



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,
15th AUGUST 2017**

PRESENT: Cr Curran (Acting Mayor); Cr Garlick; Cr Geard; Cr Gray;
Cr Higgins; Cr Jeffries; Cr Owen and Cr Williams.

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr H Macpherson
(Municipal Engineer); Mr J Dryburgh (Manager
Development Services); Ms G Browne (Acting Manager
Corporate Services); and Mrs K Hossack (Corporate
Consultant).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING OF 18TH JULY 2017:

Cr Geard moved, Cr Williams seconded that the Minutes of the Ordinary Council Meeting of 18th July 2017 be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Owen moved, Cr Garlick seconded that Cr Foster be granted leave of absence as he is overseas.

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- 3.1 Rosanna Lacorcchia from NBN Co addressed Council on the NBN Network rollout for the Brighton area.
- 3.2 Nick Turner and associates from Fitzallen Forestry addressed Council on a proposed development hub within the Industrial Estate at Bridgewater.
- 3.3 Mark Bartlett from the Bridgewater/Gagebrook Clean Up Group addressed Council about the Community Forum to be held on 31st August.

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:

AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:-

- 20 Jul Meeting with Rebecca White, Ron Sanderson and James Dryburgh (at her request).
- 26 Jul Ron Sanderson (GM), James Dryburgh (MDS) and I attended the LGAT Annual General Meeting followed over next two days at the LGAT Conference.
- 31 Jul Meeting with Wayne Silver (Tasmanian Containers) re Permit issues – attended to and fixed by Council Staff.
- 01 Aug Meeting with Ron Sanderson, James Dryburgh and Tony & Ingrid Harrison (BCN and general issues).
- 01 Aug Ron Sanderson, James Dryburgh and I attended a media briefing on Child Care facilities (attended at the request of Rebecca White).
- 01 Aug James Dryburgh and I met with Rebecca White at Brighton to discuss the School Farm proposal (James can elaborate if need be).
- 07 Aug Meeting with Ron Sanderson, James Dryburgh and Heath Macpherson (either staff member can elaborate if need be).
- NB: We were to do some official media and BCN news with Senator Jonathon Duniam on the 7th of August but this was cancelled at the last-minute due to the Prime Minister requesting all Liberal Party members of Parliament to be in Canberra for a meeting on that day (Ron or James can elaborate if need be). The most likely new date is 8th September.
- 10 Aug Meeting with General Manager.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

Cr Curran with the General Manager attended a meeting at the Army Camp Hospital with representatives from Southern Midlands Council, Officers from Anglesea Barracks and the Project Supervisors.

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 no workshops were 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 the supplementary **Item 11.6 By-Law No.1 of 2017 - Environmental Health**, which had not appeared 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 Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

There were no Committee Meetings held during August.

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 LOCAL GOVERNMENT SHARED SERVICES MONTHLY REPORTS:

AUTHOR: Corporate Consultant
(Mrs K Hossack)

Background:

When the Local Government Shared Services (LGSS) was formalised, there was an undertaking that monthly reports would be provided to member Councils. There are now fourteen (14) Councils that have joined to date.

One report is for the overall performance of the shared service agreement which is provided to all member Councils. The other report is Council specific for each member Council that is provided only to that individual Council. The second attachment is for Brighton Council’s performance for the previous months.

Consultation:

General Manager

Risk Implications:

Nil

Financial Implications:

See attached reports for financial information about the Local Government Shared Services and Brighton Council.

Other Issues:

These reports provide detailed information to assist in dealing with the amalgamation program and the financial sustainability of the shared services 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 Jeffries moved, Cr Higgins seconded that the reports be received.

