



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 OCTOBER 2019**

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

IN ATTENDANCE: Mr G Davoren (Deputy General Manager); Mr J Dryburgh (Chief Operations Officer); Mrs J Banks Governance Manager) and Mr H Macpherson (Municipal Engineer).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 17th SEPTEMBER 2019.

Cr Geard moved, Cr Murtagh seconded that the Minutes of the Ordinary Council Meeting of 17th September 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.2 CONFIRMATION OF MINUTES OF THE FINANCE MEETING OF 8TH OCTOBER 2019.

Cr Curran moved, Cr Whelan seconded that the Minutes of the Finance Committee Meeting of 8th October 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.3 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 8TH OCTOBER 2019.

Cr Gray moved, Cr Geard seconded that the Minutes of the Planning Authority Meeting of 8th October 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

As there were no members in the gallery 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:-

Sep 19	Meeting with Education Minister Jeremy Rockliff.
Sep 23	Meeting with Byron Howard and senior staff at his request.
Sep 23	Meeting with Brighton Deputy Mayor and Glenorchy Mayor.
Sep 24	STCA Meeting.
Oct 04	GM and I attended funeral service for Paul Howard (GVM)
Oct 08	Ross Howard requested a meeting with GM, myself and Greg Davoren.
Oct 08	GM and I met with Council's PR Company.
Oct 08	Finance Committee meeting.
Oct 08	Planning Authority meeting.
Oct 14	STCA workshop.
Oct 15	Meeting with Brighton Deputy Mayor, Cr Owen, myself and Human Resource Manager Janine Banks.
Oct 15	OCM.

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 Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Geard attended a Fire Management meeting at Glenorchy.

Cr Owen attended the Opening of the Respect Aged Care Men's Shed.

Cr Whelan moved, Cr Curran seconded that the reports be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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 there were no workshop held since the last council meeting.

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

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

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

RECOMMENDATION:

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

DECISION:

The Mayor requested that the impending General Manager's contract be discussed in Closed council.

Cr Whelan moved, Cr Curran seconded that the General Manager's contract be discussed in Closed council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

9. REPORTS FROM COMMITTEES:

9.1 FINANCE COMMITTEE MEETING – 8/10/19

The recommendations of the Finance Committee Meeting of 8th October 2019, were submitted to Council for adoption.

DECISION:

Cr Curran moved, Cr Gray seconded that the recommendations of the Finance Committee meeting of 8th October 2019 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Murtagh moved, Cr Whelan seconded that the Council meeting be adjourned for the Planning Authority.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	

Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

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.

10.1 DELEGATION – LAND USE PLANNING & APPROVALS ACT:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Councillors may recall that the delegations under the *Land Use Planning and Approvals Act 1993* (the 'Act') were amended in June, August 2007, December 2010, March 2011, February 2014 and September 2016, and most recently in November 2017.

However, there is an identified need to modify the delegations, specifically relating to applications made under Section 56 of the Act.

Section 6 of the Act enables a planning authority to delegate some of its functions and powers to assist in the smooth and efficient running of Council affairs.

In order for Council to make a valid delegation, legislation requires:

- a. A planning authority must have authority from legislation to delegate the Function
- b. The legislation must allow the authority to delegate the Functions or powers to Delegate
- c. An authority must resolve to make the delegation
- d. Council must resolve to seal an Instrument of Delegation

Discussion:

The recommended amendment to the delegated authorities modifies the delegation qualification to applications made under Section 56 of the Act (i.e. Minor Amendments of Permits Issued by a Planning Authority).

Currently, the ability to approve an application for a minor amendment to a permit was only delegated to the Officer if the original permit was not determined by the Council acting as the Planning Authority. If the original planning permit was determined by the Council acting as the Planning Authority, then currently, any subsequent application for a minor amendment to that permit must also be determined by the Council acting as the Planning Authority.

It is proposed that the qualification for applications made under Section 56 of the Act within the delegations is removed. As a result, this would delegate the functions of the Council in determining any application made under Section 56 to Council officers.

