



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,
16th SEPTEMBER 2014**

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); Mrs J Banks (Governance Manager); Mr H Macpherson (Manager Asset Services) and Mr J Dryburgh (Development Services Manager).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19th AUGUST 2014.

Cr Gray moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting of the 19^h August 2014, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Kate Jenkins addressed Council in relation to Youth off the Streets programs in our municipality.

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	Deputy Mayor
	(Cr T Foster)	(Cr G Taylor)

The Deputy Mayor Cr Taylor reported on activities he was involved in between 20th of August and the 3rd of September and the Mayor reported verbally on activities between 4th of September and the 16th of September.

RECOMMENDATION:

That the Deputy Mayor and Mayor's communications be received.

DECISION:

Cr Jeffries moved, Cr Garlick seconded that the reports be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
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 Geard advised that he attended the Pontville Users Group meeting with Cr Curran.

Cr Geard chaired the meeting of the Pontville Seniors Citizens management group.

Cr Geard and Cathy Harper attended the Recovery Committee meeting.

Cr Owen moved, Cr Taylor seconded that the reports be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
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 was 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:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

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

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

RECOMMENDATION:

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

DECISION:

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

9. REPORTS FROM COMMITTEES:

There were no Committee meetings this month.

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 SCHOOL FARM PARTICULAR PURPOSE ZONE:

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

At its July council meeting, Council agreed in principle, to rezone the school farm site in Brighton to a 'particular purpose zone' (or the like) in order to secure and legitimize the current (and potential) operations of the school farm. Council's Manager Development Services met with the Executive Commissioner of the Tasmanian Planning Commission and the Deputy Secretary of the Department of Education to discuss the matter. It was agreed that council planners would draft the new zone in consultation with the education department then bring it back to council for endorsement. It was also agreed that the most appropriate process was to draft the zone to sit within the draft interim planning scheme and submit it to the Planning Minister for inclusion, rather than trying to amend the existing scheme.

Council's Manager Development Services has drafted the proposed zone ordinance and consulted with the Deputy Secretary of the Education Department about it. Both parties are happy with the result (shown in Attachment 1).

The zone is quite simple. The standard Community Purposes Zone was used as a template to prepare the School Farm Zone, which was then tailored to ensure the unique characteristics of the site and its use are catered for whilst ensuring potential conflicts with surrounding uses and environmental health issues are minimised and managed.

Consultation:

Consultation has occurred between Council's Manager Development Services, Deputy Secretary Department of Education, Executive Commissioner Tasmanian Planning Commission.

Risk Implications:

There are no significant risks. In fact, the proposal minimises future risk of land use conflicts in the area.

Financial Implications:

There are no significant financial implications.

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 endorse the School Farm Particular Purpose Zone and instruct staff to send it to the Minister for Planning and request that he ensure its inclusion within the *Brighton Interim Planning Scheme 2014*.

DECISION:

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

CARRIED

VOTING RECORD

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

10.2 LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2013 POSITION PAPER:

FILE REFERENCE:

AUTHOR: Senior Planner
(Mr S Wells)

Background:

The Planning Reform Taskforce was recently created to drive the Government's planning reform agenda. This agenda seeks a single state-wide planning scheme and a *fairer, faster, cheaper and simpler* planning system.

Under the previous government, the reform agenda was focused upon delivering regionally consistent (interim) planning schemes based on a regional land use strategy. The current government supports the completion of the current draft interim planning schemes as a first step in delivering a single planning scheme.

On 2 September 2014, a position paper was released for consultation with local government on proposed amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA). These amendments are to form phase 1 of the planning reform agenda, with a second phase to consist of a single planning scheme and other modifications to the system.

The following offers a basis for Council's response to the position paper, which, if provided, is due by 3 October 2014. LGAT are hosting a workshop on 23rd September 2014 to facilitate a sectoral response.

The current process for achieving a new planning scheme has two stages; (1) a declaration process for an interim scheme by the Minister and (2) an approval process for a 'normal' planning scheme. Council currently has a scheme awaiting declaration. Once declared, the interim scheme will replace the current planning scheme and it will be necessary to publicly exhibit the scheme. On completion of public exhibition, Council will consider any representations and submit the interim scheme for approval to the Tasmanian Planning Commission (TPC) as a 'normal' planning scheme.

Key points of the position paper

The following table lists the key areas of legislative amendments and how they will be achieved together with officer comments. The table is to form Council's response to the taskforce and to LGAT.