CARRIED

VOTING RECORD

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

11.2 FINANCIAL SUMMARY – JULY 2017:

AUTHOR: Acting Manager Corporate Services
(Ms G Browne)

Background:

The finance report is usually presented to Council each month to give an indication of the current financial position. This would normally show any normal or extra ordinary financial activities that have eventuated during the period. Council is aware that this report is not normally presented to the July Meeting due to it being end of the financial year and changes that may be made to these figures during the audit process.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

Nil

Assessment:

Major financial activities to note for the month of July were as follows: -

Revenue received -

- Tip entrance fees \$19,000
- Dog infringements \$5,000
- Rates raised \$9.1 million
- Dog Licences \$50,000

Expenditure paid -

- Insurance premiums were due \$189,000.
- Total Capital expenditure on roads was \$162,000 of which \$155,000 was on roads, of which \$95,000 was for Brighton Road.

Insurance Claims -

- One for the disabled toilet at Pontville Hall, damage was \$14,718 with insurance paying \$10,880.
- Playground equipment was burnt in Taylor Crescent, damage was \$34,000 with insurance paying \$28,000.

Options:

1. Adopt the recommendation
 2. Do nothing
-

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

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

11.3 MONTHLY PLANNING UPDATE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

This report is 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. Work is progressing extremely well with a great group of young people and excellent supervisors. A significant amount of work is now being achieved on site with limited funding and positive outcomes.
- **Greening Brighton Strategy:** Work is underway to determine the planting plan for the coming financial year, with a focus on the Herdsmans Cove side of the East Derwent Highway. Council staff engaged David Cundall from Southern

Midlands (qualified horticulturalist) who has prepared a draft guideline for tree plantings in parks and reserves for all urban areas in the municipality. Staff are currently finalizing the planting schedule and ordering stock.

- **Bridgewater Parkland Master Plan:** A successful Building Better Regions Funding Grant for \$430k towards a \$950k project has been confirmed. Work to start this year.

Development Applications and Leases on Council-Owned Land: Nothing new

Council Land Subdivisions and Sales:

- BIHC: the sale of 12 lots in Herdsmans Cove has been rejected by the Crown on the basis that it does not meet the Objectives of the BIHC Agreement. Council's Manager Development Services is working with council's legal advisors, the purchaser and the Crown in the hope of suitably resolving the matter.
- Councillors endorsed a process and conditions associated with potentially transferring up to four parcels of council-owned land to Centacare Evolve to facilitate strategic residential and community development. Planning work on progressing this endorse to a formal agreement and implementation is underway.

Other Strategic Matters:

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

Tivoli Green Specific Area Plan - Council and the proponent have to provide further submissions to the TPC relating to a number of issues.

Cove Hill Road rezoning: The TPC has refused this application. Council and the proponent are reviewing the decision and considering next steps.

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

Planning staff have begun to draft the Local Planning Schedules (LPS), particularly the relative simple conversions of existing Particular Purpose Zones and Specific Area Plans.

The TPC has been allocated additional funding to support Councils in preparing the LPS' and mapping. The Southern Councils have identified the following as priority funding areas:

- General GIS mapping
- Priority vegetation mapping

- Agricultural mapping
- Addressing changes to the Southern Tasmanian Regional Land Use Strategies.

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.

Staff will look at scheduling a workshop with Councilors in the coming months to provide more detail around the preparation of the LPS and to get direction on any controversial issues that may arise.

- **HT/Centacare Land Master plan:** A suite of Development Applications are expected during 2017.
 - Sixteen units at 2 Green Point Road have been approved and Council are awaiting a Building Permit Application.
 - The application at 20 Gunn St for 29 dwellings has been revised due to the alignment of the "new" Bridgewater Bridge and has now been reduced to 28 dwellings.
 - A DA for Stage 2 of Green Point Road is expected in coming weeks.
 - A preliminary DA for Gage Road has been received and is being reviewed for further information.
- **NDIS Projects:** Nothing new
- **Highway Services Precinct:** DA has been lodged and is currently being reviewed by council planners and engineers. The developer and staff are working through significant issues with regards to servicing the development and surrounding area with sewer and water.

Development Services Professional Services:

Council has begun providing planning services to Tasman Council again with Richard Cuskelly being the primary planning officer undertaking one day per week for them.

Council still provides full planning services for Derwent Valley.

Manager Development Services charges occasional hours to Council's Sub-Region partners for specific projects.

