



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,
21ST FEBRUARY 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 17th JANUARY 2012.

*Cr Geard moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting
of the 17th January 2012, 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	

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 14TH FEBRUARY 2012.

Cr Gray moved, Cr Curran seconded that the Minutes of the Planning Committee Meeting of the 14th February 2012, 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:

- Mr Tony Harrison and Mr Craig Harding (Corporate Communications) addressed Council in relation to Branding. (Branding was a recommendation from Council's Strategic Plan Workshop).

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:-

- JAN 19 MEETING WITH GM AND JOHN LENNON – Re Workshop.
- JAN 19 GM, JANINE AND I MET WITH ROBIN BANKS ANTI DISCRIMINATION COMMISSIONER.
- JAN 24 MEETING WITH GM.
CITIZENSHIP CEREMONY
MEETING AT CENTRELINK IN HOBART , STATE MANAGER AND SENIOR PERSONNEL FROM CANBERRA.
STCA MEETING IN HOBART
MANAGER ENGINEERING SERVICES, LEIGH GRAY AND I MET WITH COMMITTEE OF THE OLD BEACH CRICKET CLUB.
- JAN 25 AUSTRALIA DAY FUNCTION CIVIC CENTRE.
- JAN 27 MEETING IN HOBART WITH MILES HAMPTON CHAIRMAN OF THE WATER AND SEWERAGE CORPORATIONS.
- FEB 02 MEETING IN SYDNEY WITH MINISTER FOR IMMIGRATION CHRIS BOWEN.
- FEB 07 GM AND I MET WITH DAVID HUNN CEO OF STCA.
- FEB 07 GM AND I MET WITH AIR MARSHALL RAY FUNNELL CHAIRMAN OF THE TASMANIAN COMMUNITY CONSULTATIVE GROUP, DEAN HULMES AND STEVE INGRAM RE PONTVILLE DETENTION CENTRE.
- FEB 09 SOUTHERN WATER OWNERS MEETING IN HOBART
- FEB 10 MEETING AT ABLE AUSTRALIA IN MOONAH RE NURSERY FUTURE.
- FEB 10 NOELINE AND I ATTENDED A RECEPTION AT PARLIAMENT HOUSE.
- FEB 13 MEETING WITH MINISTER DAVID O'BYRNE AND MEDIA.
- FEB 14 TASMANIAN CCG MEETING AT THE PONTVILLE DETENTION CENTRE.

- FEB 14 PUBLIC MEETING RE RATE SYSTEM AT COUNCIL
- FEB 14 PLANNING COMMITTEE MEETING
- FEB 14 NOELINE AND I ATTENDED A HUMAN RIGHTS FUNCTION IN HOBART WITH GUEST SPEAKER ROBIN BANKS.
- FEB 15 MEETING WITH NEW MANAGING DIRECTOR OF TOLL MR BRIAN KRUGER
- FEB 17 METROPOLITAN MAYORS MEETING AT BELLERIVE.
- FEB 21 ORDINARY COUNCIL MEETING.

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

Cr Taylor moved, Cr Jeffries 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	

The Mayor presented Emergency Management Certificates to Cr Peter Geard and Council’s Municipal Engineer, Heath Macpherson.

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

Premier’s Physical Activity Council – Cr Owen representative.

Cr Peter Geard advised that he had attended a workshop on Emergency Management for Local Government.

Cr Owen advised that the Premier's Physical Activity Council has dropped all Sub-Committees; including the Local Government Sub-Committee.

Cr Jeffries 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	

5.3 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 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:

The General Manager advised that Item 11.4 Monthly Finance report as at 31 January 2012, was unavailable at the time of Agenda distribution, but was circulated to Councillors the following day and tabled at the meeting.

Cr Owen moved, Cr Garlick seconded that supplementary Item 11.4 be discussed.

CARRIED

VOTING RECORD

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

For the purposes of the Minutes this item was discussed and will remain in chronological order.

