



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD IN THE
COUNCIL CHAMBERS, COUNCIL OFFICES, OLD BEACH
AT 5.30 P.M. ON TUESDAY,
17th NOVEMBER 2020**

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr G Davoren (Deputy
General Manager); Mr H Macpherson (Municipal
Engineer); Mrs J Banks (Governance Manager) and Mr D
Allingham (Manager Development Services).

1. ACKNOWLEDGEMENT OF COUNTRY:

2. CONFIRMATION OF MINUTES:

**2.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 20 OCTOBER 2020.**

*Cr Geard moved, Cr Curran seconded that the Minutes of the Ordinary Council
meeting of 20th October 2020, be confirmed.*

CARRIED

VOTING RECORD

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

3. APPLICATIONS FOR LEAVE OF ABSENCE:

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

CARRIED

VOTING RECORD

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

4. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public question time.

5. 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.

6. REPORTS FROM COUNCILLORS:

6.1 MAYOR'S COMMUNICATIONS:

AUTHOR: Mayor
(Cr T Foster)

The Mayor reported directly to the meeting on the following:

- Meetings attended.
- State of the Council 2020.

STATE OF THE COUNCIL 2020

Brighton Council has always taken pride in its secure long-term financial position. These are not my words, but those of our Deputy General Manager Greg Davoren. I have always had a strong commitment to strong financial management and from my perspective, I would prefer to say that Brighton Council has taken pride in its long-term financial position, certainly since the mid 1990s.

However, as I am sure we would all agree, the year 2020 has been unique and the past nine months or so have provided challenges of the like we have never before had to confront.

Fortunately, we are well-placed to meet these challenges, as our General Manager James Dryburgh said and I quote: “we are in a strong position financially, culturally and operationally” to deal with the unforeseen impacts of the COVID-19 pandemic we have experienced through most of 2020.

Undoubtedly, the effects of the pandemic, both operationally and financially have and will lead to some significant changes for Council, but like our General Manager, I see the many positive outcomes that have been achieved and managed by our expert team of department managers.

However, we cannot and will not forget the impact the pandemic imposed on our financial position and like Brighton, many Councils faced financial pressures like never before.

Fortunately for Brighton, our sound financial position enabled us to provide much-needed support for our community. We were able to immediately increase our capital expenditure, provide immediate financial support to those in need by way of grants and rental support, and deferred our usual Consumer Price Index-linked rate increase for the current financial year. This action was the centrepiece of our commitment to our community. In other words, our sound and responsible management over the past decades meant that we were better prepared than most to manage through such an unprecedented event.

On the other side of the ledger we were not prepared for decisions made by the TasWater Board that have deprived our Council of some \$924,000 in dividend income. Brighton’s expected annual dividend from TasWater is equal to some eight percent of our rate revenue, so it is an important component of our Council’s budget. The loss of that dividend has quite definitive and significant implications. We’ve been able to absorb the cuts to date, but there is a limit to our capacity to do so into the future.

Quite clearly then and in reference to dividend income from TasWater, if Council wishes to remain in control of its own destiny, it will have to look at future revenue streams that are not reliant on the decisions of others.

Moving away from finances, COVID-19 certainly has not slowed down development in the Brighton Municipality. So far this year we have received a total of 446 development and sub-division applications.

To put this in some context, for the entire 2019 calendar year, we received a total of 359 applications, so the increase in actual and planned developments has been extremely encouraging.

The performance of our staff has been outstanding. During the lockdown period, staff were able to operate from home and meet all statutory timeframes.

Manager David Allingham and the Planning Department continue to work on Brighton local area provision schedules with a view to progressing this through to the Tasmanian Planning Scheme in 2021.

The Planning Department is also working with the Department of Education to develop the South Brighton master plan while also working on a branding strategy for the Brighton Industrial Estate.

The aim of the latter in particular is of course to attract and retain quality businesses for the area, providing increased employment and economic activity for the Municipality.

While a wetter than normal winter and spring has been welcomed by our rural constituents, it has put additional pressure on our maintenance budget. Significant rain events in recent months has encouraged considerable growth on roadsides and public areas and this is putting a strain on our maintenance program. In the short term, the level of service we provide in this area may not be as was in the past.

