



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 TUESDAY,
17th NOVEMBER 2015**

PRESENT: Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Geard;
Cr Gray; Cr Jeffries; Cr Taylor; 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 (Manager
Development Services)

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 20th OCTOBER 2015.

*Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of
20th October 2015 be confirmed.*

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Jeffries moved, Cr Williams seconded that Cr Garlick be granted leave of absence.

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Mrs C Hill addressed Council in relation to Item 11.5
- Lindy O'Neill (Uniting Care) addressed Council in relation to Item 11.2

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.

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:-

- | | | |
|-----|----|---|
| Oct | 23 | Meeting at Council with GM, Tony Harrison.
Meeting in Hobart with Chairman of the Board of Taswater Miles
Hampton |
| Oct | 26 | Meeting with some Afghani business people Greenbanks Road. |

- Interview with Andrew McCarthy, Southern Cross TV.
 Meeting with Tony Harrison at Brighton.
 Eric Hutcheson office to arrange meeting with Federal Lyons members.
 Oct 27 GM, James Dryburgh and I met with Craig Townsend and Stephen Baxter from the Baptist Church.
 Oct 28 St Anns Retirement Village for meeting with Susan Parr and builders.
 Oct 29 LGAT General Meeting held at Civic Centre.
 Nov 05 Meeting with The Mercury.
 Citizenship Ceremony at Brighton.
 Nov 06 Taswater Board Selection Committee meeting at Campbell Town
 Nov 09 GVM workshop with DVC, SMC and CHC at Civic Centre.
 Nov 11 Remembrance Day ceremony at Remembrance Park with children from Brighton Primary School.
 Meeting with Anglicare in Hobart
 Nov 12 Taswater General meeting and AGM Launceston.
 Nov 13 Taswater Board Selection Committee Meeting Launceston.
 Nov 17 Ordinary Council meeting.

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

The Mayor also addressed the meeting as follows:-

STATE OF THE COUNCIL – 2015

Brighton Council is rightly recognised as a leader in Local Government. Our culture has long been one to think outside the square, challenge what is considered normal, lead by example and always question the status quo.

We often talk about the culture here at Brighton and how important it is, not gifted to us, but one determined by the experience of our staff and the Councillors who have allowed the staff to be risk takers in determining our future.

We are in an enviable position, having stability with our councillors, senior management and the ability to attract the best staff partly due to our proximity to Hobart, but mainly through the success of resource sharing and of course our reputation.

Leading by example is often challenging but without a doubt is very rewarding and some recent examples of success show this.

The first council in Australia to recycle all of its waste water.

The first council in Australia to establish a flat residential rate.

The first council in Australia to establish a Proprietary Limited Company.

Recognised as an Australian Leader in Resource Sharing.

Our immediate future presents new challenges, but with these challenges comes opportunities. One such challenge has stemmed from the Tasmanian Government. The State Government is under pressure from a coordinated amalgamation push from the Property Council, other lobby groups, influential individuals and indeed the Media, all advocating for less Councils. Each of course driven by what benefits there are in it for themselves. On the other hand Brighton Councils responsibility is totally to its residents and the betterment of our community.

I was recently reading an article in the Government News about the ongoing battles going on between Councils in New South Wales and the State Government there. Councils have been given until the 18th of November to voluntarily merge or lose control over the entire process and be forcibly merged by the Government. The article quoted the Mayor of Deniliquin Ashley Hall saying we have to set the Agenda, if we make recommendations to the Minister on these and other important issues we can have a say in the control of our destiny.

Like Ashley Hall it is my view that we need to concentrate all our efforts in setting our own agenda. We need to be ahead of the State Government, the media and the lobbyists and take control of our own destiny. A destiny that represents the interests and aspirations of our community. This can only be achieved with the support of our community and that support will continue if we get it right.

So to our focus on the future:

We need to encourage and support strong residential growth:-

This primarily will be in the Brighton area. We need to prioritise the development of Brighton in the immediate as a town to keep up with this fundamental growth.

Remember growth is what funds our new capital.

An improved streetscape and former army camp improvements is essential.

We must push for new developments, including the new IGA and an expansion to our medical precinct.

Promote the Industrial Estate:-

This really has under performed and we need to lobby Government support.

Support for our Professional Services Joint Venture:-

We have to grow this arm of our business as it delivers the professional services that provides increased revenue and efficiencies for Brighton.