9. REPORTS FROM COMMITTEES:

9.1 PLANNING COMMITTEE MEETING – 14/2/12:

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

Cr Gray moved, Cr Geard seconded that the recommendations of the Planning Committee meeting of 14th February 2012 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	

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 BRIGHTON STRUCTURE PLAN REVISION 2012:

FILE REFERENCE: 1015

AUTHOR: Senior Planner
(Mr J Dryburgh)

Background:

In 2009 Brighton Council in conjunction with the Department of Economic Development and the Department of Justice – Land Use Planning Branch undertook the formulation of a Structure Plan for the municipality with its objectives being to:

- Provide a plan for the long-term sustainable growth of Brighton;
- Ensure the timely and necessary co-ordination of key government and business stakeholders;
- Integrate with related studies and programs being undertaken in the municipality; and
- Provide a framework for planning, managing and implementing future commercial, industrial and residential growth to 2026.

The Structure Plan was prepared by Aurecon (formerly Connell Wagner).

The Structure Plan is a strategic planning document that presents a vision and future planning framework for the integrated development of the municipality. It guides the major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives. The Structure Plan provides the foundation for changes within an area by defining the preferred direction of future growth and articulating how that change can be managed.

Council formally adopted and endorsed the Brighton Structure Plan in June 2009.

The Brighton Structure Plan is a vital document for achieving Council's land use planning objectives. It will be crucial in justifying not only planning scheme amendments and Council-driven projects, but in justifying major elements of the new planning scheme as well.

It is necessary to regularly update and revise structure plans as land use changes occur and more is known about likely trends. Since June 2009 population growth predictions for the Brighton area have significantly increased, from approximately 16,500 in 2026 to almost 25,000 in 2032. Clearly, this change has a significant impact on land use planning.

Other strategic work has been done since 2009 that is important to feed into the Structure Plan, such as the Draft Public Open Space Strategy, the Southern Tasmania Regional Land Use Strategy, several State Planning Directives (including the Template for new planning schemes), the Southern Region Industrial Land Study (Stage 1) and some ecological values work.

In addition, several planning scheme amendments have occurred, as have a number of developments and subdivisions. All of these matters make it imperative to update the Structure Plan to ensure its relevance and ongoing function.

Key changes from the Brighton Structure Plan 2009 within the Brighton Structure Plan Revision 2012 are as follows:

- All background sections are updated to reflect the State planning directives and the Regional Strategy which have come into effect since the original BSP.
- Updated to reflect additional strategic documentation, such as Stage 1 of the Industrial Land Study and the Draft Public Open Space Strategy for Brighton, as well as planning scheme amendments since 2009.
- Updated to reflect and base assumptions and recommendations on the more recent population data, which predicts significantly higher growth than in the original BSP in 2009. This difference has necessitated the revision of predicted demand for various land types and infrastructure throughout the revised BSP.
- Updated with Council's internal statistics from the past couple years.
- Section 9.2.3 of the BSP provides short, medium and long term strategies for managing predicted growth. The BSP supports moves toward housing regeneration led by Council and utilizing infill opportunities provided by Council and Housing-owned land. It also notably recommends a Local Area Plan be prepared specifically for the Brighton town centre, a similar exercise to that carried out to create the Local Area Plan for Bridgewater.
- In response to much higher population growth, additional actions are listed for residential, commercial, industrial and community land use planning with Section 9 of the BSP and some previous actions have been amended (all recommended actions are grouped and can be easily viewed in Section 11.3).

The purpose of this report is to seek formal Council adoption and endorsement of the Brighton Structure Plan Revision 2012.

Consultation:

Through the development of the original Structure Plan the consultants targeted specific stakeholders including government agencies, private sector representatives and community organisations who provided valuable input. The draft Structure Plan was then released for public consultation including a public information and feedback session.

As this revision is predominantly updating the Structure Plan and ensuring the data is as accurate as possible, it is not considered necessary for any further public consultation. In any case, any significant recommendations from the Structure Plan would still need to go through public processes, such as the planning scheme amendment process, to occur.

