



# Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.35 P.M. ON WEDNESDAY,  
16<sup>th</sup> MAY 2017**

**PRESENT:** Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; Cr Higgins; Cr Jeffries; 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 (Municipal Engineer) and Mr J Dryburgh (Manager Development Services).

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

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19<sup>th</sup> APRIL 2017.

*Cr Curran moved, Cr Owen seconded that the Minutes of the Ordinary Council Meeting of 19<sup>th</sup> April 2017 be confirmed.*

**CARRIED**

### **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

1.2 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 9<sup>TH</sup> MAY 2017.

*Cr Gray moved, Cr Jeffries seconded that the Minutes of the Planning Authority Meeting of 9<sup>th</sup> May 2017 be confirmed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
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 2015*, 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 2015*.

*Cr Owen and Cr Williams declared an interest in Item 11.3 in particular the 2017-18 Grants and Donations applications.*

**5. REPORTS FROM COUNCILLORS:**

**5.1 MAYOR’S COMMUNICATIONS:**

**AUTHOR:** Mayor Deputy Mayor  
(Cr T Foster) (Cr B Curran)

The Mayor’s communications were as follows:-

- APR 24 Deputy Mayor and I met with Cathy Harper and Janine Banks to finalise arrangements for Anzac Day
- APR 25 Anzac Day ceremony at Remembrance Park Mr Reg Watson as guest speaker.
- MAY 11 Discussion with Jessica Howard (Mercury) and photo at Bridgewater Bridge.
- MAY 12 Meeting with General Manager.
- MAY 12 Council Estimates 2017-2018 briefing with Ron, Greg, Heath and Deputy Mayor.
- MAY 15 Meeting with Miles Hampton Chairman of Taswater.
- MAY 15 Waste Management Workshop
- MAY 15 Council workshop – Estimates 2017-2018.
- MAY 16 Ordinary Council Meeting.

Apr 26<sup>th</sup> until May 11<sup>th</sup> Deputy Mayor Curran was Acting Mayor.

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**RECOMMENDATION:**

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

**DECISION:**

*Cr Williams moved, Cr Jeffries that the reports be received.*

**CARRIED**

**VOTING RECORD**

- | <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr Foster        |                |
| Cr Garlick       |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr Higgins       |                |
| Cr Jeffries      |                |
| Cr Owen          |                |
| Cr Williams      |                |

## 5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Cr Owen advised that he attended a LGAT Climate Change and Sustainability seminar on 11<sup>th</sup> May 2017.

### DECISION:

*Cr Garlick and 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 Higgins	
Cr Jeffries	
Cr Owen	
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.

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 2015, it was reported that two workshops were held since the last Ordinary Council Meeting as follows:-

1. Waste Management workshop held at 4.00pm on 15<sup>th</sup> May 2017, in the Council Chambers, Old Beach. In attendance were Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Gray; Cr Jeffries; Cr Owen and Cr Williams.

2. Budget 2017-18 workshop held at 4.30pm on 15<sup>th</sup> May 2017, in the Council Chambers, Old Beach. In attendance were Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Gray; Cr Jeffries; Cr Owen and Cr Williams.

## 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 2015, 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 2015.

## DECISION:

The General Manager advised that there was a supplementary agenda item relating to the amendment of Council's Environmental Health By-law. At the time of compiling the Agenda Officers were waiting on legal advice.

*Cr Gray moved, Cr Geard seconded that Item 11.5 - By-Law No. 1 of 2017 - Environmental Health be discussed as a supplementary agenda item.*

**CARRIED**

## VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	

Cr Jeffries  
Cr Owen  
Cr Williams

For the purpose of these Minutes the items will remain in numerical order.

## **9. REPORTS FROM COMMITTEES:**

### **9.1 WASTE MANAGEMENT COMMITTEE – 9/5/17:**

The recommendations of the Waste Management Committee Meeting of 9<sup>th</sup> May 2017, were submitted to Council for adoption.

