



# Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.30 P.M. ON TUESDAY,  
18<sup>th</sup> AUGUST 2014**

**PRESENT:** Cr Foster (Mayor); Cr Taylor (Deputy Mayor); Cr Curran;  
Cr Gray; Cr Jeffries; Cr Owen and Cr Williams.

**IN ATTENDANCE:** Mr R Sanderson (General Manager); Mr J Dryburgh  
(Development Services Manager) and Mr S Wells (Senior  
Planning Officer).

## **1. CONFIRMATION OF MINUTES:**

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING  
OF 15<sup>th</sup> JULY 2014.

*Cr Curran moved, Cr Williams seconded that the Minutes of the Ordinary Council Meeting of the 15<sup>h</sup> July 2014, be confirmed.*

**CARRIED**

### VOTING RECORD

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE  
MEETING OF 12<sup>TH</sup> AUGUST 2014.

*Cr Taylor moved, Cr Owen seconded that the Minutes of the Planning Committee Meeting of the 12<sup>th</sup> August 2014, be confirmed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

**2. APPLICATIONS FOR LEAVE OF ABSENCE:**

Cr Geard requested leave of absence as he was overseas.

Cr Garlick requested leave of absence as he was interstate.

*Cr Williams moved, Cr Owen seconded that Councillor Geard and Garlick be granted leave of absence.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

**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.

*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 17 Meeting at Brighton Office with UTAS Education consultants Eleanor Ramsay and Michael Rowan to discuss the Education Ambassadors Tasmania program.
- Jul 17 Meeting at Brighton with Linda McKenzie and Rhonda Cockshutt to discuss JRLF school farm process for rezoning.
- Jul 21 Noeline and I attended the funeral service for Governor Peter Underwood.
- Jul 22 Meeting at Brighton Office with Rebecca White MHA.
- Jul 23 LGAT Annual General Meeting in Hobart
- Jul 24/25 LGAT Conference in Hobart.
- Jul 29 Photo shoot with Cr Williams at Council Office.
- Jul 30 Along with Councillors and Staff attended the official opening of Toll Transport at the Transport Hub.
- Aug 03 Meeting at MONA with Kirsha Kaechele.
- Aug 04 Jim Oakley's funeral service at Pontville.
- Aug 05 Meeting with General Manager and James Dryburgh.
- Aug 05 Meeting with Taswater Chairman Miles Hampton.

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- Aug 06 Meeting at Brighton Office with James Dryburgh, Robyn Storey and Jackie Brown to discuss Education and the school farm.
- Aug 07 Meeting at Bridgewater with James Dryburgh, and MONA personnel Kirsha Kaechele, Mark Wilson and Sarah.
- Aug 12 Interview with UTAS journalism student Chelsea Nuss at our Brighton Office.
- Aug 12 Attended Industry Open Day at JRLF Senior school Bridgewater Trade Training Centre.
- Aug 12 Taswater Owners Quarterly Briefing by Chairman and CEO.
- Aug 12 Planning Committee Meeting.
- Aug 15 Meeting at Council with Planning Staff and Ben Wilson re 2 Green Point Road Development Application.
- Aug 15 Meeting with General Manager and Manager Development Services re Remembrance Park.
- Aug 19 Ordinary Council Meeting.

**RECOMMENDATION:**

That the Mayor's communications be received.

**DECISION:**

*Cr Jeffries moved, Cr Curran seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
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 Gray advised that he had attended a SWSA meeting in Cr Geard's absence and reported on discussions at the meeting.

*Cr Owen moved, Cr Jeffries seconded that the report be received.*

**CARRIED**

### VOTING RECORD

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

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

Correspondence and reports from the STCA, LGAT, Taswater 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 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:**

**7.1 ADVERTISING IN BRIGHTON COMMUNITY NEWS – ELECTIONS CANDIDATES:**

Cr Owen has given notice to move the following:-

*That Council not accept election advertisements in the Brighton Community News from candidates for Brighton Council Elections in the 2 months leading up to a Council Election. Candidates will however be able to contribute to a spread in the newspaper that includes a photograph and 150 word statement and in this case all candidates to have equal space on the same page.*

Cr Owen states that his motion is based on the fact that certain pages and positions are far more "prime" than others and it is his belief that all candidates will not be afforded the same opportunity to select those prime positions fairly and equitably. Cr Owen further elaborated at the meeting.