Issue	How issue will be addressed.	Officer comments
The position paper		
Streamline processes for approval of interim schemes	<p>Proposed changes include:</p> <ul style="list-style-type: none"> • Redrafting ministerial approval powers in terms of level of satisfaction of compliance, rather than absolute compliance; • Reducing exhibition of declared interim planning schemes from two months to one month and the time for Council to report on representations from four to two months; • TPC hearings being optional or addressed through written submission; • Separating out more complex or difficult matters from the scheme approval process and dealing with these through streamlined planning scheme amendment processes. 	<p>The changes are supported generally, pending the detail of the drafting.</p> <p>The final point, which is discussed on page 10 of the position paper, seeks to avoid a handful of issues delaying approval of an entire scheme. It appears that this will be achieved by allowing the moving of the 'too-hard basket' from one process to another.</p> <p>In overall terms, this appears reasonable as it will facilitate the faster approval of a new scheme, whilst not significantly delaying individual cases. However, it is also the most complex element of the legislative amendments and a draft of the text has not yet been provided, which may further clarify the powers to remove certain issues from the interim scheme approval process.</p>
Streamline processes for planning scheme amendment	<p>Proposed changes include:</p> <ul style="list-style-type: none"> • Introducing amendment processes to interim planning schemes and repealing the dispensation process for consistency and broader scope; • Clarify provisions for additional information requests, including the ability for an applicant to ask that the TPC review a disputed request; • Introducing a standard form; • Changing public exhibition from a three weeks to two 	<p>These changes are generally supported.</p> <p>It is noted however that the ability for the TPC to review an additional information request is limited to process and not merit. Realistically, most disputes in this regard relate to merit, rather than process and applicants may only enjoy a perceived rather than actual protection from unreasonable requests.</p> <p>A standard one month exhibition period could cause unnecessary delay for applications before Council's that have monthly meeting cycles. A standard three week period is preferable. All amendments initiated by Council have been for the minimum 3 week period.</p>

	month range, to a fixed one month.	
Shortened assessment timeframes for permitted uses	It is proposed to reduce the statutory timeframe for permitted applications from 42 to 21 days. Discretionary applications will not change. The timeframe to request additional information is to decrease from 21 to 14 days for permitted applications.	<p>This change is supported.</p> <p>Brighton Council averages 12 days for permitted applications. A 21 day timeframe maybe problematic for large proposals requiring referrals to multiple agencies. However, it is considered that such circumstances can be adequately managed to comply with the timeframe.</p>
Increased fees for planning appeals	It is proposed to increase the fee from \$307 to \$600 if the appellant it is third party that does not own or occupier land immediately adjoining the development. Other appellants would pay a \$307 fee.	<p>Third party appeal rights are a complicated issue. Despite being regularly raised by some as an issue, it is rare in practice that they actually are.</p> <p>If the intent is to penalise third parties, consideration could be given to apply the fee to parties joined to an appeal that may be lodged by an adjoining owner.</p>
Ability for interim planning directives to revoke existing planning directives	It is proposed to allow for an interim planning directive to be issued and also revoke any equivalent planning directive.	<p>This change is supported.</p> <p>Interim planning directives can be for 12 months and allow urgent issues to be addressed whilst consultation occurs on a final planning directive.</p>
Ability to extend permits by 2 additional years (from 2+2 to 2+2+2)	It is proposed to increase the amount of time that a permit can be extended by. LUPAA currently requires substantial commencement to be achieved within two years and provides for a once-off two year extension, which would be doubled under the proposal. Clarification is also proposed to allow for retrospective extensions, subject to a time limit.	<p>This change is generally supported.</p> <p>LUPAA does not preclude retrospective extensions. Whilst clarification is desirable, it should not incorporate yet another timeframe. It may also be appropriate to link to a test that the zoning of the land has not significantly changed, particularly for the second two year extension.</p> <p>It should also be noted that this change could slow some development rather than facilitate it.</p> <p>Consideration should also be given to timeframes for substantial completion of development as per Victorian and Queensland legislation.</p>