Develop Bridgewater as an Administration and Commercial hub:-

Continue discussions and opportunities for a new emergency services / Council / Metro precinct on the Boral land.

Support Catholic Care building new dwellings which will increase the local population

Lobby the development of a park and ride facility to service the region.

Provide leadership in the Sub Region:-

When I talk of the Sub Region I refer to the current Council areas of Southern Midlands, Derwent Valley and Central Highlands. If there is to be forced local government reform I want to see Brighton in a strong position to be a part of this sub region, not to be included in any greater Hobart Council scenario. Hence in recent weeks we have not only met with the Mayors and GM's of those Council's but we have conducted a Global Value Management workshop with 5 representatives from each of the four Council's.

In conclusion I just want to say that challenges have been there in the past and will continue to be there in the future.

We have mastered them in the past and will do so in the future.

Our destiny is in our hands – continue to work together for the betterment of our community and I am sure we will have another successful year.

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 Southern Emergency Management meeting in Hobart.

Cr Geard, Municipal Engineer and Council Services Officer met with the Derwent Soccer Club on 17th November 2015.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
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 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 there were no workshops held since the last Ordinary Council Meeting.

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:

Cr Owen moved, Cr Gray seconded that the supplementary agenda items as report by the General Manager i.e. 11.9 Policy AP08 – Code of Tendering and Item 11.10 Planning Appeal – Visitor Accommodation at 22 Churinga Waters, Old Beach be discussed.

CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held in November.

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 COMMON SERVICES JOINT VENTURE MONTHLY REPORTS:

AUTHOR: Manager Professional Services
(Mr G Boyd)

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 August.

Consultation:

General Manager

Risk Implications:

Nil

Financial Implications:

See attached reports for financial information about the Common Services Joint Venture and Brighton Council.

Other Issues:

These reports 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 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 Gray moved, Cr Curran seconded that the report be received.

CARRIED

VOTING RECORD

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

11.2 UNITING COMMUNITY GARDENS PROPOSAL (84 JETTY ROAD, OLD BEACH AND TOTTENHAM ROAD, GAGEBROOK):

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

In November 2012, Council endorsed a recommendation to:

1. *Develop an agreement with Uniting Care Tasmania in regard to Council-owned land adjacent to existing Uniting Care operations at 32 Tottenham Road, Gagebrook, to enable the expansion of services in the region.*
2. *Support an application from Uniting Care Tasmania to the Regional Development Australia Fund for the above project.*

This was on the basis of a proposal by Uniting Care to establish an early learning centre on Council-owned public open space adjacent to 32 Tottenham Road, Gagebrook. Unfortunately this project was not successful with funding under Regional Development Australia.

Uniting Care Tasmania has now requested to Council that they be permitted to establish community gardens at both the council-owned premises they lease for offices at 84 Jetty Road and on the aforementioned land on Tottenham Road. The area to be gardened at 84 Jetty Road are simply the land immediately surrounding the two buildings leased by UCT, the land proposed for use in Tottenham Road is shown approximately below.