#### **DECISION:**

The recommendation and confirmation of minutes of the Waste Management Committee meeting of 9<sup>th</sup> May 2017, were further discussed in Closed Council.

## **10. COUNCIL ACTING AS PLANNING AUTHORITY:**

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, 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 MONTHLY PLANNING UPDATE:**

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

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#### **Background:**

This report was intended to provide a monthly summary of planning matters for Council.

#### **Discussion:**

#### **Purchase and Receipt of land:**

None.

**Projects:**

- **5+5+5 project:** The project has been ‘reinvented’ to align with the Work for the Dole system and is currently active again.
- **Brighton Tomorrow:** The Brighton Tomorrow co-ordinator is preparing a package for an addition to the School Farm in partnership with the Principal of JRLF and Council. The Minister for Education has requested that the project be costed for consideration by the Government. If adopted, the School Farm could become the centre for rural education for the South Central Region.
- **Bridgewater South Master Plan:** Council’s Manager DS met with Boral executives on 10<sup>th</sup> May to progress the master plan. Boral now have a property manager working on this as a priority. There is some further work required, and some tension between the property division and the quarry operators with regard to divestment of land. We can expect clearer advice on their plans by end July.
- **Greening Brighton Strategy:** Work is underway to determine the planting plan for the coming financial year. Council staff are considering engaging a specialist (David Cundall from Southern Midlands) to prepare a landscaping strategy for the whole municipality which identifies specific species of street trees for each urban area. Staff are also doing some costing work on irrigation systems in order to better support the plantings that are rolled out.
- **Bridgewater Parkland Master Plan:** Two grant applications for Stage 1 of the Plan have been submitted for funding under the Building Better Regions Fund (Federal) and Community Infrastructure Grant (State) in partnership with Centacare Evolve Housing.

**Development Applications and leases on Council-owned land:**

The lease for use of council land for grazing adjacent to the Jordan River has now been signed.

**Council Land Subdivisions and Sales:**

Some BIHC sales have eventuated. Council’s Deputy GM to report.

**Other Strategic Matters:**

- **Brighton Draft Interim Planning Scheme & Amendments:**

The Nelsons Building Road Rural Living “Area B” rezoning was approved on 24<sup>th</sup> March 2017 and is now effective.

29 Brighton Road - Storage facility has now been approved by the TPC and is effective.

Hearings for the Tivoli Green Specific Area Plan and the Cove Hill new Rural Living zoning were held last week.

- **State Planning Scheme:** The Statewide Planning Provisions (SPP) have now been released.

Council now need to prepare Local Planning Schedules (LPS) and apply zoning. The TPC has provided guidelines for applying the zones. The TPC are encouraging Council’s to convert zones from their current status under the

Interim Planning Schemes as far as practicable. There is very little scope for strategic work to be undertaken as part of the process.

The TPC has suggested that Council's should be able to submit their LPSs within 26 weeks. Council staff are working with other southern Council's to prepare a workflow for delivering the LPS. Staff will look at scheduling a workshop with Councilors in the coming months to provide more detail around the preparation of the LPS.

- **Tasmanian Planning Policies:** The Tasmanian Planning Policies have been released for comment by May 15<sup>th</sup>.
- **HT/Centacare Land Master plan:** A suite of Development Applications are expected during 2017. Sixteen units at 2 Green Point Road have been approved. An application at 20 Gunn St for 29 dwellings has been received, however there are issues with the alignment of the proposed Bridgewater Bridge project.
- **NDIS projects:** Nothing new.
- **Highway Services Precinct:** Permission to lodge a DA granted by State Growth

### **Planning Professional Services:**

Council's external planning services are predominantly for Derwent Valley Council (this includes work on the new planning scheme). Staff also undertook a planning assessment for Southern Midlands recently where there was a potential conflict of interest.

Council's Manager DS has been charging some of his time to the South Central Sub-region councils for specific project work.

### **Statutory update (April 2017):**

For the past month (See Attachment). Note March was the busiest month for DA's received since November 2013.

