



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,
20th JULY 2021**

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Ms J Banks (Acting Deputy General Manager); Mr D Allingham (Manager Development Services); Mr H Macpherson (Municipal Engineer) and Ms G Browne (Acting Manager Corporate Services)

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council Meeting of 15 June 2021.

Cr Gray moved, Cr Geard seconded that the Minutes of the Ordinary Council meeting of 15 June 2021, be confirmed.

CARRIED

VOTING RECORD

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

2.2 Confirmation of minutes of the Planning Authority Meeting of 13 July 2021.

Cr Gray moved, Cr Owen seconded that the Minutes of the Planning Authority Meeting of 13 July 2021, be confirmed.

CARRIED

VOTING RECORD

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

3. Applications for Leave of Absence

All members were present.

4. Public Question Time and Deputations

- Mr M Bartlett addressed Council in relation to the People's Choice Awards recently held at the Brighton Civic Centre and acknowledged Council's support of free use of the Civic Centre.

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 Council

6.1 Acting Mayor's Communications

Acting Mayor Barbara Curran provided a verbal update at the meeting.

DECISION:

Cr Geard moved, Cr Garlick seconded that the report be received.

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

DECISION:

Cr Gray attended a TasWater meeting In Launceston recently.

Cr Geard attended and collected a Brighton SES vehicle which had had some maintenance and fabrication works done to it by the Police & Emergency Services.

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
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

6.4 Miscellaneous Correspondence

6.4.1 Letter to Minister Jaensch from Mayor Foster regarding a request for funding to investigate infill development opportunities In Brighton's urban growth boundary.

- 6.4.2 Letter from Manager Development Services to Executive Commissioner, State Planning Commission regarding Planning Directive No.8 – State Planning Provisions Exemptions, Application Requirements and Zone Provisions.

DECISION:

Cr Gray moved, Cr Jeffries seconded that the correspondence be noted.

CARRIED

VOTING RECORD

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

7. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that:

- A workshop was held at 4.40pm on 15 June 2021, to discuss Microwise. Councillors in attendance were: Mayor Foster, Deputy Mayor Curran, Cr Garlick, Cr Geard, Cr Gray, Cr Murtagh, Cr Owen and Cr Whelan.
- A workshop was held at 4.05pm on 6 July 2021, to discuss the Long-Term Financial Management and Asset Management Plans. Councillors in attendance were: Cr Geard, Cr Gray, Cr Jeffries, Cr Murtagh, Cr Owen and Cr Whelan.

8. Notices of Motion

There were no notices of motion.

9. Consideration of Supplementary Items to the Agenda

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

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

RECOMMENDATION:

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

DECISION:

The General Manager advised that there were no supplementary Agenda Items.

10. Reports from Committees

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

11. Council Acting as a 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 11 on this agenda, inclusive of any supplementary items.

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

12. Reports from Officers**12.1 Financial Management Strategy & Long-Term Financial Management Plan 2022 - 2032 and Asset Management Plans:**

Author: Deputy General Manager (Mr G Davoren)

Background

The Long-Term Financial Management Strategy, Long-Term Financial Plan and Asset Management Plans were presented at a Council workshop dated Tuesday July 6. The adoption of the Financial Management Strategy, Long-Term Financial Plan and Asset Management plans are a requirement under the *Local Government Act 1993*.

Consultation

Senior Management Team.

Risk Implications

Significant financial risk and future uncertainties are associated with not adopting Long-Term Financial and Asset Management plans.

Financial Implications

As per the Financial Management Strategy, Long-Term Financial Plan and Asset Management Plans.

Strategic Plan

Relates to our Goal 1: To Strengthen our communities.

Social Implications

Sound financial practices supports the delivery of social opportunities.

Environmental or Climate Change Implications

Sound financial practices supports the delivery of environmental opportunities.

Economic Implications

As per the Financial Management Strategy, Long-Term Financial Plan and Asset Management Plans.

Other Issues

Nil.

Assessment

In accordance with the *Local Government Act 1993* and for the purpose of sound financial practices Council must adopt a Financial Management Strategy and a Long-Term Financial Management Plan. Long Term plans may be amended by full Council at a later date if appropriate.

Options

1. As per the recommendation.
2. Amend the Long-Term Plan prior to adoption.
3. Amend the Asset Management Plans.
4. Do not adopt any Long-Term Financial or Asset Management Plans.