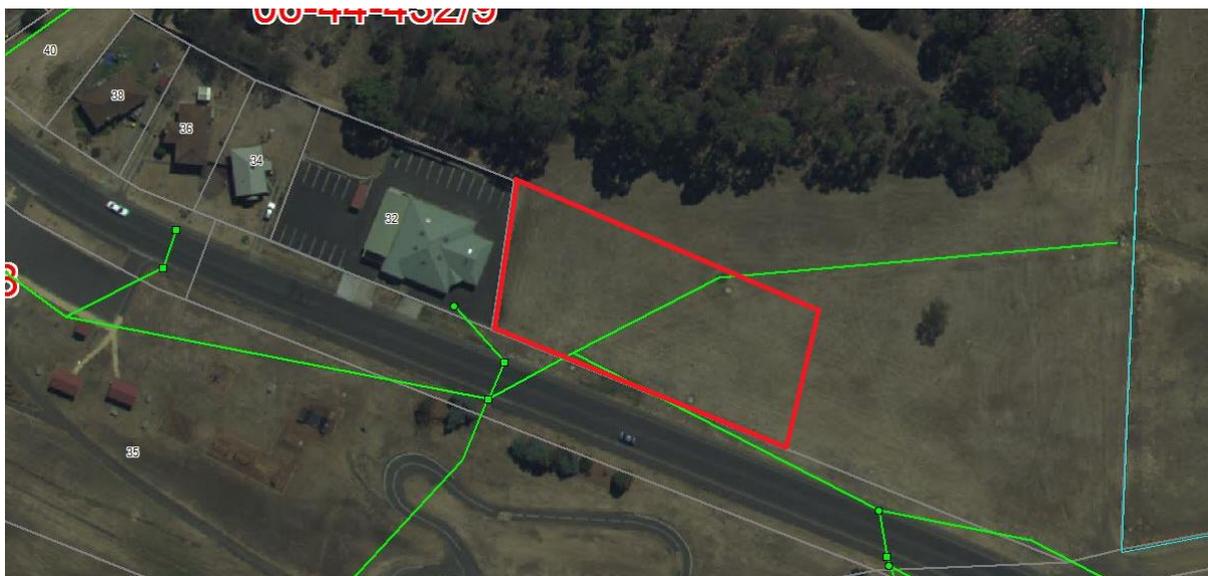


Figure 1: Approximate location of Tottenham Road community gardens.

Uniting Care Tasmania (UCT) has been providing emergency relief services in the Gagebrook area for around 26 years. Over the years the emergency relief service comprised various short term "as needed" family assistance positions. Currently the services provided from the Tottenham Road facility by UCT include family counselling, financial support, child counselling and the Church Op Shop. UCT is the only provider with a significant "on ground" presence in the area and is committed to long term service provision. UCT has identified that the majority of their clients in the South East of the state are located in and around the Gagebrook area.

The Proposal:

Copied below is the project summary as provided by UCT:

Background

UnitingCare Tasmania has been leasing 2 buildings at 84 Jetty Road for almost two years.

UnitingCare uses the buildings to provide therapeutic family support programs to families.

The families come from a variety of geographical areas but live predominantly in lower socioeconomic areas.

Additionally UnitingCare Tasmania offers emergency relief services at Tottenham in Gagebrook.

Issue

The majority of the people with whom we work are affected by intergenerational disadvantage. This covers a multitude of specific types of disadvantage but for the purposes of this proposal we are talking about food and all of the associated componentry of getting food to the table ready to eat.

Most of our clients come from homes where little is taught or understood about nutrition, diet, brain development, where food comes from, how its grown, prepared, cooked or stored. Nor is there much skill around budgeting, shopping, seasonal produce etc.

The Proposal

In partnership with Work for the Dole UnitingCare Tasmania propose to establish a community edible garden at both locations.

At the Old Beach address, out the front we propose planting fruit trees and herbs. Along the back of, and between, the first and second building we would like to plant a mixture of raised and ground level beds to incorporate a mixture of seasonal and perennial fruits and vegetables.

Lastly we envisage planting up decorative flower beds in front of the car parking bays.

At the Tottenham Road address we respectfully ask that the council grant us use of the land adjacent to our building at number 28. There is a swathe of council owned land there that is flat and very accessible. We propose that council allow us to fence a

portion off to minimise destruction by native animals. We plan to plant a mixture of fruit trees, herbs and vegetables.

The work for the dole scheme provides funding which will allow us to complete the task without any additional funds being required. The scheme provides a work crew of 10 and a supervisor which means only general oversight is required, with no additional resources needed from UnitingCare or Council.

We propose that the scheme focuses on people who are interested in gardening and live locally; increasing the opportunity for ongoing involvement once the work has been completed.

We believe that local participation will be the key to the ongoing success of the project.

Once we achieve successful crops we propose to teach the gardeners how to prepare or cook the produce. At both locations we have kitchens that although are not licenced as commercial, are big enough to demonstrate and practice the skills being taught. We will not charge for any food being cooked.

We will use the food being produced as part of an additional program offering focusing on seasonal food, simple cookery, diet and nutrition etc. These things will all be part of additional conversations about budgeting and shopping.

We expect that we will be required by Council to apply for permits or similar. We will comply with all council bylaws etc.

The Work for the Dole participants will be properly supervised at each location with Old Beach proposed to be completed before the Gagebrook garden commences. At each location UnitingCare will provide ablutions, access to the/coffee making and simple food preparation areas for morning/afternoon tea and lunch.

Each participant will receive OHS instruction and general induction.

They will be provided with safety equipment, workwear and tools by the scheme.

The scheme provides for 6 months 'employment' and it is envisaged it would commence at the earliest opportunity after this proposal is agreed and participants recruited, hopefully before the end of 2015, but potentially January 2016.