Section 56(2) of the Act states:

- The planning authority may amend the permit if it is satisfied that the amendment –*
- (aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (b) will not cause an increase in detriment to any person; and*
 - (c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

Section 56(3) of the Act continues:

- If the planning authority amends a permit, it must, by notice in writing served on –*
- (a) the person who requested the permit to be amended; and*
 - (b) if that person is not the owner of the land, the owner; and*
 - (c) in the case of a permit granted under section 57, the owner or occupier of any property which adjoins the land; and*
 - (d) any person who made a representation under section 57(5) in relation to the application for the permit –*
- notify those persons of the amendments made to the permit.*

Section 56(2) of the Act limits the Planning Authority by only being able to amend those permits in which it is satisfied that the proposed amendments are minor in nature; do not increase detriment to any person; and does not change the description of the use or development (other than a minor change). Further, Council cannot amend any conditions or restrictions imposed on a permit that is required, imposed or amended by the Resource Management and Planning Appeals Tribunal.

By virtue of the restrictions of Section 56(2) of the Act, the amendments that can be approved under this section of the Act are inherently minor in nature.

In addition, Section 56(3) of the Act requires the Planning Authority to notify relevant parties of any amendment approved under Section 56. Any person that is required to be notified then has the right to appeal to the Resource Management and Planning Appeals Tribunal the Planning Authority's decision to amend the permit. This right ensures that any relevant party who takes grievance with any amendment approved, irrespective of whether the permit was originally determined by the Council or by delegated authority, has the ability to have their concerns heard in the appropriate forum, being the Appeals Tribunal.

In summary, applications made under Section 56 can only be approved if they are minor in nature. Further, any relevant party still retains their right to appeal a decision made under Section 56, should they wish to do so.

As such, it is recommended that Council delegates its functions under Section 56 of the Act (i.e. Minor Amendments of Permits Issued by a Planning Authority) to the identified officers, irrespective of whether the original permit was determined at officer or Council level.

Consultation:

David Allingham (Senior Planner & Strategic Projects); James Dryburgh (Chief Operations Officer)

Risk Implications:

Council may incur legal costs if demonstrated that Council's delegation/s are invalid.

Financial/Budget Implications:

None unless delegations are deemed invalid and action is taken against Council.

Strategic Plan:

This proposed amendment to the delegations supports strategy S4.2: Be well-governed of the Council's Strategy On A Page 2019-2029.

Social Implications:

None identified.

Environmental or Climate Change Implications:

None identified.

Economic Implications:

None identified.

Other Issues:

None identified.

Assessment:

This proposed modification to the delegations will improve assessment times for applications made under Section 56 of the Act, as those minor amendment applications will not need to be determined by the Council acting as the Planning Authority.

Options:

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

RECOMMENDATION:

That the Planning Authority resolves to modify delegation “5” of the existing delegated functions, by removing the words “not originally determined at a Council meeting”, and therefore delegating the following functions and powers to Ron Sanderson; Greg Davoren; Heath Macpherson; Janine Banks; James Dryburgh; David Allingham; and Patrick Carroll in accordance with Section 6 of the *Land Use Planning and Approvals Act 1993*.

Land Use Planning & Approvals Act 1993

1.	S.43I(4A) - Extension to s.43 permit
2.	S.53(5A) - Extension to s.57 & s.58 permit
3.	S.54 - Additional information
4.	S.55 - Correction of mistakes
5.	S.56 - Minor amendments to permits
6.	S.57(2) - Application for discretionary permit – to refuse to grant a permit within 7 days
7.	S.57(5) - To extend the 14 day representation period
8.	S.57(6) - To grant a permit where no objections were received and to refuse to grant a permit for which an extension of time has not been granted by the applicant
9.	S.57(6) and 6A) - To extend the 42 day time period
10.	S.57A – Mediation
11.	S.58 - Approval of permitted applications
12.	S.63B – Notice of suspected contravention etc may be given
13.	S.64 – Civil Enforcement proceedings
14.	S.65A – Issue and serve an infringement notice
15.	S65B – Issue a notice of intention to issue enforcement notice
16.	S.65C – Enforcement Notice
17.	S.65D – Requirements of Enforcement Notice

