve at Bridgewater. In May 1994 the State Government agreed to lease the land to Council. The matter was referred to the Parks and Recreation Committee of Council. The committee members inspected the site and noted the large expanse of grass requiring slashing. It was resolved in June 1994 that due to financial constraints it recommended that Council not proceed with the lease at this time. Due to Council's current emphasis on developing walking tracks and recreational areas it is appropriate that this item be included in the partnership agreement.

The above are proposed for inclusion for discussion in a new partnership agreement with the State Government. Any specific actions regarding land transactions or capital expense by Council will be brought before Council for approval.

Options:

1. Do nothing
2. Adopt the recommendation

RECOMMENDATION:

That the Council request a meeting with the Premier under the auspices of the Partnership Agreement to discuss the following agenda:-

- a. The relocation of the Bridgewater police station to the existing ambulance and fire brigade site to create an emergency services precinct.
- b. The future public education needs of Brighton, including the most appropriate long-term location of the Bridgewater school farm and the development of a secondary education campus.
- c. The development of new public buildings, including Council chambers at Green Point in Bridgewater and the future use of the Tivoli Road council building.
- d. The transfer of State Government land to Council for development as affordable housing and light industrial uses in Bridgewater and the transport hub.
- e. The creation of a rare and endangered flora 'offset' zone within the Brighton Municipality.
- f. The transfer of the Green Point Nature Reserve to Council.

DECISION:

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

CARRIED

VOTING RECORD

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

12. QUESTION ON NOTICE:

There were no questions on notice.

Meeting closed: 6.55pm

Confirmed:

(Mayor)

Date:

21st February 2012