Cr Owen advised that he does not have confidence in the impartiality of the *Brighton Community News* (BCN) editorial staff.

It is his belief that the editor of the BCN, the BCN Facebook page and the Mayor’s Facebook page are one and the same.

**DECISION:**

*Cr Owen moved, Cr Taylor seconded the motion.* **MOTION LOST**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Jeffries	Cr Curran
Cr Owen	Cr Foster
	Cr Gray
	Cr Taylor
	Cr Williams

**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:**

**9.1 PLANNING COMMITTEE – 12/8/14:**

The recommendations of the Planning Committee Meeting of 12<sup>th</sup> August 2014, were submitted to Council for adoption.

*Cr Gray moved, Cr Curran seconded that the recommendations of the Planning Committee Meeting of the 12<sup>th</sup> August 2014, be confirmed except Item 4.4*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

Item 4.4 was discussed.

**RECOMMENDATION:**

That:

1. Council approve the application submitted in accordance with section 57 of the Land Use Planning and Approvals Act 1993 for land at 2 Green Point Road, Bridgewater, to be used for Residential purposes and developed by construction of 30 dwellings & associated works be approved subject to the permit conditions distributed at this meeting and in accordance with the amended plans dated 18-8-2014, also distributed at this meeting.

2. Council instruct staff to provide a letter to the owners of the subject land stating that at such time as the proposed new road access through 2 Green Point Road to the East Derwent Highway is created, the road parcel that currently connects Gunn Street to the East Derwent Highway will be transferred from Brighton Council to them, and that Council will facilitate the "road" notification being removed from the title for the land.

### **Revised Permit Conditions**

Based on revised plan dated 18 August 2014 subject to the following:

That the application submitted in accordance with section 57 of the *Land Use Planning and Approvals Act 1993* for land at 2 Green Point Road, Bridgewater, to be used for Residential purposes and developed by construction of 30 dwellings & associated works be approved subject to the following conditions.-

#### ***General***

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) The development must be completed in a single stage only.
- (3) Fencing on and within 4.5 metres of the frontage is prohibited, other than for fencing private open space associated with unit U25, U28, U32 and U33 to a maximum height of 1.5m (plan reference SH7305 o1/43 dated 18 August 2014).
- (4) No structures are to be constructed within the 20m wide strip of land which contains the vehicular access.

#### ***Amended Plans Required***

- (5) Prior to the lodgement of a building permit application, amended plans are to be submitted to Council's Manager Development Services showing:
  - i. full set of revised drawings consistent with Drawing WH7305 Sheet o01/43 dated 18 August 2014.
  - ii. the allocation of a communal open space area in the undeveloped land adjacent to U14 and U33 (plan reference SH7305 o1/43 dated 18 August 2014).;
  - iii. dimensions of the internal access road increased in accordance with the Traffic Impact Assessment prepared by Pitt and Sherry and dated 12 May 2014;



- iv. the location of the south-east vehicular access point in accordance with the Traffic Impact Assessment prepared by Pitt and Sherry and dated 12 May 2014; and

Once satisfactory the plans will be endorsed as being part of this permit and any future building permit application must be consistent with this endorsement.

- (6) All units must be designed to achieve a L10 (18 h) 63 dB(A) design target external noise level and L10 (18 h) 68 dBA operational upper limit measured at the building façade most exposed to traffic noise in order satisfy the *Tasmanian State Road Traffic Noise Management Guidelines* dated November 2011 without mitigation measures outside the structure. These levels are to be complied with based upon the future duplication of the East Derwent Highway. The developer must demonstrate compliance with the target level through plans submitted for building approval with any necessary supporting information and reports.
- (7) Each unit is to be provided with concrete step free access into the main / front entrance.
- (8) Prior to the issue of a building permit, a plan must be prepared to the satisfaction of Council's Manager Development Services describing all communal spaces and, if that land is not to be subject to a strata scheme, defining their management body in the absence of a body corporate.
- (9) The northern boundary of the 20m wide driveway corridor must not be fenced.