Risk Implications:

A principle function of the Structure Plan is to inform and underpin the development of a new planning scheme and planning scheme amendments. It is imperative that Council accept the recommendations contained within the Structure Plan and support them in a new planning scheme. The implications if this does not occur are that the value, status and momentum of the process to date will be diminished and weakened which will adversely affect the development of a new planning scheme particularly when it is formally considered by the TPC.

Financial Implications:

The Structure Plan assists in the development of the new planning scheme and Council-driven projects, and as such, should make the process less arduous and resource-hungry.

Options:

1. As per the recommendation.
2. Council does not adopt and endorse the Structure Plan.

RECOMMENDATION:

That Council resolve to formally adopt and endorse the Brighton Structure Plan Revision 2012 and proceed to the preparation of a new planning scheme.

DECISION:

Cr Curran moved, Cr Williams 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. REPORTS FROM OFFICERS:

11.1 BRIDGEWATER SKATE/BIKE PARK SURVEY & SITE OPTIONS:

FILE REFERENCE: EATON/CHESWICK

AUTHOR: Council Services Officer
(Mrs C Harper)

Background:

Councillors may recall that at the Parks and Recreation Committee of 11th May 2010, the Committee suggested Eaton Place, Bridgewater be the preferred site for a skate/bike park, the other site was Cheswick Crescent, Bridgewater.

In August 2010, the Committee adopted a recommendation that a Sub-Committee be formed to source funding for the proposal. The Sub-Committee to consist of Cr Geard, Cr Jeffries and member/s from Youth Justice, Police and Australian Red Cross.

A working group has been formed to investigate feasibility, planning and construction options for a proposed Bridgewater skate/bike park. This group includes, Cr. Peter Geard, Cr. Moya Jeffries, Cr. Wayne Garlick, Dennis Crispin (Red Cross), Damian Williams (Community Representative), Andrew Dean & Byron Howard (PCYC), Jen Butler (Michael Polley's office), representative from youth justice, and Scott Ellwood (Bridgewater Community Centre). As part of their planning process a survey was undertaken with students of the Jordan River Learning Federation during July - September 2011.

It is requested by Cr Peter Geard (Chair of Bridgewater Skate/Bike Park working group), that Council acknowledge the "skate/bike park survey". The working group identified Eaton Place or Cheswick Crescent, Bridgewater as potential options for the proposed park, subject to community, council and funding.

Consultation:

Cr Peter Geard, Cr Moya Jeffries, Cr Wayne Garlick, Dennis Crispin (Red Cross), Damian Williams (Community Representative), Scott Ellwood (Bridgewater Community Centre), Greg Davoren (Deputy General Manager) and students of JRLF.

Risk Implications:

N/A

Financial Implications:

Land at Eaton place is zoned residential and has been identified for potential residential development by Council. This land has a market value of around \$200,000 that would be forgone if no longer available for sale.

Land at Cheswick Cres is zoned recreation and if the skate park development is within the area designated for recreational activities outside any area with potential for development, then the market value of the land need not be considered.

Other Issues:

Nil.

Assessment:

N/A

Options:

1. To acknowledge the survey and support in principle a skate/bike park in the vicinity of Cheswick Crescent to be included as part of the budgetary process.
 2. To acknowledge the survey and support in principle a skate/bike park in the vicinity of Eaton Place to be included as part of the budgetary process.
 3. To not acknowledge the survey.
-

RECOMMENDATION:

That Council acknowledge the survey and recognise the skate/bike park to be included in the budgetary five year plan.

DECISION:

Cr Geard moved, Cr Garlick 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 ASSET MANAGEMENT POLICY:

FILE REFERENCE:

AUTHOR: Asset Management Officer
(Mr G Boyd)

Background:

In December 2011, Jeff Roorda and Associates (JRA) conducted a maturity Audit to assess Council's current asset management processes, systems and documents. The maturity assessment found that asset management within Council is currently not at core maturity. However the report stated that Council is well placed to achieve core maturity by following the recommendations of the report.