Insurances are managed by the scheme.

Should the project fail or we leave the leased property at Old Beach, UnitingCare Tasmania would commit to reverting the areas back to their current condition as requested.

The Recommendation

That Council agrees to be an 'In Kind' partner in the Work For the Dole project proposed by UnitingCare Tasmania by allowing us the use of the land on the property at 84 Jetty Road Old Beach and the land adjacent to 28 Tottenham Road, Gagebrook.

Consultation:

Consultation has occurred between the CEO of Uniting Care Tasmania and Council's Manager Development Services.

Risk Implications:

There are no major risk implications. If the gardens prove unsuccessful or Council determines a more appropriate use for the land in future, they can be easily removed.

Financial Implications:

There will be no financial implications.

Options:

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

RECOMMENDATION:

That Council resolve to endorse the use of 84 Jetty Road, Old Beach and a section of Council-owned land in Tottenham Road, Gagebrook by Uniting Care Tasmania (UCT) for the purposes of community gardens and permit staff, on behalf of Council, to enter into an agreement with UCT to support the arrangement.

DECISION:

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

CARRIED

VOTING RECORD

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

11.3 ALLIANCE FOR GAMBLING REFORM - SUPPORT:

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

Council attempted to stop the introduction of pokies to the municipality, but was ultimately unsuccessful. Brighton has two venues with pokies. Due to legislated secrecy it is difficult for council to obtain detailed data about the effect of pokies on the local economy and on our residents. This restriction on information is not the case in Victoria.

Council issued a media release on 4th November 2015 calling for a major independent study into the impacts of pokies.

Momentum is gathering in Tasmania and across the nation to better protect people and communities from the harmful impacts of poker machines. A recent ABC documentary *Ka-Ching! Pokie Nation* highlighted the deceptive design of the machine and a legal action has now been brought. Maurice Blackburn lawyers will argue in a state or federal court that poker machines are in breach of consumer law for misleading and deceptive conduct.

In Tasmania, discussions have opened up again due to David Walsh expressing concerns over his gambling licence request being used to extend the Federal Group monopoly.

This report is for the purposes of recommending that Council become an 'Alliance Supporter' of the Alliance for Gambling Reform. A useful summary flyer of the problem was attached.

The **Alliance for Gambling Reform (Alliance)** is a newly-formed national collaboration of organisations with a shared concern about the harmful impacts of gambling in Australia. The Alliance seeks to campaign for reforms to the gambling industry to reduce harm from gambling, including better information, machine regulation and seeking licensing changes to address the increasing practice of gaming operators shifting existing machines into more vulnerable communities.

The Alliance is 100% funded by donations from individuals and foundations that do not have any ties with the gambling industry. They are not affiliated with any political party.

The mission of the Alliance aligns closely with, and builds upon, the Victorian local government-led *Enough Pokies* campaign.

Victorian Example

In 2014 there was a statewide local government campaign, *Enough Pokies*, which successfully mobilised over 70 councils, the Municipal Association of Victoria (MAV), The Victorian Local Governance Association (VLGA), The Salvation Army and secured financial contributions from 13 foundation councils.

The campaign was timed to coincide with the November 2014 state election and its aim was to raise awareness of the predatory conduct of the major gaming operators which are increasingly targeting and exploiting some of Victoria's most disadvantaged communities with the placement of their poker machines. The campaign sought to highlight the frustrations of councils and communities across the state with the current inadequate regulatory framework for poker machine licensing in Victoria and the uneven playing field which exists at the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and the Victorian Civil and Administrative Tribunal (VCAT).

Enough Pokies was successful in bringing together an unprecedented coalition of councils advocating for pokies licensing system reform. The campaign was assisted by a specialist communications firm and achieved significant media coverage including in *The Age*, *The Herald Sun*, *The Guardian* and the ABC. The campaign also commissioned an experienced barrister to draft legislative amendments proposing improvements to the *Gambling Regulation Act* to better protect vulnerable communities from the targeted exploitation of the big gaming operators. The new state government has agreed to meet to consider these amendments further in July 2015.

Off the back of the public exposure of the manipulative machine settings, the Alliance are targeting a number of Victorian clubs to commit to going "con free". A clever ask in that they don't need to get rid of their pokies.