***Private open space***

- (10) Each dwelling must be provided with at least 70m<sup>2</sup> of private open space that:
  - i. has a minimum dimension of 4.0 metres;
  - ii. has a maximum slope of 1 in 6 (16%);
  - iii. is located adjacent to and directly accessible from the dwelling for the exclusive use of the occupants that is and not used for vehicular access and parking or utility areas;
  - iv. is enclosed by a 1.5 metre high solid paling fence; and
  - v. is landscaped prior to the commencement of the use.

***Privacy***

- (11) Windows of habitable rooms must be 1.5 metres from the edge of common driveways and footways.

- (12) The south-facing bedroom windows of U14, U15 and U16 must have a window sill height of 1.7 metres.

***Landscaping***

- (13) Before any work commences submit a landscape plan prepared by a landscape architect must be submitted to and approved by Council's Manager Development Services. The landscape plan must be implemented prior to the commencement of the use. The landscape plan must show the areas to be landscaped, the form of landscaping, plants species and estimates of the cost of the works and shall include:
- i. landscaping of communal areas that define communal areas, direct and control entry and exit to and from the site from adjoining land and provide shade;
  - ii. landscaping throughout the site and adjacent to driveways to provide a visually pleasing site;
  - iii. landscaping of private open space to provide for a usable and visually pleasing domestic space;
  - iv. landscaping adjacent to the driveway access for units 19, 20, 21, 26 & 27 consistent with Clause S7.9 (g) A8; and
  - v. planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania.

The landscaping plan shall form part of the permit when approved.

- (14) Prior to the commencement of the use, communal areas and the driveway access must include low level lighting to provide for the convenience and safety of residents to the satisfaction of Council's Manager Development Services.

***Parking & access***

- (15) All car parking spaces, other than the garages, must be allocated for visitor car parking and not allocated to any individual unit.
- (16) Uncovered visitor car parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.
- (17) Car parking spaces, other than those designed and marked out for use by the disabled, must be a minimum of 2.6 metres wide and 5.5 metres long, unless otherwise approved by the Council's Manager Development Services.

- (18) The areas set-aside for parking and associated access and turning must have: -
- i. driveway access with a minimum 5.5 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%);
  - ii. space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction;
  - iii. an all-weather pavement constructed and surfaced to the satisfaction of the Council's Municipal Engineer;
  - iv. line-marking or some other means to show the parking spaces to the satisfaction of Council;
  - v. signs not exceeding 0.3m<sup>2</sup> to direct drivers to the area set aside for visitor parking;
  - vi. drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- (19) The driveway must be a minimum of 5.5 metres wide for a distance of 7.50 metres from the carriageway of the road to allow vehicles to pass each other, or otherwise as required by Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney / Standards Australia (2002): *Australia Standard AS 2890.2 - 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney.
- (20) Prior to the commencement of the use, the vehicle access from the carriageway of the road onto the subject land must be located and constructed using an uncoloured reinforced concrete pavement in accordance with the construction and sight distance standards shown on standard drawings TSD-R09-v1 *Urban Roads Driveways* and TSD-RF01-v1 *Guide To Intersection And Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (**attached**) or otherwise as required of Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney / Standards Australia (2002): *Australia Standard AS 2890.2 - 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney and to the satisfaction of Council's Municipal Engineer.

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- (21) Prior to the commencement of the use, any existing vehicle crossing to the subject land, not utilised by the development, must be removed and the kerb, footpath and nature strip replaced consistent with the surrounding area and to the satisfaction of Council's Municipal Engineer.
- (22) A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Municipal Engineer must be submitted to Council prior to or in conjunction with lodgement of Building Application. The parking plan is to include:
- pavement details;
  - design surface levels and drainage;
  - turning paths, including for waste collection vehicles; and
  - dimensions;

and shall form part of the permit when approved.