### **Appeals:**

- 757 Boyer Road – dwelling. Hearing re-scheduled 23-26<sup>th</sup> May.
- 115 Braeview Drive – 1 lot and balance subdivision – Consent Memorandum agreed.

### **Enforcements:**

Some investigations and negotiations are in process:

- 29 Brighton Road, self storage. Decision made & being implemented.
- 17 Greenbanks Road. Non-compliance with permit.
- 19 Greenbanks Road. Ongoing non-compliance with permit. Infringement Notice Issued.
- 21 Greenbanks Road. Established Transport Depot without approvals.
- 117 Stonefield Rd. Established horse training track without approvals which is causing a nuisance.
- 89 McGanns Road. Significant land clearing without approvals.



**Consultation:**

All council departments.

**Risk Implications:**

N/A.

**Financial Implications:**

N/A.

**Options:**

1. As per the recommendation.
  2. That the report not be received.
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**RECOMMENDATION:**

That Council receive the report.

**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 Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

**11.2 POLICY 2.6 – RELATED PARTY DISCLOSURES:**

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

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**Background:**

The Related Policy Disclosures had been compiled to ensure compliance with the Australian Accounting Standard AASB 124 *Related Party Disclosures and the Australian Implementation Guidance for Not-For-Profit Public Sector Entities (AASB 124)* and the *Local Government Act 1993* in preparing financial accountability documents, including general purpose financial statements.

This Policy provides a framework for the identification of related party relationships and the disclosure of related party transactions with Council.

**Consultation:**

Deputy General Manager, Corporate Executive

**Assessment:**

This policy applies to all persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities – directly or indirectly. This includes Councillors, General Manager and Senior Managers of Council

**Other Issues:**

The information collected and disclosed in accordance with the AASB124 standard and this Policy will be audited. It is normal audit practice to audit not only the disclosures made but also the systems and policies implemented by council. These are audited to ensure that council has not omitted material transactions.

Council could receive a qualified audit opinion, if audit are not satisfied that council’s systems and policies capture all material transactions with related parties. In addition this issue could be mentioned in the Auditor-General’s annual report to parliament on local government entities.

**Options:**

1. As per the recommendation.
2. That Policy 2-6 – Related Party Disclosures not be adopted.

**RECOMMENDATION:**

That Policy 2.6 – Related Party Disclosures be adopted.

**DECISION:**

*Cr Gray 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

### **11.3 BUDGET 2017–2018:**

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

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#### **Background:**

The draft 2017-2018 budget, Grants & Donations and Fees & Charges Register had been provided to all Councillors. The budget review workshop has been undertaken and the draft budget has 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
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#### **RECOMMENDATION:**

That the 2017-2018 budget, associated fees & charges and grants and donations requests be adopted in principle.

#### **DECISION:**

*Cr Owen moved, Cr Curran seconded that the recommendation be adopted, excluding the Old Beach Cricket Club and Under One Rainbow requests in the grants & donations requests for 2017-18.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

Cr Owen and Cr Williams left the meeting.

*Cr Gray moved, Cr Jeffries seconded that the application for grants for the Old Beach Cricket Club and Under One Rainbow be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	

Cr Owen and Cr Williams rejoined the meeting.

**11.4 TASWATER – TAKEOVER BY STATE GOVERNMENT – UPDATE:**

**AUTHOR:** General Manager  
(Mr R Sanderson)

The Acting Mayor and General Manager reported on the Local Government Association of Tasmania’s Special General Meeting held on Thursday 11<sup>th</sup> May 2017, regarding the proposed take-over of Taswater by State Government.

**RECOMMENDATION:**

That the report be received.

**DECISION:**

*Cr Gray moved, Cr Jeffries seconded that the reports be received.*

**CARRIED**

### VOTING RECORD

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

## 11.5 BY-LAW NO.1 OF 2017 – ENVIRONMENTAL HEALTH:

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

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### Background:

In August 2014, the Environmental Health By-Law and Regulatory Impact Statement were submitted to Council for approval; amendments were made in September 2015 and June 2016; due to the change of zonings in the Brighton Planning Scheme and due to events with respect to pigeons in residential areas the by-law was again reviewed.