DISCUSSION

Building on the work of *Enough Pokies* is a key part of the mission of the Alliance. Indeed, Victorian local government has been a key driving force behind the Alliance with the MAV and VLGA involved in supporting and assisting it. Other organisations also supporting the Alliance are:

- The VLGA;
- Approx. 40 Victorian Councils;
- The MAV;
- The Salvation Army;
- The Uniting Church in Australia;
- The Reichstein Foundation;
- Victorian Inter-Church Gambling Taskforce;
- Australian Churches Gambling Taskforce;
- Whittlesea Inter-agency Taskforce on Gambling (WITOG); and
- Gambling Impact Society (NSW).

Councils signed up as Alliance supporters include:

Bass Coast Shire Council
Brimbank City Council
Cardinia Shire Council
City of Greater Dandenong
City of Monash
City of Whittlesea Council
Darebin Council
Geelong City Council
Hobsons Bay City Council
Hume City Council
Indigo Shire Council
Knox City Council
Leichhardt Municipal Council
Macedon Ranges Shire Council
Maribyrnong City Council
Mitchell Shire Council
Moonee Valley City Council
Moreland City Council
Monash city Council
Municipal Association of Victoria (MAV)
The Victoria Local Governance Association (VLGA)
Whitehorse City Council

The Alliance is a national collaboration of organisations with a shared concern about the harmful and unjust impacts of gambling in Australia. It represents the first time that key organisations have attempted to collaborate and pool their respective efforts, resources and talents to seek important reform in this area. Alliance board membership is comprised of leading experts and public spokespeople in gambling prevention, representing agencies across Australia. Among others, it includes Tim Costello who has been the most publicly prominent advocate for gambling reform over the past two decades.

The Alliance also seeks to partner with councils to press for regulatory changes to the licensing system for the location and placement of poker machines, as sought through the *Enough Pokies* campaign.

Alliance campaign activity is due to launch later in 2015 and will be seeking support from councils through assisting with coordinating localised community campaigns and events aligning with the national campaign.

The Alliance board will oversee the implementation of the Alliance campaign plan and a National Campaign Manager has been engaged to implement and execute the campaign.

As an 'Alliance Supporter' it is envisaged that Council's logo may be displayed along with the logos of other Alliance Supporters on the Alliance website when it is established. Council will also be able to use the Alliance's logo to promote the

Alliance in appropriate ways and may consider coordinating some local events to coincide with the launch of the Alliance’s campaign later in the year. As an ‘Alliance Supporter’ Council is not responsible for the activities of the Alliance and, although it is not likely, if there were any concern about any action or position taken by the Alliance in the future, it would be entirely open to Council to resolve to cease to be an Alliance Supporter at any time.

Consultation:

Consultation has occurred between Council’s GM, MDS, Mayor and Media Advisor. Consultation has also occurred between Council’s MDS and the Alliance for Gambling Reform.

Risk Implications:

There are no risk implications.

Financial Implications:

There are no direct financial implications associated with Council becoming an Alliance Supporter. It is envisaged that there will be some staff in-kind support from time to time. However, this support is not mandatory and any requests for assistance will be determined on a case by case at the time by appropriate staff.

Conclusion:

The Alliance seeks to campaign for reforms to the gambling industry to reduce harm from poker machines and to protect disadvantaged communities from the infiltration of increasing numbers of poker machines.

Options:

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

RECOMMENDATION:

That Council resolve to become an ‘Alliance Supporter’ of the Alliance for Gambling Reform and to join/support the Coalition of community organisations concerned about gambling.

DECISION:

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

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	

Cr Taylor
Cr Williams

11.4 MONTHLY PLANNING UPDATE:

FILE REFERENCE:

AUTHORS: Manager Development Services
(Mr J Dryburgh)

Background:

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

Discussion:

Brighton Industrial and Housing Corporation (BIHC):

- Several houses complete in Paice Street.

Purchase and Receipt of land:

Nothing to report.

Projects:

- **5+5+5 project:** Nothing new to report.
- **Brighton Tomorrow:** The Brighton Tomorrow report is on public exhibition.
- **Old hospital building:** Nothing new to report.
- **Bridgewater South Master Plan:** Plan endorsed for public exhibition, pending approval from Boral.

Development Applications and leases on Council-owned land:

Uniting Care Tasmania have sought Council's permission to develop community gardens at 84 Jetty Road, Old Beach and off Tottenham Road, Gagebrook.

Council Land Subdivisions and Sales:

Another BIHC sale. Greg to update.