18.	S65F – Notice of intention to cancel a permit to be issued before permit cancelled
19.	S.71 - Planning authority may enter into agreements
20.	S.73 - Bonds and guarantees
21.	S.73A - Payments and contributions for infrastructure
22.	S.74(3) - Duration of agreement
23.	S.75 - Amendment of agreements
24.	S.78 - Registration of agreements

The Delegations are made on the following conditions:

1. The Delegation is subject to the conditions or restrictions (if any) outlined in the table above.
2. The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve.
3. The Delegation is subject to the Council’s by-laws or the provisions of any Act.
4. That the general Instruments of Delegation in relation to the Act listed above be signed and sealed by the authority.

DECISION:

Cr Geard moved, Cr Whelan 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 Murtagh | |
| Cr Owen | |
| Cr Whelan | |

Cr Gray moved, Cr Jeffries seconded that the Ordinary Council meeting be resumed.

CARRIED

VOTING RECORD

- | In favour | Against |
|------------------|----------------|
| Cr Curran | |
| Cr Foster | |
| Cr Garlick | |

Cr Geard
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

11. REPORTS FROM OFFICERS:

11.1 LOCAL GOVERNMENT SHARED SERVICES MONTHLY REPORTS:

AUTHOR: Governance Manager
(Mrs J Banks)

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/Budget Implications:

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

Strategic Plan:

N/A

Social Implications:

N/A

Environmental or Climate Change Implications:

N/A

Economic Implications:

Nil.

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 report be received.

DECISION:

Cr Garlick moved, Cr Jeffries 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 Murtagh	
Cr Owen	
Cr Whelan	

11.2 INTERIM WATER SENSITIVE URBAN DESIGN CONTRIBUTIONS POLICY:

AUTHOR: Project Engineer
(Mrs A Wilson)

Background:

Developers are required under the Stormwater Code (E7.7.1) in the Brighton Interim Planning Scheme to incorporate water sensitive urban design principles for the treatment and disposal of stormwater if any of the following apply;

- (a) The size of the new impervious are is more than 600m²*
- (b) New car parking is provided for more than 6 cars*
- (c) A subdivision is for more than 5 lots.*

Water sensitive urban design (WSUD) principles aim to protect receiving waters and their natural values by reducing the entry of pollutants and minimising flow rates. Measured WSUD principles are for a 45% reduction in total nitrogen and total phosphorous and 80% reduction in total suspended solids.

Currently developers attempt to meet these principles by installing on site infrastructure. This can be soft infrastructure such as detention basins or hard infrastructure such as proprietary underground treatment units. Council is concerned that installing many of these options will result in poorly maintained and managed stormwater treatment solutions that become ineffective and forgotten. In some areas, and for some developments, a better option is for Council to install WSUD solutions in different locations in the catchment area.

Council installed and managed WSUD solutions are more likely to be appropriate for the catchment, effective systems and maintained appropriately.

Some developers have run into situations where for various reasons it has become difficult to install their designed WSUD system on site. In these instances they have requested to pay a contribution to Council in lieu of installation. Council has accepted this in principle. A policy surrounding this option will help developers and Council with these situations.

Consultation:

Anna Wilson - Project Engineer Brighton Council

Heath Macpherson – Asset Services Manager Brighton Council

Leigh Wighton – Technical Officer Brighton Council

David Allingham – Senior Planner Brighton Council

James Dryburgh – Chief Operations Officer

Byron Duffy – Plumbing Inspector Brighton Council

Frank Chen – Manager Infrastructure, Engineering and Design Glenorchy City Council

Glen Popowski – Civil Engineer (Asset Planning) Clarence City Council

Hannah Atkins – Civil Engineer Clarence City Council

Derwent Estuary Program – See attached letter of support.

