



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,
17TH JULY 2018**

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

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 19TH JUNE 2018.

*Cr Gray moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting
of 19th June 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	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

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

CARRIED

VOTING RECORD

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

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Rhonda Cockshutt addressed Council in relation to the proposed Brighton High School.
- Ursula Taylor, CEO, Derwent Estuary Program addressed Council.
- Richard Weston – Weston Farm Produce, Brighton
- Cr Owen addressed Council in relation to a recent Youth Forum he attended.

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: -

- Jun 28 Microwise Board meeting
- Jul 04 At the invitation of Miles Hampton , Chairman of the Board of My State, Noeline and I attended the annual My State dinner at MONA. Guest speaker was Deng Adut.
- Jul 05 Brian Mitchell, Federal member for Lyons requested a meeting with the GM and myself to discuss probable infrastructure requests for the Brighton Council for the next Federal election
- Jul 05 Along with Heath Macpherson and Scott Percey I attended two issues in the Old Beach area that were of concern to residents.
- July 05 Along with James Dryburgh and David Allingham I visited Richard Weston’s Farm in Brighton to discuss issues of concern that he had.
- Jul 10 Council workshop.
- 12 Along with Deputy Mayor, met with Rhonda Cockshutt re the proposed High School
- 16 Meeting with TasWater – Richard Weston
- 16 Public meeting at Brighton.
- 17 OCM

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

Cr Jeffries 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 | |

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Owen and Heath Macpherson advised that they had recently attended a Waste management workshop.

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 Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that a workshop was held on the 10th July 2018, to discuss Council's strategic plan and proposed High School site. All Councillors were in attendance.

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.

The General Manager advised that there was a supplementary agenda item; at the time of compiling the Agenda this matter had not been finalised.

DECISION:

Cr Owen moved, Cr Curran seconded that Item 11.6 – Purchase of 203 Brighton Road, Brighton be discussed as a supplementary agenda item.

CARRIED

VOTING RECORD

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

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held in July.

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: Executive Assistant
(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 Owen seconded that the report be received.

ARRIED

11.2 ACTING GENERAL MANAGER:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The General Manager (Ron Sanderson) will be on annual leave from the 25th July to 3rd September 2018 (inclusive). Council's Policy 3.10 - Acting General Manager states that the Deputy General Manager is appointed as Acting General Manager in the absence of the General Manager; however, in this instance the Deputy General Manager will also be on leave during this period.

Consultation:

Mayor, Senior Management Team

Risk Implications:

If an Acting General Manager is not appointed then Council's delegations, functions and powers under the *Local Government Act 1993* will be invalid.

Financial Implications:

Nil

Assessment:

Section 61B(4) of the *Local Government Act 1993* states that a Council may appoint a person to act in the office of general manager during every absence of the general manager.

Options:

1. As per the recommendation.
 2. That Council not appoint an Acting General Manager.
 3. That a different employee be appointed as Acting General Manager.
-

RECOMMENDATION:

That James Dryburgh (Chief Operations Officer) be appointed as Acting General Manager from the 25th July to 3rd September 2018 (inclusive).

DECISION:

Cr Gray 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	

11.3 20 GUNN STREET, BRIDGEWATER – STORMWATER DISPOSAL:

AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

CentaCare Evolve Housing (CEH) currently have an application with Council for 25 multiple dwellings at 20 Gunn Street, Bridgewater. A stormwater connection does not exist that can service the entire lot.

CEH has been negotiating with the owners of 14 Nielsen Esplanade, Bridgewater to try and utilise an existing easement on their land to provide a stormwater connection to service the proposed unit development. To date the negotiations have stalled and Holmes Dyer have written to Council (letter attached) on behalf of CEH requesting Council to use its powers under the *Urban Drainage Act 2013* to provide a stormwater disposal pathway.

Consultation:

Municipal Engineer, Senior Technical Officer, Senior Planner

Risk Implications:

If Council were to use its powers under the Urban Drainage Act, there is no risk to Council.

Financial Implications:

It would be a condition of the agreement that CEH would be responsible for all costs involved in the process. Therefore, there should be no cost to Council.

Other Issues:

The first step would be for Council to approach the owner to see if both parties can come to an agreeable settlement, otherwise Council would proceed with the formal process.

To do this Council would use its powers under section 17 of the Urban Drainage Act 17. *Power to undertake construction of public stormwater systems*

(1) *If, in the opinion of the council, a street, right-of-way or private land is not adequately drained, the council may construct any public stormwater systems it thinks fit for the purpose of meeting its obligations under this Act.*

(2) *Before proceeding with the construction, the council is to give to the owners of all land through, under or over which the public stormwater system is to pass 28 days' notice in writing of its intention to construct it.*

By agreeing to Council executing its powers does not mean that Council agree to the current development application for the 25 units. But either way a stormwater connection will be required to service this land at some point in the future.

Assessment:

The alignment of the proposed stormwater pipe would be along the eastern boundary at 14 Nielsen Esplanade, Bridgewater. At the completion of the subdivision at 14 Nielsen Esplanade an easement will be created along the majority of this boundary. Hence the proposed stormwater pipe will have little if any effect on the land or its value.

Options:

1. As per the recommendation
2. Do not support Council executing its powers to provide stormwater to 20 Gunn Street, Bridgewater.