- (23) The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- (24) All areas set-aside for parking and associated turning, and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

*Traffic Impact Assessment*

- (25) All recommendations of the Traffic Impact Assessment prepared by Pitt and Sherry and dated 12 May 2014 in respect of driveway widths, sight distance, access grades and access geometry must be incorporated into the parking plan required by this permit to the satisfaction of Council's Municipal Engineer.

*Roads*

- (26) All work on or affecting the State Road, including drainage or increased drainage flows, must be carried out in accordance with a permit provided by the Transport Division of the Department of State Growth. No works on the State Road shall commence until the Minister's consent has been obtained and a permit issued in accordance with the *Roads and Jetties Act 1935*.

***Access to Public Road***

- (27) No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a *WORKS IN ROAD RESERVATION PERMIT*. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services department prior to the proposed date of commencement of any works.

***Services***

- (28) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
- (29) The approved structure(s) must be sited clear of any easement and located at least 1.00 metre measured horizontally from any Council service mains.
- (30) Services located under the proposed driveway are to be provided with trafficable covers to the requirements of the relevant authority and Council's Municipal Engineer.
- (31) A separate sequentially numbered mailbox must be provided for each dwelling and the Body Corporate created under the *Strata Titles Act 1998*. The mailboxes must be located together at the junction of the driveway and the frontage to the satisfaction of the Council's Manager Development Services.

***Garbage Collection***

- (32) Provision must be made for a garbage truck to collect bins on site including adequate manoeuvring for a garbage truck and with the truck being able to enter and exit the site in a forward direction, to the satisfaction of Council's Municipal Engineer.
- (33) Prior to the occupancy of any unit, a letter of permission to enter the property to empty garbage and recycling bins is to be provided to Council indemnifying Council and its contractors from any damage that may be caused by these vehicles entering the property.

***Stormwater***

- (34) Drainage from the proposed development, including all buildings and hardstand areas, must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

- (35) Driveways must be drained to minimise surface runoff over the footpath or to the adjoining road in accordance with the requirements of the Municipal Engineer and a Plumbing Permit issued by the Permit Authority in accordance with the *Building Act 2000*.
- (36) The developer must provide on-site detention such that stormwater discharge from the fully developed site in a 1 in 20 year ARI rainfall event does not exceed pre-existing levels. Alternatively the downstream section of the existing stormwater network, located between the site and the north-western boundary of the Midlands Highway reservation, must be upgraded to the extent necessary to cater for the additional flow from the developed site for a 1 in 20 year ARI rainfall event together with discharge from all future development potential that exists within the catchment.

**ADVICE:** Council modelling indicates that the existing stormwater network servicing the catchment is currently at capacity.

- (37) Any stormwater detention must be wholly contained underground.
- (38) The cost of all stormwater works, including investigation, modelling and upgrading, must borne by the developer in full.
- (39) Any stormwater detention or upgrades to downstream infrastructure must be carried out in accordance with detailed calculations and engineering design drawings approved by the Council's Municipal Engineer prior to the issue of a Building Permit and must be reflected in all plumbing plans where relevant.
- (40) Detailed calculations and engineering design drawings must be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer.
- (41) Upon completion of any upgrade works or new stormwater infrastructure to be adopted by Council the developer must provide "As Constructed" drawings prepared in accordance with Council's guidelines.
- (42) Any public works to be adopted by Council is to be placed on a 12 month defects and maintenance period following practical completion and receipt of "As constructed" drawings.

***Tas Water***

- (43) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, date 3 June 2014 (TWDA 2014/00221-BTN).

***Protection of water quality***

- (44) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Manager Development Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.

