



# 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,  
19<sup>th</sup> JULY 2016**

**PRESENT:** Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Geard;  
Cr Gray; 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 21<sup>st</sup> JUNE 2016.

*Cr Curran moved, Cr Gray seconded that the Minutes of the Ordinary Council Meeting of  
21<sup>st</sup> June 2016 be confirmed.*

**CARRIED**

### VOTING RECORD

**In favour**                      **Against**

Cr Curran  
Cr Foster  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Owen  
Cr Williams

1.2 CONFIRMATION OF MINUTES OF THE PARKS & RECREATION  
COMMITTEE MEETING OF 12<sup>TH</sup> JULY 2016.

*Cr Jeffries moved, Cr Geard seconded that the Minutes of the Parks and Recreation Committee Meeting of 12<sup>th</sup> July 2016 be confirmed.*

**CARRIED**

**VOTING RECORD**

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

1.3 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 12<sup>TH</sup> JULY 2016.

*Cr Jeffries moved, Cr Curran seconded that the Minutes of the Finance Committee Meeting of 12<sup>th</sup> July 2016 be confirmed.*

**CARRIED**

**VOTING RECORD**

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

1.4 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 12<sup>TH</sup> JULY 2016.

*Cr Gray moved, Cr Geard seconded that the Minutes of the Planning Committee Meeting of 12<sup>th</sup> July 2016 be confirmed.*

**CARRIED**

**VOTING RECORD**

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

Cr Jeffries  
Cr Owen  
Cr Williams

## 2. APPLICATIONS FOR LEAVE OF ABSENCE:

*Cr Jeffries moved, Cr Curran seconded that Cr Taylor and Cr Garlick be granted leave of absence. Cr Taylor was intrastate and Cr Garlick was unwell.*

**CARRIED**

### VOTING RECORD

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

## 3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Gerard Coutts gave a presentation on the Dylan Street Landowners Group.
- Cr Owen – gave a presentation of the Adelaide housing trip that he recently attended with Councillors and Staff.

## 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:-.

- Jun 23 Video for CMCA Rally.
- Jun 28 Discussion with SMT, Cr Gray and Deputy Mayor Curran re possibility of rezoning part of former Army Camp.
- Jul 04 Meeting with General Manager.
- Jul 07 Meeting of SMT and Ken and Ben Midson re Self Storage business on Brighton Road.
- Jul 09 At invitation of John Mitchell, Greg Brown and Adrian Lovell visited the Brighton Boxing Club at Pontville Park to see and listen to Anthony Mundine; Governance Manager Janine Banks also attended.
- Jul 11 James Dryburgh and I visited the Old Hospital Site on former army camp then met with Alan Fehlberg to see and discuss options to obtaining a “hut”.
- Jul 12 Committee meetings of Council
- Jul 14 East Derwent Primary School “ Graduation Party “to celebrate FAST program.
- Jul 19 General Manager and I met with delegates from Hobart Vintage Machinery Society.
- Jul 19 Meeting with SMT and a couple of Councillors for “Think Tank“
- Jul 19 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**

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

## 5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Gray representative.

Cr Gray gave an update on the Southern Waste Strategy Board Joint Authority.

Cr Geard attended a meeting of the Hobart Fire Management committee.

Cr Geard recently attended the Fire & Emergency Conference.

### 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 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, there were no workshops held since the last 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:**

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

**9. REPORTS FROM COMMITTEES:**

**9.1 PARKS & RECREATION COMMITTEE – 12/7/16:**

The recommendations of the Parks & Recreation Committee Meeting of 12<sup>th</sup> July 2016, were submitted to Council for adoption.

**DECISION:**

*Cr Geard moved, Cr Gray seconded that the recommendations be adopted.*

**CARRIED**

**VOTING RECORD**

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

## 9.2 FINANCE COMMITTEE – 12/7/16:

The recommendations of the Finance Committee Meeting of 12<sup>th</sup> July 2016, were submitted to Council for adoption.

### DECISION:

*Cr Curran moved, Cr Geard seconded the recommendations be adopted.*

**CARRIED**

### VOTING RECORD

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

## 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 Authority items listed on this Agenda.*

## 11. REPORTS FROM OFFICERS:

## **11.1 COMMON SERVICES JOINT VENTURE MONTHLY REPORTS:**

**AUTHOR:** Executive Consultant  
(Mrs K Hossack)

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### **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.

