



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,
19th DECEMBER 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); Mr H Macpherson (Municipal Engineer); Mr J Dryburgh (Manager Development Services) and Mrs J Banks (Governance Manager).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21st NOVEMBER 2017.

Cr Geard moved, Cr Owen seconded that the Minutes of the Ordinary Council Meeting of 21st November 2017 be confirmed.

CARRIED

VOTING RECORD

In Favour	Against
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 PARKS & RECREATION COMMITTEE MEETING OF 12th DECEMBER 2017.

Cr Geard moved, Cr Higgins seconded that the Minutes of the Parks & Recreation Committee Meeting of 12th December 2017 be confirmed.

CARRIED

VOTING RECORD

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

1.3 CONFIRMATION OF MINUTES OF THE ANNUAL GENERAL MEETING OF 12th DECEMBER 2017.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Annual General Meeting of 12th December 2017 be confirmed.

CARRIED

VOTING RECORD

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

1.4 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 12th DECEMBER 2017.

Cr Gray moved, Cr Curran seconded that the Minutes of the Finance Committee Meeting of 12th December 2017 be confirmed.

CARRIED

VOTING RECORD

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

1.5 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY OF 12th DECEMBER 2017.

Cr Gray moved, Cr Higgins seconded that the Minutes of the Planning Authority Meeting of 12th December 2017 be confirmed.

CARRIED

VOTING RECORD

In Favour	Against
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.

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:-

- Nov 22 Meeting with Mr John Pizzey Managing Director of Porta Holdings. James Dryburgh also attended.
- Nov 24 Meeting with Robert Rockefeller in Brighton.
- Nov 28 Meeting with General Manager.
- Nov 29 Attended a meeting held at Brighton Primary School organised by Department of State Growth to look at future School bus routes.
- Nov 29 Taswater Board Selection Committee Teleconference
- Dec 03 Council Christmas lunch
- Dec 05 Meeting with the Director of Local Government.
- Dec 05 Discussion at Council with DGM.
- Dec 06 Senior Staff and I met with Darren Clark from Brian Mitchell (MP) office in Bridgewater.
- Dec 06 Senior Staff and I met with Labor candidate for Lyons Jen Butler.
- Dec 12 Workshop on Microwise/Council Wise
Parks and Recreation Committee meeting
Finance Committee meeting
Planning Authority meeting
Annual General Meeting.
- Dec 15 Launch by Senator Jonathon Duniam of Brighton Streetscape.
- Dec 19 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Jeffries moved, Cr Garlick 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	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

Cr Geard advised that he Chaired a Bushfire Ready meeting at Broadmarsh recently.

Cr Owen attended the HGA display day on Sunday 17th December. He thanked Sheryl Rainbird (Centacare Evolve) for all her efforts in co-ordinating the 2017 Brighton Christmas Pageant.

Cr Curran advised she attended an STCA meeting with James Dryburgh and also the SCS meeting; she also attended the Opening of the Streetscape with a number of other Councillors and the Christmas pageant.

Cr Jeffries presented awards at the Jordan River Senior School Final Assembly on 18th December 2017.

DECISION:

Cr Williams moved, Cr Garlick 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	

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 there was a workshop held on Tuesday 12th December 2017 in the Council Chambers, Old Beach. The workshop provided Councillors with an overview of CouncilWise and MicroWise. Councillors in attendance were, Cr Curran, Cr Foster, Cr Garlick, Cr Geard, 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:

The General Manager requested a supplementary item be discussed regarding poker machines in pubs and clubs.

DECISION:

Cr Curran moved, Cr Jeffries seconded that the supplementary agenda item on poker machines be accepted.

CARRIED

VOTING RECORD

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

RECOMMENDATION:

That Council support the initiative by the State Labor Party to transitionally remove poker machines from Tasmanian hotels and clubs.

DECISION:

Cr Owen moved, Cr Geard 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	

9. REPORTS FROM COMMITTEES:

9.1 PARKS & RECREATION COMMITTEE – 12/12/17:

The recommendations of the Parks & Recreation Committee Meeting of 12th December 2017, were submitted to Council for adoption.