Risk Implications:

Risk that Council will not use the received funds for the required outcome resulting in challenges from developers and distrust amongst the community. To address this risk Council will maintain a register of WSUD contributions received. Council will also maintain a stormwater quality works program to ensure that all contributions are being spent or set aside to meet WSUD outcomes.

There is a risk that the proposed approach may be challenged as the process has not been tested or challenged under the planning scheme. To address this risk the policy is a voluntary option only. If it is appealed the option is to revert to requiring that WSUD principles be met as part of the development.

This risk is also mitigated by the fact that it is an interim policy to deal with a current issue. When the planning scheme is updated the policy may not be required and will be reviewed. Council officers consider the risk and associated consequences to be low.

Financial/Budget Implications:

Council will receive \$2000 per dwelling or per lot from appropriate residential developments. In the months of August and September 2019 contribution requests have totalled \$49 000 with more expected.

Note that Brighton Council is receiving unprecedented numbers of development applications so this rate is unlikely to be ongoing.

Whilst it is unknown at this stage how often this policy will be picked up by developers it is likely that there will be regular income to Council to be used to develop and maintain valuable WSUD infrastructure. Council must ensure these funds are spent on WSUD works within urban areas.

Council will become responsible for the maintenance of assets that would otherwise have been privately managed. Council will have control over these costs by being able to install appropriate and effective treatment systems. Maintenance costs will be offset by a reduction in compliance costs. If private systems are installed Council will be required to run inspections and testing on these systems to ensure they are being maintained effectively.

Strategic Plan:

This policy, combined with associated investment in effective water sensitive urban design supports strategies S1.3 - Provide public facilities and S1.5 - Build a resilient community and environmentally sustainable future - by providing Council with additional funding to construct effective, meaningful stormwater treatment infrastructure. This infrastructure can protect assets important to the Brighton community such as the Jordan River and the Derwent and associated waterfront landscapes and environments. It can also provide landscape solutions that are attractive and resilient and improve water quality as well as biodiversity and landscape functions.

Social Implications:

Implementing this policy will reduce the social impact of having dispersed infrastructure that is privately owned by small strata groups that do not have the capacity to provide effective maintenance. It will ensure that investment going into WSUD infrastructure is effectively utilised and not wasted. This will benefit social spaces within the municipality and benefit developers by ensuring that, when practical, they can transfer their stormwater investment into effective outcomes.

Environmental or Climate Change Implications:

Environmentally this policy will enable Council to use funds currently earmarked for improving the environment into more effective outcomes that will be maintained properly to provide environmental benefits into the future. It will improve the quality of stormwater, increase litter capture, increase biodiversity and protect our receiving water bodies from pollution.

From a climate change perspective allowing Council to invest in WSUD infrastructure that is centralised rather than decentralised allow Council to invest in more green infrastructure which will capture carbon and increase environmental outcomes. Currently most of the infrastructure installed by developers are commercial systems that are closed box concrete systems.

Cement is a primary producer of carbon dioxide so swapping concrete structures with plant based systems is a responsible climate change decision.

Economic Implications:

This policy will provide economic benefits to Council, developers, strata titles and ratepayers.

Council will receive funding we can use to install effective and attractive stormwater treatment that increases the value of our public spaces.

Developers will ensure that the funds they are spending on WSUD are used on effective treatment rather than designing and installing inefficient and forgotten about WSUD infrastructure. They may also benefit from being able to utilise the space that on site WSUD would have otherwise occupied.

Note that this is not a charge on developers. Developers are required to meet the planning scheme requirements and they are welcome to do so.

Strata titles will not have the ongoing responsibility to maintain something they know nothing about and hold no personal value towards.

Rate payers will benefit by funds being used to effectively protect receiving environments, collect litter and pollutants more effectively and increase the value of our public spaces.

Other Issues:

This policy is a voluntary policy only. Developers will not be required to contribute to WSUD however they are required to meet the planning scheme by either installing appropriate WSUD on site or contributing.

Council can refuse an application to contribute in lieu of meeting the requirements on site if Council deems that it is more appropriate for the site and surrounding area to have treatment in the developers' site.