***Construction amenity***

- (45) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.
  - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (46) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise;
  - (b) the transportation of materials, goods and commodities to and from the land;
  - (c) obstruction of any public footway or highway; and
  - (d) appearance of any building, works or materials.
- (47) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.
- (48) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (49) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- D. The issue of this permit does not ensure compliance with the provisions of the Commonwealth *Disability Discrimination Act 1992* in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other *Disability Discrimination Act 1992* provisions relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the *Disability Discrimination Act 1992*.  
There are currently no standards prescribed for compliance with the *Disability Discrimination Act 1992*, however, Australian Standards associated with the Act, including AS 1428.1-2001 - *Design for access and mobility - General requirements for access - New building work* and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the *Disability Discrimination Act 1992* from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.
- E. Separate planning approval is required for the strata division of the land.
- F. The permit issued under the *Road and Jetties Act 1935* will detail those conditions that are specific to the site, including requirements for warning signs, lighting and barricading in accordance with the relevant Australian Standard. Contact should be made with Department of Infrastructure Energy and Resources' Southern Region Network Supervisor to define and outline any applicable conditions or before commencing any work within the State Road reserve.



The detailed design plans for the Department of Infrastructure, Energy & Resources need to address the requirements of the Department's 'Standard Brief for Professional Services', which also references the Department's 'Standard Specification for Roadworks'. Both these documents can be found at [http://www.transport.tas.gov.au/road/tenders/web\\_spec/index.html](http://www.transport.tas.gov.au/road/tenders/web_spec/index.html) and then by following the prompts to the "Specifications Listing". In the event that specific components of these documents are unavailable, contact should be made with the Department's Technical Officer Asset Management Strategies, Mr. Brian Watson, on telephone (03) 6166 3369.

G. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council's Municipal Engineer and show the following -

- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
- Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
- Estimated dates of the start and completion of the works;
- Timing of the site rehabilitation or landscape program;
- Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
- Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
- Temporary erosion and sedimentation controls to be used on the site; and
- Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.

H. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -

- Minimise site disturbance and vegetation removal;

- Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council’s storm water system, a watercourse or road drain);
- Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
- Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
- Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
- Rehabilitation of all disturbed areas as soon as possible.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
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.

*There were no Planning items listed on this agenda.*

## 11. REPORTS FROM OFFICERS:

### 11.1 LGAT – ELECTION OF PRESIDENT:

**FILE REFERENCE:** 0068

**AUTHOR:** Governance Manager  
(Mrs J Banks)

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#### **Background:**

The Tasmanian Electoral Office has been requested to conduct the 2014 election of President to serve until the conclusion of the 2015 Annual General Meeting of the Association. This election is being conducted in accordance with Rule 27(c) as the current President has notified the Chief Executive Officer that he intends to cease being a Councillor following the 2014 ordinary Local Government elections.

Nominations are now invited from LGAT members and must be received by the Electoral Office by 5pm on Wednesday 3<sup>rd</sup> September 2014.

#### **Election Timetable:**

Nominations open	Monday 28 <sup>th</sup> July 2014
Nominations close	5pm Wednesday 3 <sup>rd</sup> September 2014
Ballot material posted (if a ballot is required)	8 <sup>th</sup> September
Close of postal ballot	10am 22 <sup>nd</sup> October
Declaration of result	22 <sup>nd</sup> October

For the information of Council, the current President is Cr Barry Easter.

#### **Consultation:**

Nil.

#### **Risk Implications:**

N/A.

#### **Financial Implications:**

N/A.

#### **Other Issues:**

Nil.

**Assessment:**

N/A

**Options:**

1. As per the recommendation.
2. That no action be taken.

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**RECOMMENDATION:**

The matter is submitted for the direction of Council.

**DECISION:**

*Resolved that the report be noted.*

**11.2 ENVIRONMENTAL HEALTH BY-LAW NO. 1 OF 2014:**

**FILE REFERENCE:**

**AUTHOR:** Governance Manager  
(Mrs J Banks)

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**Background:**

At the Ordinary Council Meeting on 17<sup>th</sup> June 2014, Council adopted a recommendation to give notice of its intention to make By-Law No. 1 of 2014, in accordance with the provisions of Section 156 of the *Local Government Act 1993*.

The purpose of this By-law is to regulate, control and protect activities that may impact on environmental health within the municipality. Activities included in this By-law are not effectively dealt with by other legislation and are continuous sources of angst in the community and complaints to Council.