DECISION:

Cr Geard moved, Cr Garlick seconded that the recommendations 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	

9.2 FINANCE COMMITTEE – 12/12/17:

The recommendations of the Finance Committee Meeting of 12th December 2017, were submitted to Council for adoption.

DECISION:

Cr Gray moved, Cr Curran seconded that the recommendations 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	

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 reports listed on this Agenda.

11. REPORTS FROM OFFICERS:

11.1 OLD BEACH ROAD – SPEED LIMIT & ROAD SAFETY:

AUTHOR: Technical Officer
(Mr M Stirling)

Background:

The southern section of Old Beach Road has historically had a traffic carrying function in a largely rural environment. An 80kmh posted speed limit has been appropriate for this time.

Recent urban development related to the Tivoli Green development has included new direct accesses to Old Beach Road and will include a future road connection (Riviera Drive) forming a T-junction.

This new urban development is changing the road environment from rural to urban on the western side of the road and will result in increased vehicle conflict and an overall increase in traffic volume on Old Beach Road.

Further, council has received applications (church, multiple dwellings) to develop some of the new lots with direct access to Old Beach Road. These applications propose developments with traffic generation greater than a single dwelling.

The changing road environment and current/proposed future development adjoining the road has prompted council to undertake a road safety review of Old Beach Road. The review has identified several road safety issues and recommended treatments (reduction in speed limit/new traffic control devices (signs/linemarking)) to improve road safety.

It should be noted that under legislation council may implement traffic control devices on its own roads but is required to obtain approval from the Department of State Growth (DSG) to alter speed limits.

Consultation:

Department of State Growth (DSG) - Traffic Engineering Branch, Brighton Council - Asset Services Manager & Senior Technical Officer.

To alter a speed limit DSG requires endorsement by council prior to considering the request.

No consultation has been undertaken with residents. In terms of speed limits it is typical that residents residing on a road seek a lower speed limit and residents that use a road as a thoroughfare only seek a higher speed limit.

Risk Implications:

The current 80kmh speed limit is not considered appropriate given the recent urban development. The road safety review has also identified some existing sight distance and road geometry deficiencies for the existing 80kmh speed limit.

To not lower the speed limit and implement other road safety measures potentially increases the crash risk on the road. These risks increase particularly where higher traffic generating developments are proposed and traffic volumes increase generally.

Financial Implications:

Item	Description	Est. Cost
1	Reduce speed limit	\$500
2	Road safety measures (signs/linemarking)	\$3500

Other Issues:

Several land uses are proposed on the new lots with direct access to Old Beach Road. These uses, (church/multiple dwellings) generate greater traffic movements than standard single dwellings with a corresponding increase in vehicle conflict and crash risk.

Sight distance to some of the new accesses on Old Beach Road have been found to not meet all relevant standards for an 80kmh speed environment. Where this might be tolerable for the low traffic movements associated with single dwellings it is less appropriate particularly for uses such as a community facility like a church that generate higher traffic movements.

Assessment:

Speed limits are determined using a combination of existing vehicle speeds, road function and road environment. Road safety and traffic control devices are covered by Australian Standards and national design guidelines.

Road function and environment suggest a speed limit of 70-80kmh and as low as 60kmh can be considered for Old Beach Road. Existing vehicle speeds (also called 85% speeds) for the existing 80kmh section are 84kmh. It is recommended to not deviate too far from current operating speeds due to compliance issues with the reduced limit.

There are also minimum distances for the various speed limits to prevent frequent variations in speed limits or zones that are too short.

It is difficult to set speed limits on Old Beach Road due to the semi urban settlements to the north/south and recent urban development in the middle separated by short rural environments.

A posted speed limit of 70kmh is seen as the best compromise between current vehicle speeds/road geometry and achieving better compliance with sight distance standards for the new accesses.