RECOMMENDATION:

If Council cannot come to an agreeable settlement with the land owner, then Council will use its powers under Section 17 of the *Urban Drainage Act 2013* to provide a stormwater connection to 20 Gunn Street, Bridgewater.

DECISION:

Cr Geard 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	

11.4 ANNUAL PLAN 2018-19:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The Annual Plan 2018-19 has been prepared in accordance with Section 71 of the *Local Government Act 1993* and council’s 2018-19 budget.

Consultation:

Senior Management Team

Risk Implications:

None

Financial Implications:

In accordance with the adopted budget.

Other Issues:

Not applicable

Assessment:

Council is required under the *Local Government Act 1993* to adopt an Annual Plan on an annual basis.

Options:

1. As per the recommendation
2. Do not adopt the 2018-19 Annual Plan

RECOMMENDATION:

That the Annual Plan 2018-19 be adopted in accordance with Section 71 of the *Local Government Act 1993* and that a copy be forwarded to the Director of Local Government and the Director of Public Health.

DECISION:

Cr Curran 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	

11.5 PROPOSED BRIGHTON HIGH SCHOOL:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

In its recent budget the State Government has included two major projects in Brighton; a new year 7 to 12 high school and improvements for the school farm for \$30 million and \$4.3 million respectively.

Since the budget announcement the Mayor and author have met with the Education Minister and the Department of Education Secretary. Both were very supportive of these projects and requested confirmation of Council's support and advice on a preferred site for the new school in Brighton.

The author commissioned Jerry De Gryse to recommend a proposed site for the school. His recommended site plan was discussed at a council workshop on 10th July. Following this workshop the author asked Mr De Gryse to provide analysis of this and other potential sites including pros and cons of each.

A public meeting is being held on 16th July at the Brighton Bowls and Community Club to discuss the two projects and seek comments from the public. Ross Brewin from Monash University will outline the school farm project and Jerry De Gryse will discuss the potential site for the new school.

The outcomes of this public meeting will be considered by Council at the meeting for this agenda item.

Consultation:

Councillors, Senior Management Team and Jerry De Gryse

Risk Implications:

None

Financial Implications:

None

Other Issues:

The Minister and Department of Education consider council's input to be very important in assisting with public support and community consultation. Both were impressed with council's initiative to provide a preferred site for the school which would speed up the project schedule and show local support.

Assessment:

Council will consider the response from the public meeting in assessing these projects.

Council has been pushing for a high school at Brighton for many years and the news of a new school has been well received by the public.

Council initiated the Brighton Tomorrow project with University of Tasmania and Monash University which led to the redevelopment of the school farm project. This was provided to the Minister of Education which was the genesis of it being included in the budget

Options:

- 1. As per the recommendations
- 2. Do nothing

RECOMMENDATION:

- 1. That Council support the building of a new year 7 to 12 high school at Brighton and convey this support to the Minister of Education.
- 2. That Council support the improvements at the school farm and convey this support to the Minister of Education.

DECISION:

Cr Curran moved, Cr Higgins seconded that recommendation 1 and 2 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 Curran moved, Cr Gray seconded that after community consultation, analysis of the available options and through the process the preferred site is the Education Department owned land in Brighton.
CARRIED

VOTING RECORD

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

11.6 PURCHASE - 203 BRIGHTON ROAD, BRIGHTON:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Council has been offered the first opportunity to purchase land at 203 Brighton Road, Brighton. Council owns much of the adjoining properties to 203 Brighton Road including 205 Brighton Road in front and 209 Brighton Road and 1 Bedford, Brighton on either side.

Councillors discussed the opportunity to purchase this property at our recent workshop held on July 10. Councillors expressed a desire for me to formally present a contract to purchase at the next Council meeting.

I have since undertaken a market assessment, negotiated an agreed price of \$204,000 and signed a contract to purchase 203 Brighton Road, Brighton subject to Council approval.

Consultation:

Senior Management Team, Councillors.

Risk Implications:

Subject to variations in property price movements.

Financial Implications:

The 18/19 budget has carried forward an amount of \$146,160 in property reserves. The remaining amount will be outside budgeted cashflow. As land is a balance sheet item there will be no variation to our budgeted operating position.

Other Issues:

Nil

Assessment:

The purchase of 203 Brighton Road provides a strategic opportunity for Council to control a significant cluster of properties in a prominent position within the Brighton township boundary. The contracted price represents a fair price, comparative to recent property sales in the vicinity.

Options:

1. As per the recommendation.
 2. Do not approve the contract to purchase 203 Brighton Road, Brighton.
-

RECOMMENDATION:

That Council approve the contract to purchase 203 Brighton Road, Brighton at a price of \$204,000.

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 Garlick moved, Cr Jeffries 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	

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 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 19th JUNE 2018.

Cr Curran moved, Cr Jeffries seconded that the Minutes of the Closed portion of the Ordinary Council Meeting of 19th June 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	

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

**12.2 MICROWISE AUSTRALIA PTY LTD BOARD
RECOMMENDATIONS:**

AUTHOR: General Manager
(Mr R Sanderson)

Cr Garlick moved, Cr Jeffries 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 Higgins	
Cr Jeffries	
Cr Owen	

13. QUESTIONS ON NOTICE:

There were no questions on notice.

The meeting closed 7.25pm.

Confirmed:

(Mayor)

Date:

21st August 2018