



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.35 P.M. ON TUESDAY,
18th SEPTEMBER 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 H Macpherson (Municipal Engineer); Mrs J Banks (Governance Manager); Mr J Dryburgh (Chief Operations Officer) and Mrs G Browne (Corporate Executive).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21ST AUGUST 2018.

Cr Gray moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of 21st August 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 PLANNING AUTHORITY MEETING OF 11th SEPTEMBER 2018.

Cr Jeffries moved, Cr Gray seconded that the Minutes of the Planning Authority Meeting of 11th September 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:

- Andrew Goelst, Centacare Evolve addressed Council in relation to the housing developments in the municipality.
- Jan Dunsby, Neighbourhood Watch addressed Council in relation to Neighbourhood Watch.
- Cr Owen addressed Council in relation to the SASS campaign.

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 are as follows: -

- Aug 29 At the invitation of the Principal of the Northern Christian School I attended the Official Opening of new classrooms by Senator Jonothon Duniam. This was part of an Australian Government Grant scheme.
- Aug 31 I met with the Acting General Manager, James Dryburgh to review his thoughts on the role of GM as he saw it.
- Sep 03 Taswater.
- Sep 06 Meeting with GM then a tour of the Municipality with Deputy Mayor, GM and Senior Engineer Heath Macpherson.
- Sep 06 At the request of Inspector George Cretu , GM, Deputy Mayor and Senior Engineer Heath Macpherson met with him and Police Officer Rebecca Davis.
- Sep 11 GM and I met with Mr Mike Purdon from the Veterans Car Club.
- Sep 11 Senior Planner David Allingham and I met with John Maeer and family to discuss issues they had with the Planning Scheme.
- Sep 11 Planning Authority meeting.
- Sep 14 Government House for Investiture for Helen Manser.
- Sep 17 Government House for Australian Citizenship Day Ceremony.
- Sep 18 OCM for September.

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:

DECISION:

Cr Geard reported that he had attended Fire Management area meeting recently regarding programmed burns.

Cr Geard and Cathy Harper attended an Emergency Management Recovery Committee meeting.

Cr Owen moved, Cr Williams 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 Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that there were no workshops held since the last Council Meeting.

7. NOTICE OF MOTION:

7.1 NEIGHBOURHOOD WATCH – FREE USE OF COUNCIL BUILDINGS:

Cr Owen has requested the following:-

That Brighton Council encourages the establishment of Neighbourhood Watch groups in the Brighton Municipal area and assists these groups by providing council owned/operated venues free of charge in which to hold neighbourhood watch meetings.

DECISION:

Cr Owen moved, Cr Gray seconded that Brighton Council encourages the establishment of Neighbourhood Watch groups in the Brighton Municipal area and assists these groups by providing council owned/operated venues free of charge in which to hold neighbourhood watch meetings.

CARRIED

VOTING RECORD

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

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:

There were no supplementary agenda items.

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held in September.

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 for this meeting.

11. REPORTS FROM OFFICERS:

11.1 DELEGATIONS – BUILDING ACT 2016:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The *Building Act 2016* and Building Regulations 2016 came into effect on 1st January 2017, and superseded the existing Building Act 2000, Building Regulations 2014 and Plumbing Regulations 2014.

Legislation enables Council to delegate some of its functions to assist in the smooth and efficient running of Council affairs.

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

- a) Council must have authority from legislation to delegate the Function

- b) The legislation must allow Council to delegate the Function to the Delegate
- c) Council must resolve to make the delegation
- d) Council must resolve to seal and Instrument of Delegation

In addition, Council may resolve to allow the delegate to sub-delegate the Function.

Consultation:

Mrs B Stapenell (Building Compliance Officer)

Risk Implications:

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

Financial Implications:

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

Permit Authority employees/contractors are required to complete an approved training programme. The cost for training is minimal and will be partly funded by the Department of Justice.

Two employees have so far completed this training.