Statutory Update (July 2017):

For the past month (See Attachment).

Appeals:

- 757 Boyer Road – Dwelling. Hearing was held on 23rd May and Council’s position was fully supported by the RMPAT decision. Council’s approval stands.
- 720 Boyer Road – Quarry. Mediation entered into with agreement pending.

Enforcements: Nothing new to report.

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 Jeffries moved, Cr Williams seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

11.4 CODE OF CONDUCT PANEL DETERMINATION REPORT – CR KEITH HIGGINS:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The purpose of this report is to table a copy of a Code of Conduct Panel Determination Report in accordance with Section 28ZK(5) of the *Local Government Act 1993*, in response to a complaint lodged by Cr Wayne Garlick against Cr Keith Higgins.

The Code of Conduct Panel has determined the following sanction in accordance with Section 28ZI (2).

1. Cr Higgins be reprimanded for his actions on more than one occasion alleging Cr Wayne Garlick was a thief and a liar.
2. Cr Higgins is required to apologise to Cr Garlick in writing by at the next available Closed Council meeting, requirements of the apology are contained in the addendum to this determination.

Options:

1. As per the recommendation.
 2. That the report not be received.
-

RECOMMENDATION:

That Council receive the Code of Conduct Determination Report in accordance with the requirements of Section 28ZK(5) of the *Local Government Act 1993*.

DECISION:

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

CARRIED

VOTING RECORD

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

11.5 MICROWISE - UPDATE REPORT:

AUTHOR: General Manager
(Mr R Sanderson)

The General Manager provided an update on the progress of Microwise at the Council Meeting.

Options:

1. As per the recommendation.
 2. Not receive the report.
-

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

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

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

AUTHOR: Corporate Consultant
(Mrs K Hossack)

Background:

Councillors will recall an amendment to this Environmental Health By-law was discussed and adopted at the Ordinary Council of 20th June 2017.

Under the conditions of making such a By-law, once adopted it must be published in *Tasmanian Government Gazette* within 21 days after the day on which they are made, prior to being tabled at Parliament.

This did occur on Wednesday 19th July 2017 and all documentation was sent to the House of Assembly, Legislative Council, Parliamentary Standing Committee on Subordinate Legislation and lastly the Local Government Division.

It has now been brought to Council's attention, that the By-law was not advertised within the correct timeframe, as under the *Interpretation Act 1931*, the formal definition of '21 days' is actual days and not working days.

Therefore, the By-law is now once again before you for formal endorsement.

Consultation:

General 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 from both the Local Government Division and Abetz Curtis Lawyers has indicated that even though the By-law is now before Parliament, if the By-law was to be ever challenged in the future then it would be found to be incorrect.

Council is still required to follow 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 2017 – Environmental Health.

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* within 21 days after the day on which they are made.
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 Owen moved, Cr Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
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 matter is listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

Cr Williams moved, Cr Geard seconded that Council resolve into Closed Council.
CARRIED

VOTING RECORD

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

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 18th JULY 2017.

Cr Gray moved, Cr Owen seconded that the Minutes of the Closed Portion of the Ordinary Council Meeting of 18th July 2017 be confirmed.
CARRIED

VOTING RECORD

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

These matters were considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(b) and (c)

12.2 REQUEST FOR RATE RELIEF AND INFRASTRUCTURE CONTRIBUTION BY DEVELOPER OF THE PROPOSED HIGHWAY SERVICES DEVELOPMENT:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

12.3 CODE OF CONDUCT PANEL DETERMINATION REPORT – CR K HIGGINS:

AUTHOR: General Manager
(Mr R Sanderson)

Cr Jeffries moved, Cr Garlick seconded that the Council move out of Closed Council.

CARRIED

VOTING RECORD

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

Cr Gray moved, Cr Owen seconded that the recommendations made while in Closed Council be ratified.

CARRIED

VOTING RECORD

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

13. QUESTIONS ON NOTICE:

There were no questions on notice.

Meeting closed at 7.20pm

Confirmed:

(Mayor)

Date:

19th September 2017