



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 MAY 2018**

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 17TH APRIL 2018.

Cr Curran moved, Cr Williams seconded that the Minutes of the Ordinary Council meeting of 17th April 2018 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 SPECIAL COUNCIL MEETING OF 30TH APRIL 2018.

Cr Garlick moved, Cr Owen seconded that the Minutes of the Special Council meeting of 30th April 2018 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:

- Mr J Abrahams from Bridgewater PCYC addressed Council
- Mr M Bartlett addressed Council in relation to recycling and thanked Council for the recent support of their membership to Landcare Tas.

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: -

- Apr 23 Official Opening of Brighton Bowls and Community Club
- Apr 24 Tasmanian Government Cabinet meeting at Civic Centre, opportunity for Council to meet with Government on issues of council concern.
- Apr 24 Lunch at Brighton Bowls and Community Club and opportunity for Councillors, Staff and community to meet with State politicians.
- Apr 24 Meeting with Brighton Eagles President Scott Arnold and Cricket Australia Board Member Tony Harrison to discuss their cricket Tasmania Premier League application.
- Apr 25 Anzac Day ceremony at Remembrance Park. Official Guest speaker Reg Watson.
- Apr 30 Special Council meeting and Planning Authority meeting.
- May 01 Draft Budget meeting with GM, DGM and Manager Engineering.
- May 08 Meeting on site at former Army Camp Hospital with proponent John Gibran to discuss council concerns primarily with parking lot proposal.
- May 08 Draft Estimates workshop.
- May 09 Meeting with Cricket Tasmania CEO to discuss Brighton Eagles application.
- May 10 Taswater Owner Representatives meeting in Launceston

RECOMMENDATION:

That the Mayor’s communications 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 Garlick | |
| Cr Geard | |
| Cr Gray | |
| Cr Higgins | |
| Cr Jeffries | |
| Cr Owen | |
| Cr Williams | |

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Owen spoke about the Hobart Gymnastics Academy.

Cr Geard spoke about the meeting he and Council Officers had recently with DPAC on Emergency communication coverage and relief.

Cr Jeffries 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 a Budget workshop was held on Tuesday 8th May 2018, 4.00pm. In attendance were Cr Curran; Cr Foster; Cr Garlick; Cr Geard; Cr Gray; Cr Jeffries; Cr Owen and Cr Williams.

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

DECISION:

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

9. REPORTS FROM COMMITTEES:

There were no committee meetings held in May.

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 the agenda.

11. REPORTS FROM OFFICERS:

11.0 DRAFT BRIGHTON STRUCTURE PLAN 2018 – PUBLIC EXHIBITION:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Background:

Brighton's consultant team, led by Echelon Planning in partnership with Essential Economics have been preparing a draft structure plan for Council over the past few months. This has involved site visits, meetings with stakeholders, analysis of data, in depth meetings with council staff and a workshop with councillors.

Planning staff and the consultant team are now comfortable that the draft is at a stage where it is ready for public exhibition and feedback. This report seeks council's approval for an exhibition period of 4 weeks.

Consultation:

Consultation has occurred amongst relevant council staff, the consultants, and a workshop was held with councillors.

Risk Implications:

There are no significant risks.

Financial Implications:

There are no significant additional costs, however the cost of the structure plan project is approximately \$45,000.

Summary:

The draft is now suitable to provide a vision and the broad issues and opportunities for the municipality regarding land use and would now benefit from public comment and feedback. This is a draft, not a final document, and there is no reason not to publicly exhibit it.

Options:

1. As per the recommendation.
 2. Other.
-

RECOMMENDATION:

That Council endorse the public exhibition of the Draft Brighton Structure Plan 2018 for a period of at least 4 weeks.

DECISION:

Cr Jeffries moved, Cr Gray 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	

11.1 KENNEL LICENCE – CANCEL – 509 MILLVALE ROAD, BRIGHTON:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

In 1999 it was identified that this property had more than 2 dogs on the property and owners were asked to apply for a Kennel licence. It wasn't until 2003 that a Kennel Licence application was received by Council. At that time a development application was also received to construct ten (10) greyhound kennels. The development was subsequently approved at a Planning Committee meeting on 11th February 2003, subject to conditions.

