



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,
19th MAY 2015**

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

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mrs J Banks (Governance Manager); Mr H Macpherson (Manager Asset Services) and Mr J Dryburgh (Manager Development Services)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21st APRIL 2015.

Cr Curran moved, Cr Owen seconded that the Minutes of the Ordinary Council Meeting of 21st April 2015 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	

1.2 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 12th MAY 2015.

Cr Owen moved, Cr Gray seconded that the Minutes of the Planning Authority meeting of 12th May 2015, 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:

There was no requirement for public 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:

- Apr 22 Taswater Owner Representatives meeting in Launceston.
- Apr 23 Meeting with Historian Reg Watson at the Brighton Army Camp Site.

- Apr 23 Brighton Tomorrow at the Civic Centre.

- Apr 24 Attended Anzac Day service at Brighton Primary School

- Apr 25 Attended Anzac Day Dawn Service at Bridgewater.

- Apr 25 Attended Anzac Day 11.00 am service at Remembrance Park

- Apr 28 Met with Brad Williams at the Brighton Army Camp Hospital to talk about the 5x5x5 Project and talk to the participants about the history of the Camp.

- Apr 30 LGAT Meeting at the DEC to talk about amalgamations/mergers resource sharing etc.

- May 04 Meeting with Eric Hutchinson and Ross Howard re grant money for Bowls and Community Club.

- May 04 Meeting with Taswater Chairman Miles Hampton.

- May 04 Visited the Brighton Army Camp Hospital site.

- May 05 Meeting with GM and DGM re W & S.

- May 05 GM and I visited the Army Camp site to talk with Brad Williams.

- May 06 Meeting with Mayor of Clarence Doug Chipman and Southern Midlands Mayor Ton Bisdee re W & S.

- May 07 Meeting with Federal Shadow Minister for Immigration Richard Marles and State member of Parliament Madeline Ogilvie.

- May 08 GM and I met with Officials from Cricket Tasmania.
- May 08 Meeting with GM, DGM and Tony Harrison re W & S.
- May 11 Meeting with Treasurer Peter Gutwein to discuss W & S dividend payments to Council's.
- May 12 Brighton Council Budget 2014/2015 workshop.
- May 12 Brighton Planning Authority Meeting.
- May 13 Meeting at Taswater Moonah Office with Chairman of Board Miles Hampton.
- May 19 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 Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Taylor	
Cr Williams	

5.2 REPORT FROM MAYOR – REMEMBRANCE PARK – ANZAC DAY 2015:

ATTACHMENT: Copy of Mayor's Anzac Day speech on pages

AUTHOR: Mayor
(Cr T Foster)

The Mayor reported directly to the meeting on this item. The Mayor acknowledged a number of staff and thanked all those involved.

DECISION:

Cr Jeffries and Cr Garlick 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	

5.3 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Gray representative.

Cr Gray reported on a recent SWSA meeting he attended.

Cr Curran advised that she attended an ALGWA meeting on 16th May 2015.

Cr Jeffries moved, Cr Curran 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	

5.4 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 Governance Manager or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it is reported that there was a budget workshop held on 12th May 2015, Councillors in attendance were Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; Cr Jeffries; Cr Owen; Cr Taylor and Cr Williams.

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

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

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

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

RECOMMENDATION:

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

DECISION:

The General Manager advised that there was a supplementary Item 11.6 in relation to the delegation to the General Manager with respect to the Brighton Council Interim Planning Scheme and amendments.

Councillors also received an anonymous letter that was requested to be discussed In Committee as Item 11.7.

Cr Owen moved, Cr Williams seconded that those items be discussed. For the purpose of these Minutes the items will remain in numerical order.

CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held in April.

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 are no Planning items listed on this Agenda.

11. REPORTS FROM OFFICERS:

11.1 DILAPIDATED BUILDING – POLICY:

FILE REFERENCE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The *Building Act 2000* was amended back on 19th November 2013, to provide the General Manager of a Council with the power to address issues associated with dilapidated buildings.

While the Department of Justice has provided guidance for Councils, it would be prudent for Brighton to have a Policy in relation to dilapidated buildings.

There are a number of properties within our municipality that may currently fall into the definition of a 'dilapidated' building. Having a policy will ensure Council is accountable to its communities for the decisions it makes in relation to dilapidated buildings.

Consultation:

Environment & Development Services Officer (Mrs B Stapenell); Development & Health Services Officer, Devonport Council (Mr B May) and Governance Manager (Mrs J Banks)

Risk Implications:

Risk to public health and safety. Devaluation of properties.

Financial Implications:

Council will be required to engage the services of a Building Surveyor and/or Valuer for the initial report.

If a person fails to comply with a building order, the work may be carried out by the Council or contractor.

Council can then recover the costs of carrying out any building works by selling the building for removal, or after demolition, any materials on the site (as per Section 192 & 194) or recovering expenses as a charge on the land and recoverable as if it were rates or charges under Section 197 of the *Local Government Act 1993*.