Manager Heath Macpherson and Works Supervisor Scott Percey are under extreme pressure at the moment and we ask for patience as they and their team work to maintain the grass-cutting and repair the road and other damage resulting from the heavy rains.

With the help of two major Federal grants – \$6 million towards the Pontville Sporting Precinct redevelopment and \$1.7 million towards Stage Two of the Bridgewater Parkland project – this year sees the biggest ever capital spending program in Brighton Council's history.

So, if this is not enough, while Heath oversees all of these valuable and important works, his attention has also been on a much bigger issue that Brighton Council will have to deal with in the not too distant future and that is waste management. We are well along the road towards the development of a comprehensive strategy and no doubt this will be a focus in 2021 and beyond.

As you can appreciate, all of the above issues and initiatives come under the overall responsibility of the General Manager, James Dryburgh. While James received a good grounding in what to expect before taking over his new role from his long-serving predecessor Ron Sanderson, I am not certain he quite expected this baptism of fire.

However, he hit the ground running on July 1, putting in place strategic frameworks for the development of a 2050 Vision for Brighton, as well as a long-term financial management plan and importantly a 10-year asset management plan,

Under James' direction and encouragement, a workplace planning project was launched and by all reports, great progress is being made in that area. This is a vital initiative that promises to bring and support economic development and importantly, employment in Brighton and surrounding municipalities.

Councillors and Council management have played their part in supporting the development of a much-needed new high school for Brighton and of course the ongoing saga of a replacement Bridgewater Bridge. Both projects are now in early development stages and hopefully will be successfully delivered over the coming few years.

So, where do I see Brighton Council now and what are our major challenges moving forward?

It is my firm belief that we now need to set new financial goals – goals that enable us to maintain our position of providing our community with the lowest rates per capita in Tasmania, but gives us the financial flexibility to control our own destiny.

I am sure each of us wants our time on Council to be remembered by having contributed to the community and making it better than when we were first elected and of course, not leaving the next generation to pay for the gains we have achieved. These are our fundamental challenges and those that we must strive to meet over the next year and beyond.

We are indeed fortunate in that we have a team of talented, experienced and dedicated serving staff across senior management and throughout the Council, ready and willing to support us in this endeavour.

Despite any current difficulties, we have every reason to have confidence in Brighton's future.

- Council Committees.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Gray moved, Cr Murtagh seconded that the report be received.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran

Cr Foster

Cr Geard

Cr Gray

Cr Jeffries

Cr Murtagh

Cr Owen

Cr Whelan

6.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

Cr Geard was invited and attend an appreciation dinner for Emergency co-ordinators which was held at the Tas Police Academy, Rokeby.

Cr Curran attended a Meals on Wheels afternoon-tea on the 17th November 2020.

DECISION:

Cr Jeffries moved, Cr Owen seconded that the reports be received.

CARRIED

VOTING RECORD

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

6.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA), LGAT, TASWATER AND JOINT AUTHORITIES:

Correspondence and reports from the STCA, LGAT, TasWater and Joint Authorities.

7. APPOINTMENT OF COUNCIL'S REPRESENTATIVES ON COMMITTEES:

7.1 COUNCIL MEETINGS – COMMENCEMENT TIME:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The *Local Government (Meeting Procedures) Regulations 2015*, require that “after each Ordinary Election, a Council and a Council Committee are to review the times of commencement of meeting”.

As a matter of process Brighton Council review their Council and Committee meeting times and Committee Representatives every two (2) years.

Consultation:

Nil.

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

Not applicable.

Assessment:

Not applicable.

Options:

1. As per the recommendation.
2. That Ordinary Council Meetings commence at 5.30 p.m. on the third Tuesday of each month.
3. That Ordinary Council Meetings commence at a different time and day of each month as nominated by Council.

RECOMMENDATION:

For discussion and recommendation.

DECISION:

Cr Jeffries moved, Cr Murtagh seconded that Option 2 be adopted.