Since that time the Kennel licence has been renewed subject to conditions.

The following is the chain of events over the past 4-5 years:-

- September 2013, Officers wrote to Licence holder after a site inspection requesting that the dogs be registered within 2 weeks.
- 27th November 2013, letter sent confirming a commitment to pay off the dog registrations over a 10-week period.
- 18th November 2013 – did not comply with commitment to pay dog registrations as confirmed in letter of 27th November 2013.
- September 2015 – the son of the Kennel Licence holder advised that he was no longer at the premises and did not require the kennel licence. However, as the Licence was not in his name the owner (who hasn't resided in the municipality for a few years) was sent a letter seeking his direction as to whether he wished to keep the Kennel Licence (as the property was still in his ownership) or to cancel it. No contact or cancellation was received by Council.
- 9th November 2016, Kennel Licence renewal paid but no dogs registered.
- Property is again being used to house greyhounds and other dogs.

- Animal Control Officer visits property in September 2017 – more than 10 greyhounds and 3 domestic dogs on-site – nothing registered. Son has returned from interstate.
- 27th September 2017 – further letter reminding licence holder of the conditions of a Kennel Licence i.e. must register/microchip dogs.
- 9th November 2017 – reference to September 2017 letter. This letter also refers to Section 58 of the *Dog Control Act 2000*, effectively giving one month notice that the licence will be cancelled. Licence holder to show cause, in writing why the licence should not be cancelled.
- Licence holder's son came into the office on 21st November 2017 and spoke with the Governance Manager (GM); GM allowed three dogs to be registered by 22nd December 2017 and to extend the infringement due date to 28th January 2018. Nothing was received in writing about showing cause as to why the Licence should not be cancelled.
- 22nd December 2017 – no payments received and further letter sent.
- 8th February 2018, further letter.
- One dog belonging to the son's partner was registered on 13th March 2018. Nothing else registered.

For the past two years the owners/son have not complied with the Kennel Licence conditions i.e. have not registered any of their dogs.

Despite writing to the owners, issuing Caution and then infringement notices, registrations have still not been paid.

Notice was given under Section 58 of the *Dog Control Act 2000*, to allow the owners to show cause to why the licence should not be cancelled. No written response was received during the one-month period of notice.

Consultation:

Animal Control Officer, Governance Manager, property owner and property owner's son.

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

Since 2013, there have been several occasions for non-payment of dog registrations and kennel licence renewals.

Since the 2013/14 financial year the owners have not registered any of their dogs, despite this being a condition of their kennel licence. Officers sent numerous letters (as listed above) since 2013, yet they have not complied with Kennel Licence conditions.

Dogs were delisted in 2015 when the son relocated to Victoria.

The dogs remain unregistered.

Assessment:

Section 58 of the *Dog Control Act 2000* states:-

- (1) A general manager may cancel a licence if satisfied that –
 - (a) the provisions of this Act or any other relevant Act are not being complied with; or
 - (b) any condition of the licence is not being complied with; or
 - (c) the situation or condition of the premises is creating a nuisance; or
 - (d) it is in the public interest that the licence be cancelled.
- (2) Before cancelling a licence, the general manager is to –
 - (a) give to the holder of the licence one month's notice in writing to show cause why the licence should not be cancelled; and
 - (b) give consideration to any representations which the holder may make in that respect.
- (3) The cancellation of a licence is to be effected by the service of a notice on the holder of the licence notifying that the licence expires at the end of a period, not less than one month, specified in the notice, unless the normal expiry is first reached.

Section 58(1)(a) and (b) clearly applies.

The applicant may apply to the Magistrates Court for a review of:-

- The refusal of a general manager to renew a licence; or
- The cancellation of a licence; or
- The decision of the general manager to cancel the licence.

Options:

1. As per the recommendation.
2. That the Kennel Licence is not revoked and Council Officers continue to follow-up on the dog registrations and issue infringements for non-compliance of the *Dog Control Act 2000*.

RECOMMENDATION:

That the Kennel Licence for 509 Millvale Road, Brighton is cancelled in accordance with the *Dog Control Act 2000*, and that the owners are notified of their review rights under Section 59 of the *Dog Control Act 2000*.