### **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.
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### **RECOMMENDATION:**

That the reports be received.

### **DECISION:**

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

**CARRIED**



**VOTING RECORD**

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

**11.2 BY-LAW NO.1 OF 2016 – ENVIRONMENTAL HEALTH:**

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

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**Background:**

Councillors will recall this was discussed at the last Council Meeting with minor amendments to poultry and fowls.

The amended By-law was sent to Council's Lawyers Abetz Curtis for certification in accordance with the Act, however Abetz Curtis suggested minor amendments to Section 21. Interpretation of Part 5 – Animal Control, and to revert S25 – Keeping of poultry back to Keeping of fowls.

**Consultation:**

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:**

N/A

**Assessment:**

Advice previously received from the Local Government Division has indicated that Council can make minor amendments under Section 156A(1A) of the Act which removes the requirement for Council to prepare a Regulatory Impact Statement.

Council is still required to following the required steps in the making of a By-law.

**Options:**

1. As per the recommendation.
  2. That Council not intend to make By-Law No. 1 of 2016 – 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 2016 – 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 Gray moved, Cr Geard seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

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

### **11.3 FREE USE OF CROSS COUNTRY EQUESTRIAN AREA – BRIGHTON & SOUTHERN MIDLANDS PONY CLUB:**

#### **FILE REFERENCE:**

**AUTHOR:** Council Services Officer  
(Ms C Harper)

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#### **Background:**

Council has received a request from Kareena Blackwell of the Brighton and Southern Midlands Pony Club (PSMPC) to waive the hire fee of the Cross Country Equestrian area at Pontville Recreation grounds. They use the grounds on average approximately six times per annum. BSMPC is part of Pony Club Tasmania which is part of Pony Club Australia which is a “youth based movement (ages 4 -25). Originally their group was for youth only but due to national standards altering now cover up to 25 years.

They have established their jumps on the cross country area of Pontville Park and are responsible for their maintenance. They are a small group who have sausage sizzles and membership fees to raise funds. Their insurance requires them to have accredited coaches on site whenever people use the area, which can cost a minimum of \$200/day, which makes even a small event for a dozen or so people difficult to finance.

The BSMPC are aware that on days they use the improved fenced equestrian area for large shows such as the “Zone and State games” that they would be required to pay the appropriate fee (less 50%) as these events generate enough income to pay the hire fee.

#### **Consultation:**

Sue Newitt and Kareena Blackwell (DC & Assistant DC Brighton and Southern Midlands Pony Club) Janine Banks (Governance Manager), Cathy Harper (Council Services Officer).

#### **Risk Implications:**

Nil, BSMPC will be required to provide certification of appropriate insurance requirements.

#### **Financial Implications:**

Fees that would have been applicable will need to be recognised as a donation from Council. The fee for a community group who contributes to the health and wellbeing of the community using the space would attract the 50% discount Council currently offers, therefore the extra amount that would be needed to be waived by Council is \$100.00 per day (total of \$600.00 per annum for six days).

#### **Other Issues:**

Nil.

**Assessment:**

The BSMPC have been a long term organisation in the area and are supportive of youth and providing an opportunity to compete in well organised and safe events, utilising accredited coaches. The BSMPC will continue to maintain their jumps and monitor vandalism in the area.

**Options:**

1. As per the recommendation.
2. Council not approve free use of the Cross Country area, Pontville.
3. Council offer the existing 50% discount as per policy.

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**RECOMMENDATION:**

Council approve free use of part of the Cross Country area for the Brighton and Southern Midlands Pony Club for an average of six days per annum. Any use of the other Equestrian area to be charged at Council Scheduled fee (less any appropriate discounts).

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**11.4 MONTHLY PLANNING UPDATE:**

**FILE REFERENCE:**

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

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**Background:**

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

## **Discussion:**

### **Brighton Industrial and Housing Corporation (BIHC):**

- Nothing new to report.

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

Nothing to report.

