



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 DECEMBER 2014**

PRESENT: Cr Foster (Mayor); Cr Garlick; Cr Geard; Cr Jeffries; Cr Owen; Cr Taylor

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 (Development Services Manager).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 18TH NOVEMBER 2014.

Cr Geard moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of the 18th November 2014, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

1.2 CONFIRMATION OF MINUTES OF THE ANNUAL GENERAL MEETING OF 9TH DECEMBER 2014.

Cr Owen moved, Cr Geard seconded that the Minutes of the Annual General Meeting of the 9th December 2014, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

1.3 CONFIRMATION OF MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF 9TH DECEMBER 2014.

Cr Garlick moved, Cr Owen seconded that the Minutes of the Waste Management Committee Meeting of the 9th December 2014, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

1.4 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 9TH DECEMBER 2014.

Cr Jeffries moved, Cr Garlick seconded that the Minutes of the Finance Committee Meeting of the 9th December 2014, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

1.5 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 9TH DECEMBER 2014.

Cr Geard moved, Cr Owen seconded that the Minutes of the Planning Authority Meeting of the 9th December 2014, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Jeffries moved, Cr Owen seconded that Cr Curran, Cr Gray and Cr Williams be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

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:-

Nov 19	LGAT General Meeting in Launceston
Nov 20	LGAT Mayors workshop in Launceston
Nov 20	Attended farewell drinks for Bruce Hoskinson at the Depot.
Nov 25	Meeting with James Dryburgh at Council
Nov 25	Anzac Day meeting at Council .
Dec 08	Meeting with General Manager at Council
Dec 08	Christmas Drinks - Eric Hutcheson at Brighton Bowls Club
Dec 09	Brighton Council AGM
Dec 09	Brighton Council Waste Management Committee Meeting
Dec 09	Brighton Council Finance Committee Meeting
Dec 09	Brighton Council Planning Authority Meeting.
Dec 10	General Manager and I met with Alison Alexander re History Book.
Dec 12	Christmas Parade start
Dec 15	STCA Meeting in Hobart
Dec 16	Ordinary Council meeting of Brighton Council

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority - Cr Gray representative.

Cr Geard attended a meeting of the Tas Fire Service at the Brighton Army Camp.

Cr Geard also attended a Hobart Fire Area Management Committee meeting.

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

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

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 Governance Manager or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it was reported that there were no workshops held since the last Council meeting.

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

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

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

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

RECOMMENDATION:

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

DECISION:

There were no supplementary agenda items.

9. REPORTS FROM COMMITTEES:

9.1 WASTE MANAGEMENT COMMITTEE – 9/12/14:

The recommendations of the Waste Management Committee Meeting of 9th December 2014, were submitted to Council for adoption.

Cr Geard moved, Cr Garlick seconded that the recommendations of the Waste Management committee meeting be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

9.2 FINANCE COMMITTEE – 9/12/14:

The recommendations of the Finance Committee Meeting of 9th December 2014, were submitted to Council for adoption.

Cr Owen moved, Cr Garlick seconded that the recommendations of the Finance Committee meeting be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

The Council Meeting was adjourned.

Cr Owen moved, Cr Garlick seconded that Cr Foster chair the following Planning Authority item.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

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 SECTION 39 REPORT FOR DRAFT PLANNING SCHEME AMENDMENT – 44 SERENITY DRIVE, BRIDGEWATER; SITE SPECIFIC CHANGE TO MAXIMUM DENSITY PROVISIONS:

FILE REFERENCE:	RZ 2014/04
Author:	Senior Planner (S Wells)
Applicant:	Peter Binny Surveys
Owner:	M & G Clark and P & R Binny
Location:	44 Serenity Drive, Bridgewater (Volume 142169 Folio 99)
Application no.:	RZ 2014/04
Zoning:	Rural Residential Zone
Planning Instrument:	<i>Brighton Planning Scheme 2000</i>
Date received:	3 November 2014
Date advertised:	22 November 2014
Decision required:	19 January 2015

Background:

Council resolved to initiate a planning scheme amendment to insert the following clause:

“6.3.11 Notwithstanding clauses 6.3.9 (b) and 6.3.10, maximum density provisions do not apply on land known as 44 Serenity Drive, Bridgewater (CT 142169/29)”

The purpose of this is to enable the subdivision of 44 Serenity Drive, Bridgewater consistent with the Rural Residential zoning of the land but which is currently precluded by maximum density provisions.