The owner be asked to reduce the number of dogs to two (2) on this property and that they be registered in accordance with the *Dog Control Act*.

DECISION:

Cr Curran moved, Cr Owen 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	

11.2 SUPPORT FOR THE ESTABLISHMENT OF A SPORT AND WELLBEING COMMUNITY CLUB TO PRIMARILY SERVE THE SUBURBS OF BRIDGEWATER, GAGEBROOK AND HERDSMANS COVE:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Background:

This report is an updated version of a report that came to council in March. In March, Council voted 5-3 to not support the proposal. However, since then, GCD have held meetings with several councillors to ensure that they fully understand the proposal. In March, some councillors appeared concerned that the proposal would conflict with the operations of the PCYC – GCD have now obtained a letter of support from the PCYC after several meetings to discuss working together to achieve better outcomes for the community.

Council has been approached by Grassroots Community Development Pty Ltd (GCD) to support their proposal to establish a ‘sport and wellbeing community club’ to primarily serve the communities of Bridgewater, Herdsmans Cove and Gagebrook. See attached Business Plan for a full summary.

In effect, the proposal aims to increase participation in a range of sporting activities in the area; use sport as a vehicle for improving social, health and education outcomes; and to improve self-esteem, identity and pride within the three suburbs.

Council support (both financial and in-kind) is seen as critical by GCD. In terms of securing funding from other tiers of government and from the private sector, being able to demonstrate the commitment and financial support of council is valuable.

Participation levels are lower in these three suburbs than state averages, and health and education outcomes are also generally low. Various ideas and projects have come and gone over the years but nothing has really stuck in the long term.

Core to the concept is having one club that can support people into a variety of sports rather than trying to establish small clubs across each sport. Clearly this is more efficient, but part of the idea is to create a strong positive identity for the area as well.

GCD are seeking \$125,000 over 3 years from Council (though the financials are structured over a 5 year pilot period with Council not contributing in the final 2 years). It is suggested that the club would cost approximately \$100,000 per year to run, which is effectively wages for GCD and a local trainee with the intention that this trainee eventually takes over as manager, as well as set up, legal and administration matters (see Page 7 of the attached business plan). Additional funds for events, activities, equipment, transport and the like will need to be raised by the club.

It is proposed that the club be governed as an incorporated body with a board responsible for governance. It is envisaged the board would include representation from council, State government, education, health and community.

The Business Plan also sets out a basic timeline with proposed KPIs and achievements to be met.

Consultation:

Consultation has occurred amongst the Senior Management Team. GCD also presented to council in February.

Risk Implications:

For council there is reputational and financial risk, and of course the risk of letting the community down if the project is a failure.

There are no guarantees the project will be a success, but the aims are desirable. These risks can be minimised by staging financial contributions based on agreed outcomes, ensuring appropriate controls and governance arrangements are enshrined and by managing council's involvement from a PR perspective.

Financial Implications:

The GCD Business Plan proposes that council contribute \$50k in years one and two, followed by \$25k in year three. In years four and five it is expected that other funders will then be contributing the bulk of the \$100k per year proposed as the basic annual cost. GCD are also keen to gain a council commitment as soon as possible. However, this is an unbudgeted prospect for Council.

Council need not comply with the proposed funding model. Council could for example propose \$25k seed funding to enable the project to begin with further funding flagged, but dependent on the securing of other funding partners and achievement of agreed milestones.

Should support for the project be agreed, the issue of being an unbudgeted project could be addressed two ways: firstly, by deferring funding until July 1st; or secondly \$12,500 could be taken from available money in the existing Community Development budget item to allow the project to begin from April 1 to July 1.

Summary:

The proposal seeks a substantial amount of money from council for a project that is speculative in nature. Council has no real security that any significant outcomes will be achieved or that they will get value for money. This is not necessarily a good reason not to proceed because if the project does succeed in its ambitions, then council's contribution would be considered a sound investment.