Council also has powers to issue infringement notices for such an offence.

Other Issues:

N/A

Assessment:

A dilapidated building is defined as a building that, because of neglect, disrepair, defacement or damage, is of an appearance that is prejudicial to the visual amenity of its surroundings.

Options:

1. As per the recommendation.
 2. That Council not adopt Policy AP19 – Dilapidated Building.
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RECOMMENDATION:

That Council adopt Policy AP19 – Dilapidated Building.

DECISION:

Cr Owen moved, Cr Jeffries 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 MONTHLY FINANCE REPORT AS AT 30 APRIL 2015:

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 ten months of the 2014-2015 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 Geard moved, Cr Garlick 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	

11.3 BUDGET 2015 – 2016:

FILE REFERENCE: 0100

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The draft 2015-2016 Budget, Fees & Charges Register and Grants & Donations has been provided to all Councillors. A review of the budget was undertaken at a workshop held on Tuesday 12th May 2015.

Adjustments to the draft budget have been completed in accordance with Councillors demands and it is now ready to be adopted in principle.

Consultation:

Councillors, Senior Management, Ratepayers and other stakeholders.

Risk Implications:

Nil

Financial Implications:

As per the budget.

Other Issues:

Nil

Assessment:

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the Budget be adopted in principle only.

Options:

1. As per the recommendation.
2. Review the budget and make further changes prior to adoption in principle

RECOMMENDATION:

That the 2015-2016 Budget, Fees & Charges Register and Grants & Donations finalised on Tuesday 12th May 2015 be adopted in principle.

DECISION:

Cr Jeffries 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	

11.4 COMMON SERVICES JOINT VENTURE MONTHLY REPORTS:

FILE REFERENCE:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

When the common services joint venture was formalised there was an undertaking that monthly reports would be provided to member councils. There are seven councils that have joined to date.

One report is for the overall performance of the joint venture which is provided to all member councils. The other report is council specific for each member council that is provided only to that council. The second attachment is for Brighton Council's performance for the month of April.

Consultation:

Manager Professional Services

Risk Implications:

None.

Financial Implications:

See attached reports for financial information about the joint venture and Brighton Council.

Other Issues:

These will provide detailed information to assist in dealing with the amalgamation program and the financial sustainability of the joint venture and individual councils.

Assessment:

The reports will provide updates of proposed actions and collaborations which will build the overall capability and outputs of the group.

Options:

1. Adopt the recommendation
2. Do nothing

RECOMMENDATION:

That the reports be received.

DECISION:

Cr Owen 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	

11.6 INTERIM PLANNING SCHEME – DELEGATION:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

The purpose of this report is to request that Council resolve to delegate authority to the General Manager to allow the correction of errors in the Interim Planning Scheme to be requested of the Tasmanian Planning Commission without the need for a resolution of Council, and to seek Council approval to request the correction of one such error already discovered.

One zoning error has been discovered in the maps for the interim planning scheme, whereby the Particular Purpose Zone for the School Farm has been accidentally extended into adjoining residential land to the east. It is likely other errors will be uncovered in time and it would not be desirable to wait for the monthly council meeting cycle to request such corrections.

There is a simple, quick process for amended the scheme and zoning maps (such errors were foreseen). The process falls under Section 30IA of LUPAA and relates to the qualifications of what constitutes an error/correction, as opposed to a change, described under Section 37.

It is requested that Council both resolve to provide delegation to the General Manager to act quickly to make corrections under Section 30IA and Section 37 and to endorse the request to the TPC to correct the zoning error adjacent to the School Farm.

Consultation:

Consultation has occurred between council's senior planning staff, General Manager and the Executive Commissioner of the TPC Greg Alomes.

Risk Implications:

There are no significant risks in following the recommendation. However not doing so could allow errors to remain active for up to a month before being corrected, which could create risk and at least confusion.

Financial Implications:

None.

Options:

1. As per the recommendation.
2. Council does not adopt the recommendation.

RECOMMENDATION:

That Council resolve to:

1. Authorise delegation to the General Manager under Sections 30IA and 37 of the *Land Use Planning and Approvals Act 1993* to request the correction of errors to the interim planning scheme.
2. Endorse a request to the Tasmanian Planning Commission under Sections 30IA and 37 of *Land Use Planning and Approvals Act 1993* to correct the zoning error east of the School Farm site in Brighton.

DECISION:

Cr Gray moved, Cr Jeffries 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	

12. QUESTION ON NOTICE:

COUNCILLORS EXPENSES – REQUEST BY CR OWEN:

In light of recent media around alderman/councillor expenses and given the scrutiny I personally have been subjected to by ratepayers on the matter, I request that all expenses claimed/paid to individually by councillors since the election (2010) prior to the most recent local government elections (2014) be made public and included in the May 2015 agenda.

Meeting closed at 6.50pm

Confirmed:

(Mayor)

Date:

16th June 2015