Assessment:

Section 8(3) of the *Building Act 2016*, states that a General Manager may delegate to any person any of their powers and functions under the Act, other than his power of delegation. The legislation also has provisions for the General Manager to appoint an employee of another Council or a Permit Authority for the municipal area for another Council as a Permit Authority.

The role of the Permit Authority is to grant or refuse Building Permits and Plumbing permits in accordance with the Act, and to issue Certificates of Completion for building and plumbing works.

The Permit Authority must also ensure that the public is aware of building and plumbing requirements to ensure compliance with the Legislation and to keep registers in accordance with the Act.

With the inception of the new Legislation some of the statutory functions have been transferred from the General Manager to the Permit Authority e.g. Building Order previously only issued by the General Manager will now be issued by the Permit Authority.

Persons appointed as a Permit Authority will now require an occupational licence under the *Occupational Licensing Act 2005* and must complete an approved training programme. Brent Bastian and Amelia Blake have undertaken the training course. Other Officers will also be required to undertake this training.

All existing Permit Authorities were automatically deemed to have a license for a period of two years to allow officers to obtain the accreditation. This expires on the 31st December 2018.

Options:

1. As per the recommendation.
2. That the Delegation not be adopted.

RECOMMENDATION:

That Council resolve to delegate the following functions and powers to the General Manager in accordance with Section 22 of the *Local Government Act 1993*; and that the General Manager sub-delegate functions and powers in accordance with Section 64 of the *Local Government Act 1993*, and Section 8(4) of the *Building Act 2016*; and if at any time the General Manager is unable to act, Council delegates the Function to the person acting as the General Manager at the time.

That Council authorise the following persons as the Brighton Council Permit Authority pursuant to Section 24(2) of the *Building Act 2016* for building and plumbing matters:-

Environment & Development Services Officer – Betty Stapenell

Environment & Development Services Officer – Amelia Blake

Senior Environmental Health Officer – Brent Bastian

Building Surveyor – Sally Hill

Building Act 2016

1.	S.24(2) – Who is a Permit Authority	The General Manager may only appoint a person as a Permit Authority under Section 24(2) if the person holds a licence under the Occupational Licensing Act 2005 that authorises the person to perform the function and exercise the powers of a permit authority. Sub-delegate to Brighton Council Permit Authority
2.	S.28(1) – Who is a Building Surveyor	Sub-delegate to Building Surveyor
3.	S.41 - Councils	Sub-delegate to Brighton Council Permit Authority
4.	S.70 – works on contaminated or undrainable land	Sub-delegate to Brighton Council Permit Authority
5.	S.73 – Works involving or in proximity of existing drains	Sub-delegate to Brighton Council Permit Authority
6.	S.74 – works involving, or in proximity of service easements	Sub-delegate to Brighton Council Permit Authority

7.	S.241 - Dilapidated building report	Sub-delegate to Brighton Council Permit Authority
8.	S.245 - Emergency Order	Sub-delegate to Brighton Council Permit Authority
9.	S.251 - Court Orders	Sub-delegate to Brighton Council Permit Authority
10.	S.266 - Possession of Building	Sub-delegate to Brighton Council Permit Authority
11.	S.267 - Demolition Order	
12.	S.269 - Recovery of Performance Costs	
13.	S.271 - Purchasing building and materials	
14.	S.272 - Police Assistance	Sub-delegate to Brighton Council Permit Authority
15.	S.275 - Compliance with Act in certain circumstances	Sub-delegate to Brighton Council Permit Authority
16.	S.286 - Onus of proof in certain cases	Sub-delegate to Brighton Council Permit Authority
17.	S.308 - Habitation of Certain Buildings	Sub-delegate to Brighton Council Permit Authority
18.	S.309 - Restriction of use of land	Sub-delegate to Brighton Council Permit Authority
19.	S.321 - Reliance on Certification	Sub-delegate to Brighton Council Permit Authority
20.	S.324 - Infringement Notices	Sub-delegate to Brighton Council Permit Authority