It is suggested then, that council take a supportive but cautious approach. Council can do this by structuring its support in a manner that minimises risk, for example: by staging financial contributions based on agreed outcomes; by ensuring council is represented on the board; by ensuring that the board structure and/or constitution ensures the appropriate powers are in place for the board to responsibly manage or even terminate the project; and by tying council's financial contribution to contributions from other bodies and institutions, and to attempting to secure grant funding, such as from the Tasmanian Community Fund.

There is a potential funding round coming up later in the year with the Tasmanian Community Fund that will likely be relevant to this proposal. GCD should pursue this actively and council should provide assistance and support in the grant application process.

GCD are ready to launch their fundraising campaign, but cannot do this until they receive formal council support.

Potential approaches:

It is difficult to strongly recommend one approach or another with a proposal such as this as it partly comes down to council's appetite for risk – that is, the project could be a great success or an abject failure. Council would be 'taking a punt' in the hope of a good outcome. As such, some options are presented below in order to try to assist council to make a considered decision.

Option 1:

That council does not support contributing financially to the proposal.

Option 2:

Write to GCD explaining that council is supportive of the concept and will commit \$50k funding for Year One from July 1st subject to the remainder being secured from other funders within 12 months. Years 2 and 3 funding will also be subject to the securing of the other funding by GDC and satisfactory progress against agreed milestones.

Option 3:

That Council offers \$25k per year for 5 years, subject to annual review of progress and performance.

In any case, if council does decide to support the project financially the following conditions are recommended:

- Funding is tied to progress reports based on agreed milestones/outcomes.
- Council is represented on the Board.
- Council’s representative on the Board is involved in the preparation of the Club’s constitution.
- The Board has the ultimate power for approval or otherwise of payments (including to staff) and can recruit or remove staff/contractors.
- Demonstration that other funding is being actively sought.
- Demonstration that a funding grant from the Tasmanian Community Fund is being actively sought for the project.

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council write to GCD explaining that council is supportive of the concept and will commit \$50k funding for Year One from July 1st 2018, subject to the remainder being secured from other funders within the first 12 months, and in line with the abovementioned governance conditions. Years 2 and 3 funding will also be subject to the securing of the other funding by GDC and satisfactory progress against agreed milestones.

DECISION:

Cr Gray moved, Cr Curran seconded that Option 3 be adopted.

CARRIED

VOTING RECORD

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

Cr Higgins left the meeting 6.35pm

11.3 MONTHLY PLANNING UPDATE:

AUTHORS: Chief Operations Officer
(Mr J Dryburgh)

The Chief Operations Officer 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 Williams seconded that the report be received.

CARRIED

VOTING RECORD

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

11.4 BUDGET 2018 – 2019:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The draft 2018-2019 budget and Fees & Charges Register has been provided to all Councillors. The budget review workshop has been undertaken and the draft budget has been completed in accordance with Councillors demands and it is now ready to be adopted in principle.

Consultation:

Councillors, Senior Management, Ratepayers and other stakeholders.

Risk Implications:

Nil

Financial Implications:

As per the budget.

Other Issues:

Nil

Assessment:

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the Budget be adopted in principle only.

Options:

1. As per the recommendation.
2. Review the budget and make further changes prior to adoption in principle

RECOMMENDATION:

That the 2018-2019 budget be adopted in principle.

DECISION:

Cr Geard 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 Jeffries	
Cr Owen	
Cr Williams	

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

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	

- Cr Geard
- Cr Gray
- 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.

This matter was 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 17th APRIL 2018.

Cr Garlick moved, Cr Curran that the closed portion of the Ordinary Council Meeting of 17th April 2018 be confirmed.

CARRIED

VOTING RECORD

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

12.2 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE SPECIAL COUNCIL MEETING OF 30th APRIL 2018.

Cr Garlick moved, Cr Curran seconded that the closed portion of the Ordinary Council Meeting of 30th April 2018 be confirmed.

CARRIED

VOTING RECORD

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

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

12.3 OLD HOSPITAL OFFER OF PURCHASE:

Cr Curran moved, Cr Jeffries seconded that Council resolve out of Closed Council and the decision 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:

There were no questions on notice.

The meeting closed 6.50pm

Confirmed:

(Mayor)

Date:

19th June 2018