**Consultation:**

The draft By-law and Regulatory Impact Statement have been certified by the Director of Local Government and released for public comment. Both documents were advertised in The Mercury newspaper on 25<sup>th</sup> June 2014; Council received no submissions prior to the closing date of 31<sup>st</sup> July 2014

**Risk Implications:**

Nil

**Financial Implications:**

Nil

**Other Issues:**

N/A

**Assessment:**

The proposed By-law has already been certified by the Director of Local Government and approved in principal by Council resolution.

In accordance with the Act, Council must now pass, by absolute majority a resolution to formally make the By-law. Once adopted the By-law will then be forwarded to Council's Solicitor for certification and then published in the Tasmanian Government Gazette and then tabled in Parliament.

**Options:**

1. As per the recommendation.
2. That Council not intend to make Environmental Health By-Law No. 1 of 2014.

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**RECOMMENDATION:**

That in accordance with Section 162 of the *Local Government Act 1993*, Environmental Health By Law No. 1 of 2014 be sealed and forwarded to Council's Solicitor for Certification prior to being published in the Tasmanian Government Gazette, and tabled in Parliament.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

## 11.3 OLD BEACH CLUBROOMS – NAMING:

### FILE REFERENCE:

**ATTACHMENTS:** Correspondence from Old Beach Cricket Club on pages

**AUTHOR:** Council Services Officer  
(Ms C Harper)

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### Background:

The Committee of the Old Beach Cricket Club have contacted Council to obtain permission to formally name the new clubrooms after a long serving club member – Garry Faulks. It is the clubs request that the new clubroom be named "THE GARRY FAULKS PAVILION" in honour and recognition of Garry's dedication and hard work. Garry's input to the club both on and off the field for over 35 years has been invaluable, and naming of the building after him recognises the enormous commitment he has demonstrated to the club.

### Consultation:

Ron Sanderson (General Manager), Heath Macpherson (Asset Services Manager), Andrew McGuire (Old Beach Cricket Club), Cathy Harper (Council Services Officer).

### Risk Implications:

Nil.

### Financial Implications:

Nil.

### Other Issues:

Nil.

### Assessment:

There is strong support for the new clubrooms to be named in honour of Garry's work and dedication for the club. Garry has always demonstrated a positive working relationship with Council for both the Old Beach cricket club and Council's benefit.

### Options:

1. As per the recommendation.
  2. Council not approve the naming as requested.
  3. Council decide an alternative name for the clubrooms.
-

**RECOMMENDATION:**

Council permit the new clubrooms at 94 Jetty Road, Old Beach to be named the "Garry Faulks Pavilion".

**DECISION:**

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

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

**11.4 CREATION OF A COUNCIL 'PLANNING AUTHORITY:**

**FILE REFERENCE:**

**AUTHOR:** Manager Development Services  
(Mr J Dryburgh)

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**Background:**

The idea of Council creating a 'Planning Authority' or modifying the powers of its existing Planning Committee has been raised and as such this report explores the idea and potential options for Council.

Firstly, it is worth noting that there is nothing particularly wrong or dysfunctional about the existing system. It can however, be argued that the Planning Committee should have the ability to make decisions as a 'planning authority' - as defined in the *Land Use and Planning Approvals Act 1993* (LUPA) - rather than simply recommending a decision to Council. Council generally accepts the recommendation of Committee without further debate or discussion.

It can also be argued that changing the name from Planning Committee to 'Planning Authority' would more clearly distinguish between the role of a council when deciding matters as a planning authority rather than as a council, which may help to improve public understanding of this role.

It is considered that such an Authority would have to have at least 5 councillors and could even have all nine. However, it would be best that councillors determine their interest or otherwise in becoming a member of a Planning Authority and that the relevant number is determined based on this.

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Only 'Planning Authority' roles under the LUPA should be considered or determined by a revised Planning Committee with decision-making power or 'planning authority body established by Council. Broader strategic planning matters would remain matters for Full Council. However, it should be noted that rezonings or planning scheme changes are matters under LUPA once they need to be certified or endorsed.

If Planning Committee or an authority was delegated decision-making powers by Council, the meetings would need to be advertised as public notice in accordance with the local government legal requirements.