CARRIED

VOTING RECORD

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

7.2 PARKS AND RECREATION COMMITTEE:

The Parks and Recreation Committee meet monthly at 5.00 pm on the second Tuesday of the month. Members of the Parks and Recreation Committee were Cr Geard (Chairperson), Cr Curran (Deputy Chair); Cr Gray, Cr Jeffries; Cr Murtagh and Cr Whelan.

RECOMMENDATION:

That Cr P Geard (Chair), Cr J Whelan (Deputy Chair), Cr Garlick; Cr L Gray and Cr T Murtagh be elected to this Committee.

MEETING CYCLE - second Tuesday of each month at 5.00 pm.

7.3 FINANCE COMMITTEE:

The Finance Committee meet monthly at 5.15 pm on the second Tuesday of the month Meeting. Members of the Finance Committee were Cr. Foster (Chairperson), Cr Curran (Deputy Chairperson), Cr Garlick; Cr Gray; Cr Jeffries; Cr Owen and Cr Whelan.

RECOMMENDATION:

Cr T Foster (Chair), Cr B Curran (Deputy Chair); Cr W Garlick; Cr L Gray; Cr P Owen and Cr J Whelan.

MEETING CYCLE - second Tuesday of each month at 5.15 p.m.

7.4 PLANNING AUTHORITY:

The Planning Authority met monthly at 5.30pm on the second Tuesday on the month. All Councillors were members on the Planning Authority.

RECOMMENDATION:

Cr L Gray (Chair), Cr P Owen (Deputy Chair); Cr B Curran; Cr T Foster; Cr Garlick; Cr P Geard; Cr Jeffries; Cr T Murtagh and Cr J Whelan.

MEETING CYCLE - second Tuesday of each month at 5.30 p.m.

7.5 SOUTHERN TASMANIAN COUNCILS ASSOCIATION:

Council's representative on the Southern Tasmanian Councils Association was Cr Curran. Meetings are as determined by the Association.

RECOMMENDATION:

Cr B Curran and Cr L Gray (alternative representative)

MEETING CYCLE - As determined by the Association.

7.6 OLD COUNCIL CHAMBERS USERS GROUP:

The Chairperson was Cr Geard. This Committee meets infrequently.

RECOMMENDATION:

Cr P Geard (Chair)

MEETING CYCLE - As determined by the Committee.

7.7 JORDAN RIVER LEARNING FEDERATION SCHOOL COUNCIL:

Council's representative on the Jordan River Learning Federation School Council was Cr Jeffries.

RECOMMENDATION:

That Council no longer have a nominated representative on the School Council.

7.8 GAGEBROOK PRIMARY SCHOOL COUNCIL:

Council's representative on the Gagebrook Primary School Council was Cr. Garlick. Meetings were as determined by the School Council.

RECOMMENDATION:

That Council no longer have a nominated representative on the School Council.

7.9 BRIGHTON PRIMARY SCHOOL COUNCIL:

Council's representative on the Brighton Primary School Council was Cr. Curran. Meetings were as determined by the School Council.

RECOMMENDATION:

That Council no longer have a nominated representative on the School Council.

7.10 WASTE MANAGEMENT COMMITTEE:

Council's representatives on the Waste Management Committee were Cr Owen (Chairperson), Cr Curran (Deputy Chairperson), Cr Foster; Cr Garlick; Cr Geard and Cr Gray and Cr Whelan. This Committee meets as and when required.

RECOMMENDATION:

Cr P Owen (Chair), Cr B Curran (Deputy Chairperson); Cr T Foster; Cr P Geard; Cr L Gray and Cr Whelan.

MEETING CYCLE - As and when required.

7.11 WASTE STRATEGY SOUTH:

Council's representative on the Waste Strategy South Cr Gray (representative) and Cr Curran (alternative representative). This Committee meets as and when required.

RECOMMENDATION:

No longer required.

7.12 EMERGENCY MANAGEMENT ADVISORY COMMITTEE:

Council's representative on the Emergency Management Advisory Committee was Cr Foster and Cr Geard. This Committee meets as and when required.

RECOMMENDATION:

Cr P Geard and Cr T Murtagh.

MEETING CYCLE – As and when required.

7.13 HOBART FIRE MANAGEMENT COMMITTEE:

Council's representative on the Hobart Fire Management Committee is Cr Geard. This Committee meets as and when required.