The report recommends that Council adopt and implement an Asset Management Policy. A Draft Asset Management Policy has recently been written and has been reviewed by Council's Senior Management Team.

Consultation:

Jeff Roorda (Executive Director - JRA), Heath Macpherson (Municipal Engineer), Greg Davoren (Deputy General Manager), Ron Sanderson (General Manager), Gavin Boyd (Project Officer)

Risk Implications:

Nil

Financial Implications:

N/A

Other Issues:

N/A

Assessment:

As per the recommendation of the report Council has drafted an Asset Management Policy to provide direction as to how Council, as custodians of community assets will sustainably manage current and future assets.

Options:

1. As per the recommendation.
2. Do not adopt the asset management policy

RECOMMENDATION:

That Council adopts the Draft Asset Management Policy.

DECISION:

Cr Geard moved, Cr Garlick 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 INTENTION TO ADOPT AVERAGE AREA RATING:

FILE REFERENCE: 0112

AUTHOR: Deputy General Manager
(Mr G R Davoren)

Background:

At the last Ordinary Council Meeting, Council recommended to begin the consultative process required to adopt an Average Area Rate (AAR) in accordance with the new *Local Government Amendment bill (No, 2) 2011*. Council has now undertaken the main requirements to obtain a certificate from the director of Local Government. Council has written to all residents within our community advising them of Council's intent to apply for a certificate to adopt an average area rate across each suburb and by category of use or non-use of the land for all residential properties. Council has placed a public notice in *The Mercury* and Council has also undertaken the required public meeting in respect of the proposal.

Consultation:

Julie Evans - (Senior Rates Officer)

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

Nil

Assessment:

Following the public notice in The Mercury and letter sent to all Brighton municipality residents of our proposal to obtain authority to make average area rates and request for written submissions, only two submissions were received and are summarised as follows:

Submission 1 – Bridgewater resident – Request for Council to take into account the lower socio-economic areas when evaluating the proposal to set averaged area rates

Submission 2 – Old Beach resident (retired Chief Auditor of the Northern Territory and Assistant Australian Auditor General) – AAR is an equitable way of charging for services that are basically a fixed cost.

Following the public meeting in respect of the proposal to obtain authority to make average area rates, only three residents including one staff member attended. The issues raised by each attendee is summarised as follows:

Attendee 1 – Brighton Resident – Congratulated council on its efficiency.

Attendee 2 – Bridgewater Resident – Very happy. Concerned that the current flat rating policy may be under threat.

Attendee 3 – Pontville Resident (Staff) – In support of AAR.

Council staff received around 20 phone calls in regard to the proposal. All calls were positive in nature. Not one negative call was received.

Options:

1. As per the recommendation.
2. That Council not apply to the director of Local Government for the issue of a certificate to apply average area rates

RECOMMENDATION:

That Council applies to the director of Local Government for the issue of a certificate to apply average area rates to rateable land in the following categories:

- rateable land that is used, or predominantly used, for residential purposes
- rateable land that may be classified as both (i) being used, or predominantly used, for residential purposes; and (ii) non-use land

The AAR is to apply in respect of that financial year to rateable land in the above categories, to all localities in Brighton Municipality which include:

- Bridgewater
- Brighton
- Dromedary
- Gagebrook
- Herdsmans Cove
- Honeywood
- Old Beach
- Pontville

- Tea Tree

DECISION:

Cr Gray moved, Cr Owen 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	

11.4 MONTHLY FINANCE REPORT AS AT 31 JANUARY 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 7 months of the 2011/12 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 Taylor moved, Cr Curran 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	

12. QUESTION ON NOTICE:

There were no questions on notice.

Meeting closed: 7.15pm

Confirmed:

(Mayor)

Date:

20th March 2012