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

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr Foster
Cr Garlick
Cr Geard

Against

Cr Gray
Cr Higgins
Cr Jeffries
Cr Owen
Cr Williams

11.2 INVESTMENT POLICY – AP09:

AUTHOR: Corporate Executive
(Mrs G Browne)

Background:

Brighton Council has traditionally adopted a conservative investment approach that aims to maximise return at minimal risk. Many Councils throughout Australia including Tasmania have previously suffered significant losses from poor investments following the collapse of some international banks. Council has been fortunate to receive high returns without any financial loss and has recently reviewed its Investment policy to provide guidelines to continue the sound investment of Council's surplus funds.

Consultation:

Treasury; Senior Management.

Risk Implications:

An inappropriate investment policy may be considered a significant financial risk.

Financial Implications:

As specified within the policy.

Other Issues:

Nil

Assessment:

Nil

Options:

1. As per the recommendation.
 2. Modify the Investment Policy.
-

RECOMMENDATION:

That Council adopt the revised Investment Policy AP09.

DECISION:

Resolved that this Policy be held over until the October Council meeting, pending changes to investment authorities.

11.3 TASWATER AND STATE GOVERNMENT MEMORANDUM OF UNDERSTANDING (MOU):

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Background:

As councillors are aware, the State Government has abandoned its policy to take over TasWater and now supports the process outlined in a Memorandum of Understanding (MOU) between itself and TasWater, which was prepared in consultation with key council owner representatives.

The MOU, its implications and the proposed implementation model are outlined in the attached presentation of TasWater.

The MOU provides certainty to council for the coming years and effectively maintains decision-making powers as they are now. Over the ten-year period, the government's investment in TasWater almost pays for their required controls with regard to cost increases to customers.

The MOU will put TasWater, councils and the State Government in a stronger position when applying for Federal funding for major infrastructure projects such as Macquarie Point or Launceston.

Consultation:

Consultation has occurred between Council's SMT and councillors.

Risk Implications:

If councils do not support the MOU there is a risk that conflict over the matter will begin again and councils could find themselves in a far worse position.

Financial Implications:

The financial situation for Brighton will become effectively what it was prior to the government takeover bid, which is a far superior position to that under the takeover. There is also a greater chance that the financial prospects will improve as the 10 Year Plan of TasWater is implemented.

Options:

1. As per the recommendation.

2. Other.

RECOMMENDATION:

That Council resolve to endorse the MOU between TasWater and the State Government.

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	
Cr Williams	

11.4 KEY INFRASTRUCTURE INVESTMENTS DRAFT POLICY 1.7:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Purpose:

The purpose of this report is to present a new policy for council's consideration and endorsement.

Background:

In August 2017, Council approved a \$200,000 contribution to the building of a sewer pump station in the Dylan St area, Brighton, if it was built as part of the development of a highway services precinct at 40 Brighton Road. Council stipulated that the pump station must be sized in order to service at least 146 dwellings/lots in addition to the requirements of the Highway Services Precinct - the primary rationale being that council's contribution will help to stimulate residential growth in Brighton.

The report recommended that council seek to recoup this contribution via infrastructure contributions at the time of future creation of lots or dwelling approvals.

Council’s legal advisors recommended creating a council policy to support this approach. This policy has now been drafted with input and review from council’s lawyers and is now attached for council adoption.

The Policy is structured to enable council to consider similar strategic financial contributions in future and to seek to recoup them. However, any new proposal would require an addendum to the policy to be approved by Council, such as Addendum 1 – South Brighton Urban Growth Area.

The highway services development was approved in early 2018 and final design work is well underway, including for the pump station.

A master plan and rezoning application is being prepared on behalf of a number of property owners in the Dylan St area with the intention of converting the area to an urban density, which would create approximately an additional 140 lots or dwellings.

Consultation:

Consultation has occurred amongst council’s senior management team, legal advisors and previously with councillors.

Risk Implications:

The adoption of the attached policy strengthens council’s ability to apply an infrastructure charge on subdivision and development in future, reducing the risk of not recouping the investment.