RECOMMENDATION:

Cr P Geard.

MEETING CYCLE – As and when required.

7.14 ENVIRONMENT AND HERITAGE COMMITTEE:

Council's representatives on the Environment & Heritage Committee were Cr. Curran (Chairperson), Cr Geard (Deputy Chairperson), Cr Foster; Cr Garlick; Cr Jeffries; and Cr Owen.

RECOMMENDATION:

Cr B Curran (Chair), Cr P Geard (Deputy Chair); Cr T Foster; Cr M Jeffries; Cr T Murtagh; Cr P Owen and Cr Whelan.

MEETING CYCLE – As and when required.

7.15 CYCLING SOUTH:

Council's representative on Cycling South is Cr Gray. This Committee meets as and when required.

RECOMMENDATION:

Cr L Gray

MEETING CYCLE – as and when required

7.16 TASWATER:

Council's representative was Cr L Gray (Owner Rep) and Cr B Curran (Deputy Rep).

RECOMMENDATION:

Cr L Gray (Owner representative) and Cr Owen (Deputy Rep)

MEETING CYCLE – as and when required

7.17 MICROWISE BOARD:

The Microwise board was agreed by Brighton Council at its March 2019 meeting to include Mayor Foster, Councillor Gray, James Dryburgh, Greg Davoren and Geoff Dodge for a period of 3 years.

The Board is not constituted by the Local Government Meetings Procedures as all the other Council and Committee meetings are.

DECISION:

Cr Gray moved, Cr Curran seconded that the recommendations as listed above be adopted.

CARRIED

VOTING RECORD

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

8. 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.

9. NOTICES OF MOTION:

9.1 NOTICE OF MOTION – CR OWEN – COUNCILLOR AND SENIOR STAFF CHRISTMAS LUNCH:

Cr Owen had requested the following Notice of Motion:

Motion:

That the traditional annual Christmas lunch attended by Councillors and senior staff and their partners not go ahead this year and that the decision be reviewed in 2021.

Reason:

Comments made by General Manager, James Dryburgh, at the last Ordinary Council Meeting prompted my motion. While it is understood that the lunch is generally seen as an appropriate opportunity for Councillors and senior staff, together with partners, to have a social interaction to thank staff for their efforts through the year, I am suggesting that in the current climate, it would be more than appropriate that the event not be conducted this year?

DECISION:

Cr Owen moved, Cr Murtagh seconded that the traditional annual Christmas lunch attended by Councillors and senior staff and their partners not go ahead this year and that the decision be reviewed in 2021.

CARRIED

VOTING RECORD

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

10. 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.

11. REPORTS FROM COMMITTEES:

There were no committee reports for the November Ordinary Council Meeting.

12. 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 12 on this agenda, inclusive of any supplementary items.

There were no planning reports for the November Ordinary Council Meeting.

13. REPORTS FROM OFFICERS:

13.1 COMPLETE SET OF FINANCIAL STATEMENTS 2019/20:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The complete set of Financial Statements for the year ending 2019/20 were formally submitted for consideration.

The Tasmanian Audit Office has given its opinion that the Financial Report of Brighton Council and its subsidiaries presents fairly, in all material respects, the group's financial position as of 30 June 2020, and of its financial performance and its cash flows for the year then ended. The report is in accordance with the *Local Government Act 1993* and Australian Accounting Standards.

The Financial Statements have again been passed without any qualifications by the Tasmanian Audit Office.

The Tasmanian Audit Office is responsible for the report to be completed in accordance with section 84(3) of the Local Government Act 1993.

The report format also complies with the Australian Equivalent to International Reporting Standards (AIFRS). A summary has been provided below.

Highlights of the General Purpose Financial Report include:

Consolidated Statement of Comprehensive Income (P/L)

- Unqualified Audit Opinion by the Tasmanian Audit Office for Brighton Council including Microwise Australia Pty Ltd and Brighton Industrial Housing Corporation.