Other Strategic Matters:

- **Brighton Draft Interim Planning Scheme:** Some progress on Urgent Amendments (to be updated verbally in the meeting).
- **Potential HT Land Master plan:** A consultant team has been engaged by Centacare, who under their agreement with Housing Tasmania need to complete a master plan within the next 12 months or so. The consultant team met with council planning, engineering, community and management staff in late August. We have requested an update on progress.

Planning Professional Services:

Professional services hours for planning continue to increase (more than double what they were 3 years ago).

Other matters: None

Statutory update (October 2015):

For the past month (See Attachment).

Enforcements:

Some minor enforcements in process.

Consultation:

All council departments.

Risk Implications:

N/A.

Financial Implications:

N/A.

Options:

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

RECOMMENDATION:

That Council receive the report.

DECISION:

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

CARRIED

VOTING RECORD

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

11.5 APPLICATION FOR KENNEL LICENCE – 119 STONEFIELD ROAD, BRIGHTON:

FILE REFERENCE: STONEF/119

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

An application for a kennel licence for 5 mixed breed dogs at 119 Stonefield Road, Brighton was lodged with Council on 14th September 2015.

Council Officers have been communicating with the owners of the property for some time regarding the number of unregistered dogs on their property. The dogs (sometimes up to 15) had been used for hunting and belong to other members of the family.

The owner has now reduced this number to 5 and they are all currently registered.

The application was advertised on the 23rd June 2015. Three objections were received during the statutory 14 day advertising period.

These objections relate mainly to the number of other animals on the property; but there is mention of barking dogs.

Consultation:

Governance Manager, Animal Control Officer, Environmental Health Officer, applicant and an objector.

The application was advertised on the 23rd June 2015. Three objections were received during the statutory 14 day advertising period.

The concerns raised in the representations are outlined and addressed as follows:

Concerns Raised	Response
Representor 1:	
No written notice given to neighbours of intention to apply to Council for Kennel licence.	Not a requirement to provide written notice to neighbours. <i>Dog Control Act</i> only requires a public notice of the intention to apply for a licence and the address, details of the premises, number and breed of dogs to which the application relates.
Many animals on property i.e. cows, sheep	No relevant to Kennel application. There are no pigs on the property.
Litter along road	Not relevant to Kennel application.

Noise of dogs	Can be addressed as a condition of Kennel Licence.
<i>Representor 2:</i>	
Complaint re keeping of cattle, sheep, turkeys, chickens, pigs etc on property not being contained	Council has dealt with these matters when they arise. There are no turkeys or pigs on the property. Not relevant to kennel licence.
Barking dogs	No record of dog barking complaints, however this can be addressed as a condition of Kennel Licence.
Rubbish, burning off	Not relevant to Kennel application.
Wastewater treatment system	Not relevant to Kennel application.
<i>Representor 3:</i>	
Motorbikes	Not relevant to Kennel application.
Animals constantly getting out and roaming	Council has dealt with these matters when they arise. The property has been cleared of many animals and there are no pigs or turkeys or cows on-site.
Goats chained to neighbouring property boundary fence	Not relevant to kennel application.
Plastic bags - littering	Not relevant to kennel application.
Dogs barking	Has been addressed when complaint received. Can be addressed as a condition of Kennel Licence.
How many dogs to be kept on premises (including puppies) at any given time?	Application is for 5 mixed breeds. Puppies under the age of 6 months are not included in the 5. Not a requirement of a kennel licence to know the sex, whether they are de-sexed or vaccinated. All dogs must be registered and microchipped in accordance with a Kennel Licence and the <i>Dog Control Act</i> .

Will dogs be shown or registered with Dogs Tasmania.	They are classed as domestic dogs.
Can a Kennel Licence be revoked if conditions are not met.	Yes Council or the General Manager may revoke a Licence under the Dog Control Act for non-compliance of Kennel Licence conditions.
Are copies of the conditions of a kennel licence available for the public?	This report is a public document, so yes.
Will random checks be carried out to assure these conditions are met.	Council's Animal Control Officer undertakes an annual check of all Kennel Licences within the municipality. Yes random checks can be undertaken if Council believes conditions have not been met.
200 metre radius to be minimal	This is set by the <i>Dog Control Act 2000</i> .

Risk Implications:

N/A

Financial Implications:

N/A

Other Issues:

The *Dog Control Act 2000* states that "any person residing or owning land within 200 metres of the boundary of the premises to which a licence relates may object to the General Manager against the granting of the licence within 14 days after a notice is published". Although there were 3 objections, only 1 falls within the above category i.e. within 200 metres of the boundary, however all representations were taken into consideration.