Financial Implications:

The adoption of the attached policy strengthens council’s ability to apply an infrastructure charge on subdivision and development in future.

Options:

1. As per the recommendation.
2. That the Policy not be adopted.

RECOMMENDATION:

That Council adopt the Policy and Addendum 1 as presented.

DECISION:

Cr Gray 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 Higgins
Cr Jeffries
Cr Owen
Cr Williams

11.5 YOUTH MOVING FORWARD RECOMMENDATIONS:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Background:

Recently a Youth Moving Forward Forum was held in Bridgewater, at the Civic Centre. The purpose of the forum was to identify key issues facing young people in the area and begin to look at ways to address them.

A report has now been provided to council (attached) which includes recommendations to Council.

Consultation:

Consultation has occurred amongst SMT and councillors at previous meetings and between council staff and representatives of the Forum.

Risk Implications:

There are no significant risks.

Financial Implications:

There are financial implications at this stage. However, depending on how council involvement in the project evolves there may need to be future consideration of council funding.

Options:

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

RECOMMENDATION:

That Council receive the report.

DECISION:

Cr Gray moved, Cr Curran seconded that Council notes the report from Brighton Neighbourhood Leadership group and accepts the three key recommendations coming from the forum and agrees to work with stakeholders to advise, assist and implement any plans that all agree to.

Key recommendations of the forum were:-

- Brighton Council to act as a facilitator for any grants that are being sought for any facilities, initiatives and programs.
- That Implement/establish a Youth advisory Group to assist Council and Service Providers in identifying the issues of the Youth within our Municipality.
- That the community look to facilitate a youth hub/Space.

Council should facilitate a Youth Hub Space in existing facilities (central in our Community) and operated and supervised by suitably qualified service providers - with the aim of getting a quick win and utilising data as a catalyst to a future facility grants being accessed.

CARRIED

VOTING RECORD

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

11.6 ENDORSEMENT OF THE BRIGHTON STRUCTURE PLAN 2018:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Background:

Brighton’s consultant team, led by Echelon Planning in partnership with Essential Economics have been preparing the structure plan for Council since July 2017. This has involved site visits, meetings with stakeholders, analysis of data, in depth meetings with council staff, a workshop with councillors and an exhibition period, including public drop in sessions.

The consultant team has now reviewed the Structure Plan based on feedback received throughout the exhibition period.

Planning staff and the consultant team are now comfortable that the Structure Plan is ready for council endorsement.

A Structure Plan is a guiding document with more of a big picture and a longer-term focus than more prescriptive instruments such as a planning scheme or a policy. Council is not bound by the Structure Plan and there is an acceptance that things can change during the generally 5 year life of a structure plan.

However, just as council has with the 2012 Structure Plan, it should seek to implement and pursue the recommendations within the Plan unless sound reasons emerge not to do so.

This report seeks council's endorsement of the Brighton Structure Plan 2018.

Consultation:

Consultation has occurred amongst relevant council staff, the consultants, councillors, agencies, businesses and the community.

Risk Implications:

There are no significant risks.

Financial Implications:

There are no additional costs. The structure plan project was delivered on budget at approximately \$45,000.

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council endorse the Brighton Structure Plan 2018.

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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

11.7 MICROWISE - UPDATE REPORT:

AUTHOR: General Manager
(Mr R Sanderson)

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

Options:

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

RECOMMENDATION:

That the report be received.

DECISION:

Cr Jeffries moved, Cr 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	

Cr Jeffries, moved, Cr Garlick seconded that Council resolve in to 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	

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)(f)

12.1 POTENTIAL TRANSFERS OF LAND:

Cr Jeffries moved, Cr Garlick seconded that Council resolve out of Closed Committee 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

13. QUESTIONS ON NOTICE:

There were no questions on notice.

The meeting closed 6.50 pm.

Confirmed: _____
(Mayor)

Date: _____
16th October 2018