RECOMMENDATIONS:

1. That Council formally adopts the Financial Management Strategy & Long-Term Financial Management Plan.
2. That Council formally adopts the Asset Management Plans (Stormwater & Transport management plans)
3. That Council endorses the Renewal and New Capital – 10 Year Plan 2021.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 Donation Tea Tree Community Association:

Author: Deputy General Manager (Mr G Davoren)

Background

Councillors will recall that the Tea Tree Community Association previously wrote to Council seeking support to address structural problems associated with the 109+ year old Tea Tree Hall.

Repairs were established to be in the vicinity of \$215,000 with Council agreeing to commit to a donation of \$90,000 at the February meeting on the basis that the Tea Tree Hall Association was successful in obtaining a grant of \$100,000 as well as contributing in cash and in-kind support up to an amount of \$25,000 themselves

The Tea Tree Community Association has now been successful in securing a grant of \$135,000 from the State Government by written confirmation and has started preliminary work this week.

Consultation

Nil.

Risk Implications

Nil.

Financial Implications

A commitment of \$90,000 has already been made by Council on the basis that they obtain a grant of \$100,000 as well as contributing in cash and in-kind support up to an amount of \$25,000 themselves.

Strategic Plan

Relates to our Goal 1: To Strengthen our communities.

Social Implications

Council has a social responsibility to support our community.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Other Issues

Nil.

Assessment

The Tea Tree Community Association has not yet received the funds required by Council to commit to our \$90,000 contribution for hall repairs. The Tea Tree Association has however, begun repair works based on a confirmation letter from the Premier for a commitment of \$135,000, being greater than the matching grant originally sought. For expediency, Council may see it appropriate to now match the state with Council's original commitment of \$90,000 to finalise the required repairs to the Tea Tree Hall as originally requested.

Options

1. As per the recommendation.
2. Do not release \$90,000 as a donation to the Tea Tree Hall Association to support repair work to the Tea Tree Hall until matching committed donation of \$135,000 from the state government has been received.

RECOMMENDATION:

That Council immediately releases \$90,000 as a donation to the Tea Tree Hall Association to support repair work to the Tea Tree Hall, Tea Tree.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	

Cr Owen
Cr Whelan

12.3 Application for Kennel Licence - 49 Perrymore Road, Dromedary:

Author: Governance Manager (Mrs J Banks)

Background

The owner of 49 Perrymore Road, Dromedary has applied for a Kennel Licence for ten (10) various breed dogs.

There are currently three registered dogs at the property i.e. Mastiff X Labrador, German Shepherd and French Bulldog.

The applicant has advised that they wish to support rescue dogs (up to 7 dogs), foster and rehome them, hence the application for ten dogs as opposed to the current three dogs. They will not be operating as a commercial business or boarding kennel.

The property is zoned Landscape Conservation and has an area size of 13.9 hectares. The area and number of dogs is allowed under Council's Policy.

Consultation

The *Dog Control Act 2000* requires a person to place a notice in the public notices section of the Mercury advising their intention to apply for a kennel licence from Council. People residing within 200 metres of the subject site may lodge an objection within 14 days of the placing of the public notice with the General Manager, who cannot consider the application until 28 days after the placing of the public notice.

Public notification of the kennel licence application had been carried out by the owner in June 2021. 4 Objections were received.

Risk Implications

Any risk of nuisance caused by barking will be addressed through the *Dog Control Act 2000 (DCA)*.

Financial Implications

Nil.

Strategic Plan

Not applicable.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Barking of dogs may have an impact on neighbouring properties.

Economic Implications

Nil.

Other Issues

Kennel licences require annual renewal and Council's Animal Control Officer (ACO) inspects the premises.

The DCA incorporates the necessary authority for the ACO to act on noise complaints from excessive barking, the welfare of animals and condition of the premises.

The DCA specifies that a person may apply to the General Manager for a kennel licence and that it is the General Manager who either approves or refuses the application.

Only the applicant may appeal the decision of the General Manager to the Magistrates Court.

Assessment

In accordance with Council's Policy 4.3- Kennel Licences - Dog Control Act 2000 - Delegation to the Governance Manager; this application is outside of the scope of this delegated authority due to the number of dogs and objections received.

Under the (DCA), any person residing or owning land within 200 metres of the boundary of the premises to which a licence relates may object to the general manager against the granting of the licence within 14 days after a notice is published.

All four objections were received within the timeframe and are within a 200m radius of the boundary of the premises.

Two major concerns from the objectors were in relation to Increased traffic and noise.