Note:

In the future it may be appropriate to revisit the speed limit and lower the proposed 70kmh to 60kmh north of Clarries Lane if sufficient urban development exists north of this point.

According to DSG records several crashes have occurred in the vicinity of the crests near the new accesses.

Options:

1. Leave the 80kmh speed limit and traffic control devices (signs and line-marking) as is.
2. Seek approval to reduce the speed limit for the entire 80kmh section of Old Beach Road to 70kmh.
3. Seek approval to reduce the speed limit for the 80kmh section north of Clarries Lane to 60kmh and the remaining southern section to 70kmh.
4. Implement the lower cost safety measures recommended in the road safety review.

RECOMMENDATION:

1. That Council seek approval from DSG to reduce the posted speed limit for the 80kmh section of Old Beach Road to 70kmh (option b).
2. Implement the lower cost safety measures (traffic control devices) proposed in the road safety review (option d).

DECISION:

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

CARRIED

VOTING RECORD

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

11.2 MONTHLY PLANNING UPDATE:

AUTHORS: Manager Development Services
(Mr J Dryburgh)

The Manager Development Services reported directly to the meeting.

Options:

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

RECOMMENDATION:

That Council receive the report.

DECISION:

Cr Jeffries moved, Cr Geard 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 COUNCIL CHAMBER AUDIO SYSTEM:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Councillors have requested a desire to explore options to provide the Council Chambers with an audio system to improve speech intelligibility for the gallery area.

Quotes have been obtained from 2 separate providers.

Consultation:

Councillors, SMT.

Risk Implications:

Nil

Financial Implications:

As per quotes attached and option selected.

Other Issues:

Nil

Assessment:

Typically, only a few people attend the Council Chambers gallery on most occasions but it is accepted that speech intelligibility could be improved with audio enhancement.

Preferably all expenditure of a capital nature should be identified as part of the budgetary process.

Options:

1. As per the recommendation.
2. Finance an Audio System for the Council Chambers this finance year and re-allocate funds from another budget item – subject to Council approval.
3. Council does not consider a need for an Audio System for the Council Chambers at this time.

RECOMMENDATION:

Include an Audio System for the Council Chambers as part of budget deliberations for 2018/19 budget.

DECISION:

Cr Gray moved, Cr Curran 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	

11.4 EXCHANGE OF LAND – UNITING CHURCH – 32 TOTTENHAM ROAD GAGEBROOK & LOT 958 GUILFORD CRESCENT GAGEBROOK:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Uniting Church at 32 Tottenham Road was recently destroyed by fire. The Church are looking at options to rebuild. The current site is in a flood prone location and has been subject to numerous acts of vandalism and arson attacks and is not the favoured location for a rebuild.

Council staff have discussed the possible relocation for a rebuild of the premises if a suitable land exchange could be achieved. Uniting Church has identified a parcel of land owned by Council ie Lot 958 Guilford Crescent, Gagebrook that would be suitable for their needs.

To fulfil Council obligations under the *Local Government Act 1993* ie Sections 177 & 178, approval must first be obtained from Council, to authorise the exchange of the lot identified in Figure 1.



Figure 1: Lot 958 Guilford Crescent, Gagebrook.

Council would not need to exchange the entirety of the site and would look at subdividing off a portion of the site and retain the balance. The land is currently used for public access to the East Derwent Highway. As shown in the concept subdivision plan (Attachment A), a walkway will be retained in Council ownership for public use.

Given the flooding issues on the existing site, Council's Municipal Engineer has suggested that the land is better off in Council ownership. If the land exchange were to proceed it would need to be on the condition that the site was cleared at the cost of the current owner prior to the transfer.

Risk Implications:

The land is currently zoned Open Space. A church is a 'Community Meeting and Entertainment' use which is a discretionary use within the Open space zone.

As for the subdivision of the site, a subdivision must be for the purpose of providing a lot for an allowable use. A church would be an allowable use. If the development of a church did not proceed the lot could not be used for a non-permitted use such as residential.