There have been verbal complaints (March & April 2014) to Council regarding the barking of dogs from this property. Council's ACO visited the property and spoke with the owners. There haven't been any other complaints regarding the dogs. However, Council Officers have received complaints about the various animals that were wandering onto neighbouring properties. This has since been resolved and the number of animals on this property i.e. turkeys, pigs, cows, chickens, sheep has been massively reduced. There are no turkeys or pigs on the property anymore.

Assessment:

Council's Animal Control Officer (ACO) has visited the site and advised that the property is now satisfactorily maintained.

The ACO has also spoken with the applicant regarding the dogs barking and causing a nuisance.

It is not Council’s position to advise a property owner how many farm animals they can keep on their rural property, therefore this application has been assessed only in relation to the Kennel licence for five dogs.

Council’s ACO undertakes an annual inspection of all Kennel Licenced properties within the municipality.

Options:

- 1. As per the recommendation.
- 2. Not approve the application for a Kennel Licence at 119 Stonefield Road, Brighton.

RECOMMENDATION:

That Council approve a Kennel Licence for 5 mixed breed dogs at 119 Stonefield Road, Brighton, subject to the following conditions:-

- 1. No more than 5 dogs are to be kept on this property.
- 2. Adequate provisions for the health, welfare and control of all dogs.
- 3. Compliance with all laws relating to public health, environmental protection and required plumbing and planning approvals if required.
- 4. Compliance with the provisions of the *Dog Control Act 2000* or any other relevant Act, including but not limited to the *Animal Welfare Act 1993*.
- 5. Each dog is to be registered annually and microchipped in accordance with the *Dog Control Act 2000*. Council to be notified of each microchip number.
- 6. The dogs are not to create a nuisance by barking.

DECISION:

Cr Curran moved, Cr Jeffries seconded that Option 2 be adopted.

CARRIED

VOTING RECORD

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

11.6 DELEGATIONS – STRATA TITLES ACT 1998 AND LOCAL GOVERNMENT (BUILDING & MISCELLANEOUS PROVISIONS) ACT 1993:

FILE REFERENCE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Legislation enables Council to delegate some of its functions to assist in the smooth and efficient running of Council affairs.

In order for Council to make a valid delegation, legislation requires:-

- a) Council must have authority from legislation to delegate the Function
- b) The legislation must allow Council to delegate the Function to the Delegate
- c) Council must resolve to make the delegation
- d) Council must resolve to seal and Instrument of Delegation

In addition, Council may resolve to allow the delegate to sub-delegate the Function.

Consultation:

Senior Planner

Risk Implications:

Council may incur legal costs if demonstrated that Council's delegation/s are invalid.

Financial Implications:

None unless delegations are deemed invalid and action is taken against Council.

Options:

1. As per the recommendation.
 2. That the Delegation not be adopted.
-

RECOMMENDATION:

That Council resolve to delegate the following functions and powers to the General Manager in accordance with Section 22 of the *Local Government Act 1993*; and that the General Manager sub-delegate functions and powers in accordance with Section 64 of the *Local Government Act 1993*, and if at any time the General Manager is unable to act, Council delegates the Function to the person acting as the General Manager at the time.

Local Government (Building and Miscellaneous Provisions) Act 1993

1.	S.83 - Approval of plan of subdivision	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
2.	S.84 - Council not to approve subdivision	
3.	S.85 - Refusal of application for subdivision	
4.	S.86 - Security for payment	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
5.	S.89 - Approval of final plans	
6.	S.90 - Determine applicability of provisions	
7.	S.91(3) - Corrections to final plans	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
8.	S.92 - Amendments to final plans	
9.	S.93 - Cancellation of final plans	
10.	S.96 - Dedication as highway	
11.	S.103 - Amendments of sealed plans	
12.	S.104(1) - Hearing in respect of amendment of plans	
13.	S.105(2) - Compensation in respect of amendments	
14.	S.107 - Access orders	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
15.	S.108 - Road widening	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
16.	S.109(6) - Minimum lots	
17.	S.110 - Adhesion orders	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
18.	S.112 - Purposes for which plan approved	
19.	S.113(4) - Bringing land under Lands Titles Act 1980	