<p>Copyright and indemnity provisions for planning schemes online</p>	<p>It is proposed to indemnify Crown, Council's and licensed users against claims for copyright associated with online information.</p>	<p>This change is generally supported.</p> <p>The position paper implies that only some of the necessary legislative amendments are proposed now. The planning scheme online mechanism is key to the reform process and should not be impeded by legislative provisions.</p>
<p>Extend protection for accidentally destroyed buildings</p>	<p>LUPAA permits the reconstruction of a lawfully established, but now prohibited, building that is accidentally destroyed. In other words, LUPAA protects non-conforming existing development from subsequent planning schemes which made that existing development prohibited.</p> <p>It is proposed to extend this protection to conforming and non-conforming development.</p>	<p>This change is generally supported, although its effectiveness is questioned.</p> <p>LUPAA established the outcome for non-conforming buildings, whilst schemes provide a (variable) process for applications.</p> <p>A discretionary application for a section 20 (3A) application provides scope to change the terms of the building to minimise risk to natural hazards or address other planning issues. Section 20(3A) does not require an exact replica and nor should it.</p> <p>Notably, PD1 is silent on this issue. Regardless of the legislation, the process is missing.</p> <p>It is considered that any change to the legislation should correspondence with a change to the PD1 or a new directive to ensure the desired consistency is achieved.</p>
<p>Clarify provisions for minor amendments</p>	<p>The changes relate largely to clarifying the ability to approve minor amendments that affect an incidental component of a Resource Management and Planning Appeal Tribunal decision. Presumably, this is necessary due to conflicting opinion of what can occur in such circumstances.</p>	<p>This change is generally supported, but should go further. LUPAA should provide for:</p> <ol style="list-style-type: none"> (1) minor amendments that, whilst not being generally in accordance with the planning permit are so minor as to not warrant notification; (2) amendments that do warrant notification, but with the scope of assessment limited only to the amendment.

		<p>It is considered that the current scope of a minor amendment under LUPAA is sufficiently restricted to the extent that the notification processes are unnecessary.</p> <p>It is also noted that the applicant for a minor amendment has no right of appeal. Yet adjoining owners do, even where they were not the original adjoining owner.</p>
Allow subdivisions to be permitted or discretionary	It is proposed to clarify the provisions of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> so that subdivision can be permitted or discretionary. Existing provisions are contradictory.	This change is generally supported, however the proposal addresses one element only of out-dated legislation. Priority should be given to repealing LGBMP and incorporating relevant provisions into LUPAA, together with provisions for creating strata schemes.
General comments		
Scope of amendments	The position paper is a mix of pressing issues related to interim planning schemes and miscellaneous matters. It flags further amendments to LUPAA, which has been subject to numerous recent amendments. Council would support a comprehensive, first-principles review, or replacement, of LUPAA, rather than continual piece-meal improvements.	

Consultation:

Consultation has occurred with Council's Manager Development Services.

Risk Implications:

There are no significant risks. The recommended comments relate only to a position paper.

Financial Implications:

Nil. The scope of legislative change appears unlikely to require additional resourcing.

Options:

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

RECOMMENDATION:

That Council resolve to provide the recommended comments to the Planning Reform Taskforce and to LGAT for their consideration.

DECISION:

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

CARRIED

VOTING RECORD

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

11. REPORTS FROM OFFICERS:

11.1 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT) – ELECTION OF PRESIDENT:

FILE REFERENCE: 0068

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Nominations for the Local Government Association of Tasmania (LGAT) election of President closed on 3rd September 2014. Ballot material has been received with the following nominations for President:-

President

- Cheryl ARNOL - Glamorgan Spring Bay
- Doug CHIPMAN - Clarence
- Barry John JARVIS - Dorset
- Steven KONS - Burnie
- Daryl Herbert QUILLIAM - Circular Head

Consultation:

N/A

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

N/A

Assessment:

Nil.

Options:

1. As per the recommendation.
 2. That the Ballot material not be completed and returned to the Tasmanian Electoral Commission.
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RECOMMENDATION:

That the Ballot material received by the Tasmanian Electoral Commission be completed and returned to the Commission by close of postal ballot 10am Wednesday 22nd October 2014.

DECISION:

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

CARRIED

VOTING RECORD

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

11.2 BRIGHTON STREETScape AND REMEMBRANCE PARK PROPOSAL:

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

The purpose of this report is to recommend the projects within the Brighton township that should be undertaken this year utilizing the \$200,000 included within Council's 2014-15 budget for Brighton Road streetscaping. It is considered that key sections of streetscaping (particularly from Andrew Street to Downie Street and the area around the Brighton Bakery) should not be done in this financial year due to uncertainty regarding the possible development of key sites within this section and the pending construction of the roundabout.

Additionally, it is likely that in the first half of 2015 a design project will be undertaken in partnership with the architecture schools of Monash University and UTas, which will undertake design ideas for some of these key areas for Council's consideration.

It is therefore proposed that this money should be invested in the construction of the Brighton Remembrance Park and sections of streetscaping that can be undertaken immediately with reasonable certainty the works will not be found to be inconsistent with development in the near future.

Brighton Remembrance Park

Plans for an iconic remembrance park for the former army camp open space area behind the existing gates (see attached plans). Accurate costing has been done on the plans, with the size of the installation being reduced by 30 per cent in order to reduce cost.