Financial Implications:

Another requirement under the *Local Government Act* is a valuation is required for each lot. If the valuation of each land is comparable in value, it would be a straight exchange. Uniting Church would be liable for all costs associated with the land exchange and subdivision.

Other Issues:

There is a council stormwater main that intersects the site, preliminary costs for relocating the stormwater pipe would be in the order of \$30-35k.

Council has no issues with them building near the pipe if they are at least 1 metre, ideally 2 metres away from the edge of the pipe. The development may require the extension of TasWater's sewer main to service the site.

Assessment:

The land at Guilford Crescent, Gagebrook is more suited for rebuilding the Uniting Church than the current location at 32 Tottenham Road due to the land being subject to flooding and its exposed location. The land at Lot 958 Guilford Crescent's strategic purpose is for public thoroughfare to the East Derwent Highway, which will be retained through the provision as a public walkway. The land exchange would not financially impact Council as all cost associated will be at the Uniting Church expense.

Options:

1. As per the recommendation.
 2. Not to authorise the exchange of land
-

RECOMMENDATION:

Authorise the exchange of a portion of lot 958 Guilford Crescent, generally in accordance with the subdivision plan at Attachment A, for 32 Tottenham Road, Gagebrook, on the condition it be cleared to the satisfaction of the Municipal Engineer at the cost of the Uniting Church, in accordance with the *Local Government Act 1993*.

DECISION:

Cr Owen moved, Cr Jeffries seconded that this matter be deferred pending further information and discussions with the Uniting Church.

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 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 Curran moved, 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	

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.

Cr Gray and Cr Williams seconded that Council resolve into Closed Council. **CARRIED**

VOTING RECORD

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

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(g)

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 21st NOVEMBER 2017.

DECISION:

Cr Gray moved, Cr Curran seconded that the minutes of the closed portion of the Ordinary Council meeting of 21st November 2017, 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	

This matter is to be considered in a closed meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(g).

12.2 CONCILIATION CONFERENCE IN RELATION TO COMPLAINT BY DAMIEN MATCHAM:

AUTHOR: General Manager
(Mr R Sanderson)

Cr Jeffries moved, Cr Curran seconded that Council resolve out of Closed Council and the decisions made while in Closed Council be ratified.

CARRIED

VOTING RECORD

In Favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Williams	

13. QUESTIONS ON NOTICE:

MR MARK BARTLETT (6/20 AUSTIN PLACE, BRIDGEWATER) AND ANGELA KNIGHT (45 SCOTT ROAD, BRIDGEWATER):

Question on notice received from Mr Mark Bartlett and Angela Knight on 21st November 2017 is:-

To Whom it may concern

We are writing to you about the rubbish problem in our community. Over the last 18 months Ange and I have removed tons of garbage that has been dumped.

We think since 4 Hardwaste free removal there has been more dumpage in bushland in our community and we think a way to help reduce this would be by having a free tip day once every 3 months. We also understand that some people in our community don't have any transportation so they simply can't dispose of their extra rubbish.

We do understand why the Council had to reduce the Hardwaste pick ups to two per annum, but by the response we have had on our page the Community feels that it's not enough and they asked if the Council could consider having Hardwaste pick ups quarterly?

Or perhaps a voucher system for Brighton Municipality Residents.

Mark and Ange

Bridgewater/Gagebrook Clean Up Group

RESPONSE:

Illegal dumping has always been a problem even in the past when we provided 6 hardwaste picks ups and the gate fees at the transfer station were cheaper.

It was less than 6 months ago that Council decided to reduce the number of hardwaste collection with the first one for the year in December. Due to the short time frame, it is difficult to determine what, if any, effect the reduction in collections has had in relation to illegal dumping.

To offer a "free tip day" still results in a cost to Council to cart and dispose of the waste, and it doesn't cater for the people without cars or trailers.

These issues are something that would need to be considered by Council during next year's budget deliberations.

Meeting closed at 7.30pm.

Confirmed:

(Mayor)

Date:

16th January 2018