- Recurrent Income of \$15,701,245 up from \$15,146,476 last financial year. The increased income was generally across most areas reflecting both community growth and CPI. Grant revenue however fell by \$226,464 from the previous year. The investment revenue from TasWater was down significantly again from \$924,000 for the year ending 6/2018, to \$616,000 for the year ending 6/2019 to just \$308,000 for the year ending 6/2020. The last reduction was unplanned following the board's decision to reduce dividends.
- Total Income \$16,951,039. This includes capital income added to the recurrent income such as \$340,861 of capital grant revenue for new or up graded assets which was down from \$862,853 from the previous year. Non-monetary asset contributions were up significantly by \$838,614 from last year to \$1,152,168 being predominately roads donated following new subdivisions. This highlights the significant growth being experienced within our municipality.
- Other Comprehensive Income that contributed to our overall comprehensive result was negative \$5,766,321. This included a net asset revaluation increment of \$6,735,964 for Brighton Council Assets and a net asset revaluation decrement of \$12,502,285 on equity invested assets being our share of TasWater.
- Total expenses from continuing operations was \$16,184,660 an increase from \$15,032,918 last year. Expenditure includes: \$3,464,256 in depreciation. The increase in expenditure was dominated by higher maintenance, waste expenditure and insurance costs.
- A positive net result for the year again from continuing operations of \$766,379. This profit would be reduced with the removal of non-monetary income being the adoption of taken over infrastructure assets of \$1,152,168 and the addition of the net loss on infrastructure assets on disposal of \$281,743. Brighton Council would have finished close to break-even with a small loss of \$104,046. The unplanned dividend reduction from TasWater of \$308,000 obviously affected this result.
- Microwise Australia had a positive year. The company paid \$446,539 last financial year to Brighton Council by way of consultancy and fees compared to \$237,185 in the previous year. Brighton Council paid Microwise \$30,914 by way of software licence fees compared to \$31,253 in the previous year. Microwise Australia increased its external revenue from \$710,222 to \$1,075,709. External expenditure increased from \$321,770 to \$419,648. This represents a significant external profit of \$688,975 for the financial year ending June 2020. The profit for 2020 does however recognise revenue from 3 recent sales in the 2019-20 year whereas some implementation will continue into the next financial year. Brighton Council's total equity in Microwise Australia has risen to \$2,737,479 including the owners \$897,781 being proceeds from the wind up of BIHC.
- Other commercial activities included Professional Service which supports other councils providing a revenue stream of \$471,534 and rental income of \$102,304.

Consolidated Statement of Financial Position (Balance Sheet)

All our key economic indicators are in sound shape. The following balance sheet statistics provide an excellent overall picture of our financial position at year end.

- Our current assets are 287% of our current liabilities. The benchmark recognised by the Auditor General is >100%.
- Our total assets have reduced from \$203,528,553 to \$199,812,047 mainly from a decrease in our ownership of TasWater of \$12,502,285 as discussed earlier under comprehensive income offset by an increase in our infrastructure assets of \$9,077,135
- Our total liabilities have increased from \$2,390,404 to \$2,971,464. Predominately from an increase in grants and payments paid in advance.
- Our total equity has decreased for the first time from \$201,138,149 to \$195,993,610 during the financial year. This equity decrease reflects the comments provided that relate to the movement in total assets and total liabilities.
- Our total cash held at the end of the year decreased from \$7,672,957 to \$3,730,361. Accounting standards now require Council to separate our term investments from total cash. Our current investments at year end totalled \$2,850,199 so our cash equivalents compare to last financial year would have been \$6,580,560. The actual reduction of \$1,092,397 predominately relates to the negative cash flow effect in the timing of the Capital Grants received in the previous year yet spent in the 2019-2020 year. This was highlighted in the report when adopting the Annual Financial statements this time last financial year.

In summary, the report outlines a strong position for the key financial management ratios of Brighton Council.

I thank Councillors for their support and long-term financial vision to place Brighton Council in such a strong financial position.

Consultation:

Tasmanian Audit Office, Corporate Executive.

Risk Implications:

Nil.

Financial/Budget Implications:

As stated.

Strategic Plan:

Goal 4: Ensure a stable organisation

S4.1: Ensure Financial and Risk Sustainability

Social Implications:

Not applicable.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Not applicable.

Options:

1. As per the recommendation.
2. That Council not receive the report.

RECOMMENDATION:

That the report be received.