*The Glenorchy Model*

Glenorchy City Council has operated with the 'Planning Authority Model' successfully for many years. At Glenorchy, five councillors are on the Planning Authority and the Authority has full decision-making power. Glenorchy allow members of the public to speak at the meetings, but explain the role of a Planning Authority under LUPA at the beginning of every meeting. The Senior Planner has equal speaking rights to the elected representatives at the meetings. The meetings are scheduled every fortnight, but cancelled when not required.

*A Potential Model for Brighton Council*

Given Brighton's scale and the lower ratio of discretionary planning applications, it is likely that fortnightly meetings would be cancelled regularly due to a lack of agenda items. It is rare that a development application is significantly held up due to the monthly meeting cycle at Brighton Council, due to staff timing matters appropriately and the scheduling of Special Meetings when required. As such, if a new authority were created, it is considered that meetings should remain monthly as the existing Planning Committee meetings are. However, the Planning Authority could meet on the first Tuesday of every month rather than the second, meaning there would effectively be a PA meeting or OCM every two weeks, with both having decision-making power.

It is not considered necessary to allow the public to speak at meetings, given there is a clear, consistent and fair procedure for public representation via the formal planning process. Allowing public speaking in meetings could lead to 'unequal voice' amongst members of the public.

The most appropriate model, should a change from the existing model be sought, is the creation of a Planning Authority with full delegation under LUPA, but with the power to refer a decision to full council if it chooses to. It should include no less than five councillors. It should meet monthly or additionally if required, but the meetings could be scheduled two weeks apart from full council meetings to make Council more agile in its ability to assess and determine planning matters. The senior planner or planning manager should have equal speaking rights in such meetings. The public should have no speaking rights in the meetings Policy 7.4 - Public Question Time and Deputations restricts this anyway.

The monthly planning update reports to Full Council should be modified to include summary of the Planning Authority's decisions and discussion.



## **Consultation:**

Consultation has occurred with council' s Mayor, Planning Committee Chair, General Manager, Senior Planner and Glenorchy City Council Manager of Strategy.

## **Risk Implications:**

There are no significant risks. If a new system was considered inferior to the status quo Council could easily revert to the current system.

## **Financial Implications:**

There would be some minor additional costs associated with advertising and administration.

## **Options:**

1. As per the recommendation.
2. Council adopts a different option.
3. Council does not adopt the recommendation.

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## **RECOMMENDATION:**

That Council recommend to the newly elected Council in November that they:

1. Dissolve the Planning Committee.
2. Establish a Brighton Council Planning Authority. Determine how many and which councillors want to be members of the Planning Authority and establish the members (not less than 5).
3. Council delegate full decision-making power to the Planning Authority for decisions made under the *Land Use and Planning Approvals Act 1993*, but allow it the power to refer a decision to Full Council.
4. The Planning Authority to meet monthly or additionally as required.
5. The Planner to have equal speaking rights.
6. The public to have no speaking rights as per Council's Policy 7.4 (Public Question time and deputations)

## **DECISION:**

*Cr Gray moved, Cr Owen seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

**11.5 PURCHASE/LEASE OF LAND – 58 BLUOMETAL DRIVE, BRIDGEWATER:**

**FILE REFERENCE:** 58 Bluemetal Drive, Bridgewater

**AUTHOR:** Deputy General Manger  
(Mr G Davoren)

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**Background:**

Council has received an enquiry from Mr Bernard McKay, Managing Director, McKay Timber on purchasing/leasing approximately 9 m x 4 m of road reserve between kerb and the property boundary outside his sawmill at 58 Bluemetal Drive, Bridgewater which the Aurora Substation occupies. The purpose is to avoid relocating the Substation if they purchase it from Aurora.



**Consultation:**

Health Macpherson (Municipal Engineer), Wendy Young (Executive Officer)

**Risk Implications:**

No foreseen risks, as the substation currently occupies the road reserve.

**Financial Implications:**

McKay Timber to pay all legal cost of drawing lease and administrative costs.