### **Projects:**

- **5+5+5 project:** This project has stalled due to lack of participants. One has gained employment due to her work at this project (so there is some silver lining).
- **Brighton Tomorrow:** Brighton Tomorrow co-ordinator is likely to be engaged to assist in designing concepts for upgrade of Gagebrook, Herdsmans Cove and Bridgewater pedestrian links, including shelters. Discussions are underway about partnering for this work with Centacare Evolve.
- **Bridgewater South Master Plan:** Nothing new to report.
- **UTAS MOU:** Nothing new to report.
- **Urban Tree Strategy:** Centacare Evolve has contributed \$25,000 to Council's tree planting strategy.
- **Bridgewater Parkland Master Plan:** has been reviewed by relevant staff and taken to the July Parks and Recreation Committee meeting. The Committee endorsed the Plan.

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

Uniting Care Tasmania have gained Council's permission to develop community gardens at 84 Jetty Road, Old Beach and off Tottenham Road, Gagebrook and an MOU has been signed. Project is under way in both Old Beach and in Gagebrook.

If redevelopment of the Brighton Bowls Club occurs, there will be a good opportunity for council to subdivide for sale or redevelopment the parcel of land presently containing the public toilets adjacent to the Bowls Club. This would be a lot of approximately 2000m<sup>2</sup> with a Community Purposes zoning.

### **Council Land Subdivisions and Sales:**

Nothing new.

### **Other Strategic Matters:**

- **Brighton Draft Interim Planning Scheme:** An Urgent Amendment request has been made regarding the use qualifications for Storage at 29 Brighton Road. A response has not yet been received.

Two scheme amendments are now active: Tivoli Green Specific Area Plan and the General Business Zone alteration in Hurst Street.

- **State Planning Scheme:** Approximately 300 submissions have been received by the State regarding the draft State scheme. Brighton planners were involved in submissions from LGAT and from the group of small-medium southern councils via Damian Mackey.

A large number of hearing are now underway, combining public submissions with Councils.

- **HT/Centacare Land Master plan:** Four councils staff from engineering and two councilors recently attended a 'study tour' of medium density affordable housing in and around Adelaide. The trip was extremely worthwhile and will likely provide understanding that will influence future decisions of council. Please see attached dot points of "take aways" from the trip.

Council planners are facilitating meeting with the TPC and the consultant group later this month and have arranged a meeting with the Tivoli Green development team to consider some of the options viewed in Adelaide.

### **Planning Professional Services:**

Professional services for planning continues to be busy. Brighton's Senior Planner is covering Sorrell Council's Senior Planner on a basis of approximately 2 days per week for 6 weeks. Glamorgan Spring Bay is extremely busy, approximately 1.5 FTE at present with planning and engineering services combined.

### **Other matters:**

The Development Services Department recently had a day reviewing its performance and drafting a strategy, including the identification of a number of goals for the financial year. Some of the key objectives agreed to relate to:

- Facilitating key rezoning to facilitate residential and community growth.
- Promoting economic development more successfully, including through a promotion plan for the industrial estate.
- Preparing a municipal and Sub-region investment prospectus.
- Improving council's sustainability and energy efficiency.
- Increasing standardization and efficiency of statutory planning services.
- Partner with Centacare Evolve for the implementation of the Bridgewater - Gagebrook Master plan.
- Promote a better community for the aged and disabled.
- Maximising community benefit from Council-owned land, including sales and purchases, and built infrastructure such as parks and linkages.
- Considering our resources and ability to adequately resource and achieve the goals in the Brighton Council Development Services Strategy before agreeing to external work additional to that committed to in contracts.
- Better tracking of relevant statistics, including property sales, availability and prices, growth, demographics.

### **Statutory update (June 2016):**

For the past month (See Attachment).

### **Enforcements:**

Some investigations and negotiations are in process

- 29 Brighton Road, self storage
- Wreckers in the Industrial Estate
- 2 - 4 Tivoli Road

**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.
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**RECOMMENDATION:**

That Council receive the report.

**DECISION:**

*Cr Curran moved, Cr Jeffries seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

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

**12. QUESTIONS ON NOTICE:**

*There were no questions on notice.*

Meeting closed at 6.45 pm

Confirmed:

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

Date:

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16<sup>th</sup> August 2016