DECISION:

Cr Owen moved, Cr Jeffries seconded that the report be received.

CARRIED

VOTING RECORD

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

13.2 POLICY 3.10 – ACTING GENERAL MANAGER – RESCIND:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Council adopted a Policy in 2002 appointing the Deputy General Manager to be Acting General Manager in the absence of the General Manager.

Due to the change in General Managers Council’s Policies and Instrument of Delegations are currently being reviewed.

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

This Instrument of Appointment will replace Policy 3.10.

Consultation:

General Manager, Deputy General Manager.

Risk Implications:

Not having an Acting General Manager will have implications on Council's Delegations and operations of the Council.

Financial/Budget Implications:

Nil.

Strategic Plan:

Goal 4: Ensure a Stable Organisation

S4.2: Be well-governed

Social Implications:

Not applicable.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Not applicable.

Other Issues:

This appointment is made for a term of five (5) years from the date of the Instrument unless either of the following occurs before the five (5) year term expires:-

- (1) The Council revokes the appointment; or
- (2) Gregory Davoren ceases to hold the position of Deputy General Manager.

Options:

- 1. As per the recommendation.
- 2. The Council does not appoint Gregory Davoren as Acting General Manager in the absence of the General Manager.

RECOMMENDATION:

That Council appoint Gregory Davoren as Acting General Manager for every absence of the General Manager as per the Instrument of Appointment.

DECISION:

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

CARRIED

VOTING RECORD

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

13.3 COUNCIL CONSENT FOR MINISTER TO DECLARE THE NEW BRIDGEWATER BRIDGE A MAJOR PROJECT:

AUTHOR: Senior Planner
(Mr P Carroll)

Purpose:

The purpose of this report is for the Council to consider whether to grant consent for the Minister to declare the new Bridgewater Bridge a Major Project, pursuant to Section 60P of the *Land Use Planning and Approvals Act 1993*.

Background:

As Councillors are aware, the Federal and State Governments have committed \$576 million for a new Bridgewater Bridge as part of the Hobart City Deal.

Councillors may also be aware that the State Government has pursued new major projects legislation. The major projects process provides a coordinated assessment for a range of different approvals, including planning, environmental approvals, Aboriginal heritage, historic cultural heritage, TasWater, threatened species and gas pipeline safety.

On 28 October 2020, the *Land Use Planning and Approvals Amendment (Major Projects) Bill 2020* ('the Bill') was proclaimed, and amendments to the *Land Use Planning and Approvals Act 1993* ('the Act') took effect from that date. The amendments to the Act provide for the approval mechanism for Major Projects that are declared under the Act.

A project can only be assessed under the major projects process if the Minister for Planning makes a declaration for a project to be a major project. The Ministers decision is subject to eligibility and ineligibility criteria to ensure that only projects of regional scale enter the process, The Minister cannot declare a major project on government owned or administered land without the written consent of the land manager. This includes Council owned land.

At \$576m, the new Bridgewater Bridge is the largest ever investment in a single transport infrastructure project in Tasmania’s history.

Section 60P(2) of the Act states, in part:

- (2) *The Minister may only declare a project to be a major project under section 60O –*
 - (a) ...;
 - (b) *if all or part of the land on which the project is to be situated is land owned by a council – with the consent of the council; or*
 - (c) ...

Section 60P(3) of the Act continues, in part:

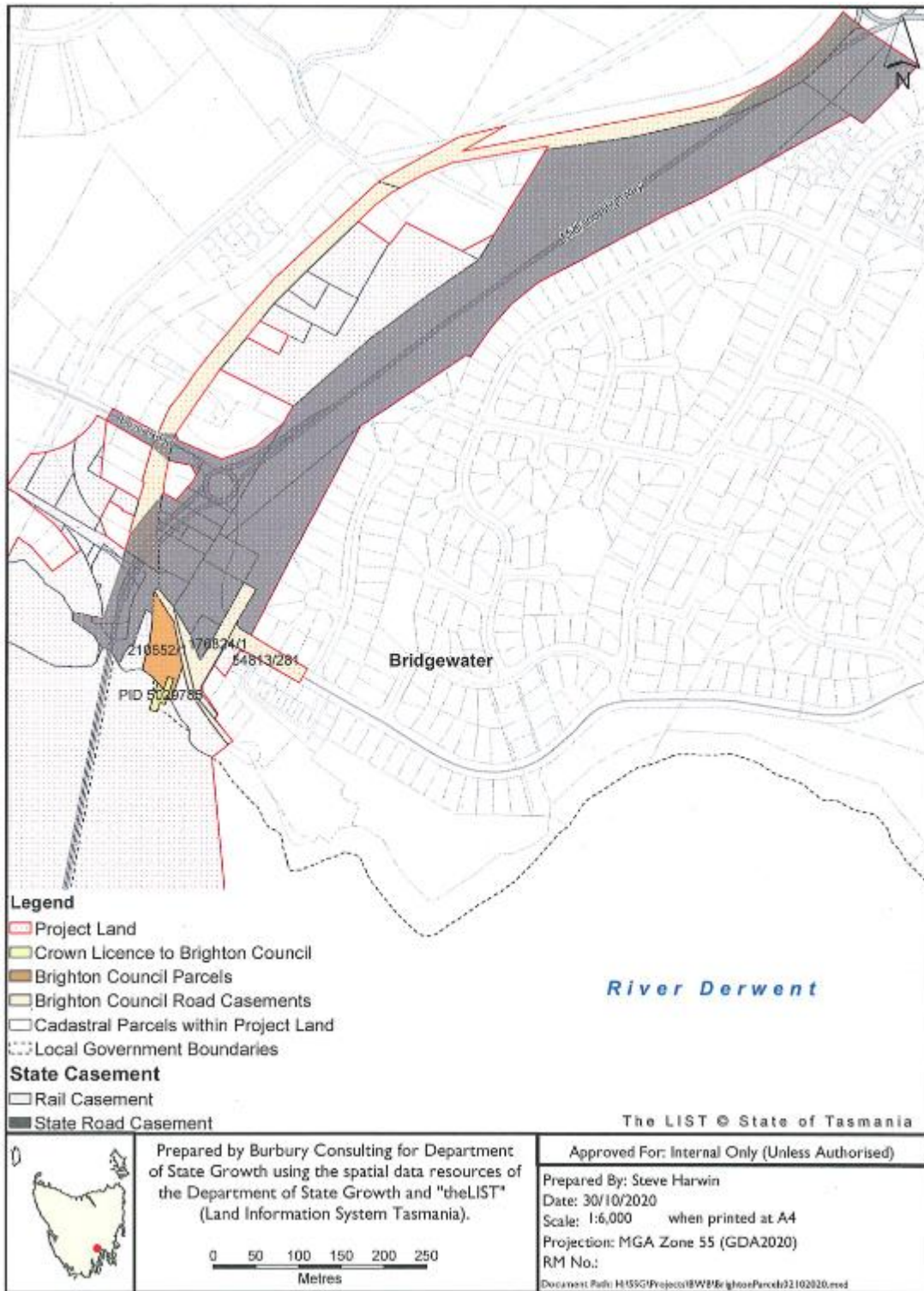
- (3) *The Minister may only declare a project to be a major project under section 60O if*
 -
 - (a) ...
 - (b) *where all or part of the land on which the project is to be situated is land that is not owned by a council but is occupied or administered by a council – the council –*

have been given notice in writing of the proposal for a declaration in relation to the major project.

On 2 November 2020, the Department of State Growth wrote to the Mayor, stating that the project area for the Bridgewater Bridge project included land owned by Brighton Council. The correspondence is included as Attachment A to this report. The land that is included is detailed in Table 1 and Map 1, below:

Certificate of Title	Address
CT 210652/1	3 Nielson Esplanade, Bridgewater, Tas 7030
CT 54813./281 (part)	Gunn Street road casement
CT 176824/1	Part of Neilson Esplanade – title in the name of Medkes Development Pty Ltd
No title	Old Main Road casement
No title	Neilson Esplanade road casement

Table 1. Land that is owned and/or administered by Brighton Council that falls within the New Bridgewater Bridge project area.