The Director of Local Government has requested Council review, in particular Clauses 29, 30 and 31.

This is deemed to be a minor or technical amendment to an existing by-law.

The purpose of this By-law has been to regulate, control and protect activities such as caravans, sanitation, incinerators and animal control which have impacted on environmental health within the municipality.

### Consultation:

Senior Environmental Health Officer, Local Government Office; General Manager; Governance Manager and Abetz Curtis Lawyers

### Risk Implications:

The primary function of this by-law is regulatory and it is considered that this By-law will not impose any restrictions on commercial activities or competition nor have a negative impact on business.

### Financial Implications:

Nil.

### Other Issues:

Abetz Curtis advise that the amendments doesn't change the intent of the By-Law and because the power exists elsewhere ie in other Legislation, arguably means it doesn't need to be in the Bylaw but it is convenient to have the provisions together.

These powers all exist in the LGA:

Obstruction	s. 339D;
Name and address	s. 152A;
Entry	s. 20A.

**Assessment:**

Advice previously received from the Local Government Division has indicated that Council can make the minor amendments under Section 156A(1A) of the Act which removes the requirement for Council to prepare a Regulatory Impact Statement. However, Council is still required to following the required steps in the making of a By-law.

Sections 29-31 of the By-law have been amended to read:-

**29. Obstruction of an authorised officer**

- (a) A person must not obstruct, hinder, assault, threaten, abuse or intimidate an Authorised Officer engaged in the exercise of the powers conferred by this By-Law.

**Penalty:** Fine not exceeding 12 penalty units.

**30. Failure to provide name and address**

A person must not:

- (a) fail or refuse to give his or her name and address; or
- (b) knowingly give a false name or address,

if so required by an Authorised Officer who reasonably believes the person is committing or has committed an offence against this By-Law.

**Penalty:** Fine not exceeding 12 penalty units.

**PART 7 - INFRINGEMENT NOTICES AND ENFORCEMENT**

**31. Entry onto land**

For the purposes of this By-Law, an Authorised Officer may:-

- (a) enter and remain on land for any reasonable purpose connected with the administration or enforcement of the By-Law; and
- (b) take photographs, audio, video or other recordings as reasonably required in connection with the administration of the By-Law.

**Options:**

1. As per the recommendation.
  2. That Council not intend to make By-Law No. 1 of 2017 – Environmental Health.
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**RECOMMENDATION:**

1. That in accordance with the provisions of Section 156 of the *Local Government Act 1993*, Council gives notice that it intends to make a By-law for the purpose of regulating, controlling and protecting activities as caravans, sanitation, incinerators and animal control which may impact on environmental health within the municipality.
2. That the By-law (By-Law No. 1 of 2017 – Environmental Health) receive certification by a legal practitioner and the General Manager and the By-law is sealed by Council.
3. The By-law is to be published in the *Tasmanian Government Gazette*.
4. The By-law is submitted to the Joint Standing Committee on Subordinate Legislation.
5. The By-law is tabled in Parliament.
6. A copy of the By-law as published in the Gazette is sent to the Director of Local Government.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

*Cr Curran moved, Cr Garlick seconded that Council resolve into Closed Council.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

## **12. CLOSED MEETING:**

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters are listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

### **12.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19<sup>th</sup> APRIL 2017 – CLOSED PORTION:**

### **12.2 CONFIRMATION OF MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF 9<sup>th</sup> MAY 2017 – CLOSED PORTION:**

### **12.3 NEGOTIATIONS FOR TRANSFER OF COUNCIL LAND:**

## **13. QUESTIONS ON NOTICE:**

*There were no questions on notice.*

Meeting closed at 6.40pm

Confirmed:

\_\_\_\_\_  
(Mayor)

Date:

\_\_\_\_\_  
20<sup>th</sup> June 2017