**Other Issues:**

Nil

**Assessment:**

The substation currently occupies the site at 58 Bluemetal Drive, Bridgewater. Due to the road reservation having associated services running through the land it would be preferable for Council to lease the land to McKay Timber.

**Options:**

1. As per the recommendation.
2. Deny the request

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**RECOMMENDATION:**

That Council allows McKay Timber to lease the road reservation at 58 Bluemetal Drive, Bridgewater and put in place a peppercorn lease for this land. The terms of the lease 10 years plus the option of a further 10 years.

**DECISION:**

*Cr Owen moved, Cr Gray seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

## 11.6 INSURANCE PUBLIC LIABILITY CLAIM:

**FILE REFERENCE:** BACK TEA TREE ROAD

**AUTHOR:** Deputy General Manager  
(Mr G Davoren)

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### **Background:**

Council has received a claim from a resident in Midway Point. This resident was travelling along Back Tea Tree Road on the 24<sup>th</sup> July, 2014 and hit a pothole on the road, resulting in damage to the rim of her car.

Claim was denied by Council, subsequently the complainant contacted our Insurance Company and the claim also denied.

### **Consultation:**

Simon Pulford (Technical Officer), Scott Percey (Works Supervisor), Mark Donaghy (Roads Foreman), Ivan Ciardullo (Claims Manger, MAV Insurance), Wendy Young (Executive Officer)

### **Risk Implications:**

May set a precedent if council allow an ex-gratia payment.

### **Financial Implications:**

Ex-gratia payment for repair to rim.

### **Other Issues:**

Nil

### **Assessment:**

Under Section 21 (4) of the *Local Government (Highways) Act 1982*, Council is not liable for her claim.

Except as otherwise provided in this Act, a corporation is not liable for any injury or loss arising from the condition of a highway unless that condition results from improper carrying out of highway works that are carried out by, or at the direction of, the corporation.

The Claims Manager MAV Insurance has advised the complainant to claim from her insurer.

### **Options:**

1. As per the recommendation.
  2. Pay ex gratia payment for the repair of rim.
-

**RECOMMENDATION:**

Claim be denied as per Section 21 (4) of the *Local Government (Highways) Act 1982*.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

**11.7 AMENDMENT OF SEALED PLAN – LOT 203 NATLEE COURT, OLD BEACH:**

**FILE REFERENCE:** Lot 203 Natlee Court, Old Beach

**AUTHOR:** Deputy General Manager  
(Mr G Davoren)

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**Background:**

Lot 203 Natlee Court, Old Beach was previously identified as surplus land. This property has a land area of 489 sqm and was previously set aside as Public Open Space on Sealed plan 132394.

Council has previously agreed to sell Lot 203 Natlee Court, Old Beach and staff have been in consultation with the neighbouring properties to provide an opportunity for purchase in the first instance.

To finalise the sale it would be appropriate to remove the notation "Public Open Space". Council is obliged to write to a letter to all persons appearing by the register to have an estate or interest at law affected by this proposed amendment - A letter was posted by registered mail 16/07/2014 and Council received no objections to the amendment.

**Consultation:**

Wendy Young (Executive Officer)

**Risk Implications:**

Nil

**Financial Implications:**

Lot 203 Natlee Court, Old Beach was valued at \$85, 000 by Opteon on 23 May, 2013. All capital returns will be set aside for reserve expenditure of a capital nature.

**Other Issues:**

Nil

**Assessment:**

As Council has already agreed to sell Lot 203 Natlee Cres so it would be appropriate to remove the notation "Public Open Space".

**Options:**

1. As per the recommendation.
2. Do not remove the notation "Public Open Space" from sealed plan 132394

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**RECOMMENDATION:**

To remove from Sealed Plan 132394 the notation "Public Open Space" which concerns lot 203 on sealed plan 132394 in accordance with the requirements of Section 103 (2) of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)*.

**DECISION:**

*Cr Curran moved, Cr Gray seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

**12. QUESTION ON NOTICE:**

*There were no questions on notice.*

The meeting closed at 6.45 pm.

Confirmed: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_  
16<sup>th</sup> September 2014