Consultation:

The Draft Amendment was exhibited in accordance with the legislative requirements and a total of six representations were received (Attachment 1). Of these, four are identical representations from nearby landowners. Submissions were also received from the Department of State Growth and TasWater.

TasWater have advised that they have no issue with the draft Amendment.

The concerns raised in each are outlined in the following table together with an officer response.

Concerns Raised	Planning Officer Response
<i>Landowner representations</i>	
Standard of Serenity Drive	Serenity Drive is considered to be adequate for further traffic movements associated with any future subdivision of the land.
Intersection of Serenity Drive and Highway	The Department of State Growth indicate that the intersection would need to be upgraded to a <i>Austroads Rural Basic Right-turn Treatment (BAR)</i> standard to provide for further development. This would be assessed further at the time of subdivision.
Drainage	The representation relates to existing drainage. Drainage from any further development will need to be designed and constructed in accordance with the Tasmanian Subdivision Guidelines and associated standard drawings.
Wind	It is considered that this issue is not relevant to the draft Amendment.
<i>Department of State Growth</i>	
Intersection of Serenity Drive and Highway	The Department of State Growth indicate that the intersection would need to be upgraded to a <i>Austroads Rural Basic Right-turn Treatment (BAR)</i> standard to provide for further development. This would be assessed further at the time of subdivision.

Legislation:

Section 39(2) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission a report comprising:

- (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–*
 - (i) *the need for modification of the draft amendment in the light of that representation; and*
 - (ii) *the impact of that representation on the draft amendment as a whole; and*

- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

Subsection (b) relates specifically to any representation received.

Subsection (c) allows the Planning Authority (Council) to provide any additional information or recommendation in relation to the draft amendment as certified or the recommend to the Tasmanian Planning Commission that a modification should be made regardless of any representation.

As the draft amendment has been initiated and certified the Tasmanian Planning Commission must make a determination on the matter.

Assessment:

The Draft Amendment was exhibited in accordance with the legislative requirements and a total of six representations were received. It is considered that no modifications to the draft amendment are necessary as a result of these representations, or for any other reason.

The Tasmanian Planning Commission is required to ensure that the draft amendment meets the objectives of the Resource Management and Planning System of Tasmania (RMPS) and State polices. These objectives were addressed in the original report to Council on the certification of the draft amendment.

The proposed amendment and subdivision is strongly supported by Regional and Local Strategic plans and it is recommended that no changes be made to the Draft Amendment.

Options:

1. To adopt the recommendation; or
2. To adopt an alternative recommendation, with a full statement of reasons as determined by Council.
3. To reject the recommendation, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That in accordance with Section 39 (2) of the *Land Use Planning and Approvals Act 1993* Council resolves to:

- A. Advise the Tasmanian Planning Commission that six representations were received following exhibition of draft amendment RZ 2014/04 to the Brighton Planning Scheme 2000 and that:
 - I) the representations do not warrant any modification to the draft amendment; and
 - II) the representations have no effect on the amendment as a whole; and

B. Advise the Tasmanian Planning Commission that no modification to draft amendment RZ 2014/04 is considered necessary.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

The Council meeting was reconvened.

11. REPORTS FROM OFFICERS:

11.1 MICROWISE - UPDATE REPORT:

FILE REFERENCE: 0838-3

AUTHOR: General Manager
(Mr R Sanderson)

The General Manager and Deputy 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.
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RECOMMENDATION:

That the report be received.

DECISION:

Cr Jeffries moved and Cr Garlick seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Jeffries	
Cr Owen	
Cr Taylor	

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 6.05 pm.

Confirmed:

(Mayor)

Date:

20th January 2015