Map 1. Land that is owned and/or administered by Brighton Council that falls within the New Bridgewater Bridge project area.

As part of that correspondence, the Department of State Growth has formally requested that, pursuant to Section 60P of the Act, Council provides its consent for the Minister for Planning to declare the new Bridgewater Bridge project a major project.

It should be noted that should Council choose to provide its consent pursuant to Section 60P of the Act, it is doing so in its capacity as elected members, and not acting in its role as a planning authority.

Consultation:

Council Officers have been consulted by staff at the Department of State Growth.

Risk Implications:

Should Council choose not to provide its consent, the new Bridgewater Bridge cannot be declared a major project. This would add substantial delays to project timeframes, as well as result in repetition of assessments across three municipalities.

Council, acting as a Planning Authority, would also be burdened with undertaking the assessment of the portion of the project that sits within the Brighton municipality.

Financial/Budget Implications:

Council staff will not have to undertake the full planning assessment for the project which would be resource intensive.

Social Implications:

None relevant.

Environmental Implications:

Environmental impacts from the project will still be assessed under the Major Projects Assessment Process.

Economic Implications:

There are unlikely to be any significant economic implications.

Assessment:

The Bridgewater Bridge project is highly complex given it is across multiple jurisdictions and involves several stakeholders. Providing landowner consent for the Bridgewater Bridge to be assessed as a major project will provide for a more streamlined approval process, undertaken by an independent assessment panel, that still provides the opportunity for Council to have input.

Options:

1. As per the recommendation.
2. Not provide landowner consent and provide reasons.
3. Other

RECOMMENDATION:

It is recommended that the Council:

1. Advises the Minister for Planning that it has received notification from the Department of State Growth of the Department's intention to submit a Major Project Proposal for the New Bridgewater Bridge project, that includes land that is owned and/or administered by Council, to be declared a major project under the *Land Use Planning and Approvals Act 1993*; and
2. Advises the Minister for Planning that it has received a request from the Department for Council's landowner consent to be provided to enable the New Bridgewater Bridge project to be declared a major project.
3. Provides its consent for the New Bridgewater Bridge project to be declared as a major project with respect to the Council owned and/or administered land as set out in Table 1 of this report.
4. Provides its consent for the General Manager to respond to the Minister for Planning on the Council's behalf.

DECISION:

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

CARRIED

VOTING RECORD

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

13.4 NOTICE OF MOTION – CR MURTAGH – TRANSPORT AND EMPLOYMENT ISSUES:

AUTHOR: General Manager
(Mr J Dryburgh)

Background:

At Council's October 20th Meeting, Councillor Murtagh requested the following notice of motion:

Brighton Council recognise transportation issues for employment seekers in Brighton Municipality and liaise with farmers/fruit growers in Tasmania to provide pick up/ drop off transportation assistance for local residents who want to work/are employed during harvest season.

The matter was discussed at the meeting, including with detailed input from Council shared Workforce Development Coordinator Anthony McConnon. Anthony has been working closely with the parties relevant to the intent of Cr Murtagh's motion and has prepared the attached report in response.

Consultation:

Councillors, SMT, Workforce Development Coordinator, various representatives of the fruit growing and workforce transport sectors.

Risk Implications:

Not applicable.

Financial/Budget Implications:

Not applicable.

Strategic Plan:

Goal 1: Strengthen our Communities

Goal 2: Create 2-3 hubs for our Connector Satellite City (A focus on Agriculture/Horticulture/Food)

Social Implications:

It is important to attempt to remove as many barriers to employment as possible in order to have more people in the community able to access opportunities.

Environmental or Climate Change Implications:

Shared transport may reduce transport-related emissions.

Economic Implications:

Increasing employment improves the broader economic environment.

Issues:

Not applicable.

Assessment:

See attached report.

Options:

1. As per the recommendation.
2. Alternative action.

RECOMMENDATION:

That Council receive the report.

DECISION:

Cr Jeffries moved, Cr Curran seconded that the report be received.

CARRIED

VOTING RECORD

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

14. QUESTIONS ON NOTICE:

There were no Questions on Notice.

The meeting closed 6.10pm

Confirmed:

(Mayor)

Date:

15th December 2020