20.	S.115 - Exemption	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
21.	S.116 - Limitation on requirement for public open space	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
22.	S.117 - Payment instead of increasing public open space	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
23.	S.188 - Council Schemes	
24.	Part 7 - Long Service Leave and Employees Assurance Scheme	
25.	S.241(1) - Preservation Orders	
26.	S.243 - Preservation Order is enforceable	
27.	S.244 - Registering preservation order	
28.	S.246 - Advertising hoardings	
29.	S.247 - Removal of advertising hoardings	

Strata Titles Act 1998

1.	S.19 - Application for amendment (strata scheme)	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
2.	S.23 - Application for consolidation	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
3.	S.27 - Application for cancellation	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
4.	S.31 - Application for, and grant of certificate for approval	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
5.	S.37 - Approval of scheme in principal (staged development scheme)	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner

6.	S.42 - Application for variation of scheme	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
7.	S.54 - Approval of scheme (community development scheme)	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner
8.	S.58 - Application for variation of scheme	Sub-delegation required to Municipal Engineer; Manager Development Services and Senior Planner

The Delegations are made on the following conditions:

1. The Delegation is subject to the conditions or restrictions (if any) outlined in the table above.
2. The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve.
3. The Delegation is subject to the Council's by-laws or the provisions of any Act.
4. That the general Instruments of Delegation in relation to the Act listed above be signed and sealed by the authority.

DECISION:

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

CARRIED

VOTING RECORD

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

11.7 MONTHLY FINANCE REPORT AS AT 31 OCTOBER 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 four months of the 2015/16 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 Owen moved, Cr Jeffries seconded that Option 2 be adopted and the reports be resubmitted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	

Cr Jeffries
Cr Owen
Cr Taylor
Cr Williams

11.8 SUB REGION STRATEGY FOR COOPERATION:

FILE REFERENCE: 0611

AUTHOR: General Manager
(Mr R Sanderson)

Background:

Following a suggestion from Mayor Foster the mayors from Southern Midlands, Derwent Valley and Central Highlands councils agreed to hold a workshop to develop a strategy to work together as a sub region.

This was a move to return to such cooperation among the four councils some years ago which was very successful in lobbying for the construction of the Brighton by-pass.

A workshop was held on 9th November at the Brighton Civic Centre. (a copy of the report is attached)

Consultation:

See the participants of the workshop

Risk Implications:

None.

Financial Implications:

None, as there is no financial commitment by endorsing the strategy. There may be projects identified in the future that will require funding.

Other Issues:

Working together with our rural neighbours could reduce the risk of being forced to amalgamate with the metropolitan councils.

Assessment:

This strategy aligns with Council's position that if it were to be amalgamated the preference would be with one or more of our rural neighbouring councils.

This is also the preference of Brighton residents as evidenced in the recent poll conducted by Myriad Research.

Options:

1. Adopt the recommendation
2. Do nothing

RECOMMENDATION:

That Council endorse the outcomes of the Sub-Region Strategy Workshop held on 9th November 2015.

DECISION:

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

CARRIED

VOTING RECORD

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

11.9 POLICY AP08 – CODE OF TENDERING:

FILE REFERENCE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

In accordance with Section 333B of the *Local Government Act 1993*, and Part 3 of the *Local Government (General) Regulations 2005*, Council was required to adopt a code relating to tenders and contracts by 1st January 2006.

Council adopted this Policy in December 2005 in accordance with the Regulations.

The *Local Government (General) Regulations* were amended in 2015; therefore Council's Policy was required to be updated to reflect the changes in these new Regulations.

Consultation:

Municipal Engineer, Deputy General Manager and Governance Manager

Risk Implications:

Legal action may be taken for non-compliance with the Regulations and due process.

Financial Implications:

Legal action may be taken for non-compliance with the Regulations and due process.

Other Issues:

N/A

Assessment:

The new Regulations increase the threshold for which Councils are required to undertake a public tender process from \$100,000 to \$250,000. This is in line with the threshold applied to State Government public tender processes.

Options:

1. As per the recommendation.
2. That Council not adopt Policy AP08 – Code of Tendering.

RECOMMENDATION:

That Council adopt Policy AP08 – Code of Tendering.

DECISION:

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

CARRIED

VOTING RECORD

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

12. QUESTIONS ON NOTICE:

There were no questions on notice.

Meeting closed at 7.45 pm

Confirmed:

(Mayor)

Date:

_____ 15th December 2015