The plan taps in to the significant military and migration history of the site, which is known to be highly valued by thousands of people across Tasmania and beyond. The Remembrance Park would be a big step toward council helping the community to benefit from this 'social capital' by attracting value and interest in the area, giving visitors a reason to stop in Brighton and providing an interesting and attractive open space asset for local residents. This can only encourage residential and commercial investment more broadly in the area. The design takes its cues from the Rising Sun emblem of the Australian Army.

The name and theme of the Park is deliberately general in order to ensure it becomes as inclusive a place as possible – a place for any local or visitor to enjoy.

The project stands alone as something special, but it will also help to establish the broader plan for this large open space area (see Attachment 2). The Remembrance Park would become the ideal place not only for the annual ANZAC ceremony but for a host of other events. Likewise, the larger site will be able to facilitate a wide range of large and small events if developed accordingly.

Council has been successful in securing two grants specifically for this project, which come under funding for projects recognizing the Centenary of ANZAC day (April 25 2015). Council secured \$5000 from the State Government grant program (the maximum available) and \$18,000 from the Federal Government grant program. Obviously, this money will need to be returned if Council does not proceed with the project.

Costing for the project is approximately \$110,000. Around \$60,000 of this is the cost of the coreten fins, the pre-cast concrete components and the sand-blasting of lettering onto the concrete. The remainder of the cost includes items such as: flag poles; steel edging; landscaping; trees and plants; consultants' fees; gravel and labour. Council staff are able to carry out the majority of the works and installation involved in the project.

To some extent this is a 'now or never' project. If it is to be built, it should be built in time for ANZAC Day next year (this would also need to be done in order to utilize the \$23,000 in grants). Being able to open the Park for the ANZAC Centenary event would also maximise its publicity and therefore increase interest, value and visitation of the site.

The project represents a key investment in Brighton's future. It will provide a reason for tourists and visitors to stop, which small towns need. It will recognize the important and valued history in the area and give locals an icon to be proud of and to enjoy. It sends a clear signal that Brighton has a bright future worth investing in.

It is considered that the project is a great opportunity that Council should not miss.

Proposed Streetscaping and Landscaping Works

The Remembrance Park will not require all of the money allocated for Brighton Streetscaping – further works are proposed to get the best value for money from this year's budget in the area.

Landscaping along the frontage of the School Farm title is proposed. At present this section is ad hoc with some messy and unattractive vegetation. It is proposed to landscape in the same style as the rest of the Brighton streetscape plan, but without the sealed wide footpath, as this is not necessary on both sides of the road.

Improved landscaping and pedestrian access treatment is desirable between William Street and the SES building on the eastern side of Brighton Road. There are currently short sections there that are inadequate. It is proposed that investigations be carried out on this section, and possibly some subsequent works, to improve existing conditions.

And finally, it is also proposed to purchase trees (Italian Cypress) to plant and form the avenue-style rows of trees to border the army camp open space area (as per the concepts shown in both attachments). Council's Works Manager is investigating the best option for irrigation of the site and to what extent it is required.

These are all important works that Council can be reasonably sure won't need to be altered due to future development. They are also considered to be good value for money in terms of the noticeable visual and amenity improvements they will provide for the area.

Consultation:

Consultation has occurred with council's Manager Development Services, General Manager, Engineering and Works Department and external consultants.

Risk Implications:

There are no significant risks.

Financial Implications:

\$23,000 in State and Federal grants will have to be returned if Council does not build the Remembrance Park.

The budgeted money could be used for other forms of streetscaping or beautification in Brighton or could be held over for other works in the next financial year. However, it is considered the proposed projects and works represent the best strategy and value for money at this point in time and that there are sound reasons

to undertake them now. All proposed works are considered to be sound long-term investments.

Options:

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

RECOMMENDATION:

That Council resolve to utilise the 'Brighton Road Street Scaping' new capital budget for the construction of the Brighton Remembrance Park and the streetscaping and landscaping works proposed in this report.

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 Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

11.3 MICROWISE - UPDATE REPORT:

FILE REFERENCE: 0838-3

AUTHOR: General Manager
(Mr R Sanderson)

The General Manager provided an update on the progress of Microwise at the Council meeting.

Options:

1. As per the recommendation.

2. Not receive the report.

RECOMMENDATION:

That the report be received.

DECISION:

Cr Jeffries moved, Cr Williams seconded that the report be received.

CARRIED

VOTING RECORD

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

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 6.35 pm.

Confirmed:

(Mayor)

Date:

21st October 2014