The contribution amount has been calculated by averaging the amounts that have been requested to be paid on existing developments. These have been based on the cost of installing WSUD as designed by consultants to meet the requirements on site.

The proposed amount of \$2000 is based on several developments that have costed the works required to meet the scheme and then, for various reasons, asked to contribute the worth of the works to Council. These requests have been averaged and the resultant amount per lot/ dwelling was \$2042. This has been rounded to \$2000 for ease of use.

Assessment:

This policy clarifies options for developers and will produce improved outcomes for the environment. Having this interim policy will allow developers to meet the planning scheme

Options:

1. As per the recommendation.
 2. Do not meet the recommendation.
-

RECOMMENDATION:

That Council support and implement the proposed attached Interim Water Sensitive Urban Design Contribution Policy.

DECISION:

Cr Owen moved, Cr Jeffries 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 Murtagh	
Cr Owen	
Cr Whelan	

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 Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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)(a)

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 17th SEPTEMBER 2019:

Cr Curran moved, Cr Whelan seconded that the minutes of the closed portion of the Ordinary Council meeting of 17th September 2019, be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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)

12.2 BRIGHTON ROAD – LAND ACQUISITION:

Mr Dryburgh, Mr Davoren and Mr Macpherson left the meeting 6.00pm

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)(a)

12.3 NEW GENERAL MANAGER'S CONTRACT:

Cr Curran moved, Cr Garlick seconded that Council resolve out of Closed Council, and the decisions made whilst in Closed Council be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

13. QUESTION ON NOTICE:

Following was the General Manager's response to Cr Owen's questions on notice:

Who initiates, directs and approves editorial about the proposed High School and school farm propaganda in the Brighton Community News?

The General Manager (GM) and Chief Operations Officer (COO).

Whose idea is it to actively ignore the Education Department's decision and campaign against and undermine their consultation process?

The GM and COO acted in accordance with the wishes of the majority of Councillors to secure the best outcome for the community for a new high school and upgraded school farm.

They acted on the statements made by the Minister that he would be guided by what the community wanted. They were part of the Brighton High School Reference Group established by the Minister to guide the department's community engagement process and worked with the department, not against it. These officers worked closely with education department staff to review possible sites for the school and a relocated school farm.

When these sites were presented to the Minister, he ruled out moving the school farm. At this point there were three sites considered by the department, two of which were council recreation grounds. It was determined that a proper, independent survey of the community would serve two purposes:

- To gauge what site the broad community preferred rather than the vocal friends of the farm lobby.
- To determine the support of keeping the recreation grounds for future use of the community rather than for a new government school.

The GM engaged Myriad Research to undertake this survey. Myriad has done numerous surveys for council over past years and has a good understanding of the Brighton community.

What is the breakdown and total expenditure of ratepayer’s money that has been spent on pursuing this issue and to whom has that money been paid?.....Including the drawings and plans for the Brighton Council version, traffic plans, editorial and press release expenditure, public relation consultation, phone poll, staff time and any other expenditure?

The drawings and traffic plans were done by council engineering staff with no external costs.

Editorial expenditure was part of normal Brighton Community News expenses. Press releases and public relation consultation expenses are not costed individually.

The phone survey by Myriad Research cost \$14,800.

Staff time is not charged to specific projects.

Council have made their position clear to the Education Minister and clearly the Minister is not interested in Council’s view. Surely it is time to get over it, accept the umpires decision and stop wasting ratepayer’s money?

The location of the new high school is a critical element of future land use planning for the growing Brighton locality. Like Council’s stand against the government’s opposition to Council’s flat rate policy, it was considered by the GM and COO that the future of Brighton was so important, that all that could be done for the future of Brighton should be done. Now that the Minister has stated that the school farm will not be moved, it is incumbent that new school is located in the best site to engender the sustainable residential and commercial development that will be in the best interest of Brighton residents.

The meeting closed 6.10pm

Confirmed: _____
(Mayor)

Date: _____
19th November 2019