As this is not a commercial operation e.g. Boarding kennel, there will be no increase in traffic.

Council has not received any complaints regarding barking at this premises. If Council does receive any complaints and evidence of barking and causing a nuisance then this will be addressed through the DCA accordingly.

Options

1. As per the recommendation.
2. That the kennel licence application at 49 Perrymore Road, Dromedary be refused.

RECOMMENDATIONS:

That in accordance with Council Policy 4.3, Council resolve to recommend to the General Manager that a kennel licence be issued pursuant to the *Dog Control Act 2000* for the keeping of up to ten (10) various breed dogs at 49 Perrymore Road, Dromedary and that the following conditions be included on the kennel licence:

1. No more than 10 dogs are to be kept on this property at any one time.
2. Adequate provisions for the health, welfare and control of all dogs.

3. Compliance with all laws relating to public health, environmental protection and required plumbing and planning approvals for the kennel structures.
4. Compliance with the provisions of the *Dog Control Act 2000* or any other relevant Act, including but not limited to the *Animal Welfare Act 1993*.
5. The condition of the premises and behaviour of dogs shall not create a nuisance at any time.
6. Each dog is to be registered annually and microchipped in accordance with the *Dog Control Act 2000*. Council to be notified of each microchip number.

DECISION:

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

CARRIED

VOTING RECORD

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

12.4 Café Connections - Free Use of Civic Centre:

Author: Council Services Officer (Ms C Harper)

Background

Café Connections is a monthly gathering of interested residents who are passionate about the Brighton Municipality and making a positive difference.

They have intentional discussions about the area and then work in groups to advance some of the ideas raised and are in line with some of those proposed in the Brighton 2050 vision, particularly those under the heading "A Proud Community".

Café Connections has contacted Council requesting assistance to continue with their monthly social gathering sessions, following their unsuccessful community grant application. They are asking for the free use of the meeting room on a monthly basis for two hours for each session. Changing which space they use considerably decreases the financial amount of support they are seeking.

Consultation

Mrs Sheryl Rainbird (Café Connections), Manager Governance, Council Services Officer.

Risk Implications

Nil.

Financial Implications

Funds would need to be allocated from Council's Grants and Donations Budget. Hire fee for the use of the meeting room \$110/month, casual hire insurance of \$30/month for eleven months of the year. Totalling \$1540. They would ordinarily be allowed a 50% discount on the hire fee of \$605. Therefore, the additional fee waivers would equal \$935.00.

Strategic Plan

S1.5 Building a resilient community.

Social Implications

Providing a facility for the meetings of this group will contribute to building positivity and community connection.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Other Issues

Nil.

Assessment

This group have operated for over a year with initial support from Centacare Evolve Housing paying for room hire (which has now finished), Salt Anglican Church and Moe's providing support for consumable supplies. The aim of this group for the area is to have positive change goals for their neighbourhood driven by residents.

Options

1. As per the recommendation.
2. Not approve the recommendation.

RECOMMENDATION:

That Council approves free use of the Civic Centre meeting room for a period of twelve months and cover the cost of the casual hirer insurance fee for the same period.

DECISION:

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

CARRIED

VOTING RECORD

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

12.5 Old Beach Neighbourhood Watch Group/Landcare Group Establishment - Financial Assistance Request:

Author: Council Services Officer (Ms C Harper)

Background

The Old Beach Neighbourhood Watch start up committee have written to Council seeking support to establish a group in the area. A small group of residents are responding to an increase in vandalism and crime related offences in the area.

They are requesting free use of the Old Beach Community Centre for an initial meeting on 25 July, along with some seed funding of \$500 to assist in starting up a Landcare Group.

Consultation

Malcolm McArthur (Neighbourhood Watch Group), Cr Owen, Manager Governance, Council Services Officer.

Risk Implications

Nil.

Financial Implications

Funds would need to be allocated from Council's Grants and Donations Budget. Hire fee for the initial meeting of \$60, (this may become an ongoing requirement) and Landcare Group establishment costs of \$500.

Strategic Plan

S1.5 Building a resilient community.

Social Implications

Providing a facility for the meetings of this group will contribute to a stronger community bond between residents, neighbours and a connection with local law enforcement. The Landcare Group will contribute to improved.

Environmental or Climate Change Implications

The Landcare group will contribute to improved care and preservation of the local natural habitats.

Economic Implications

Not applicable.

Other Issues

Nil.

Assessment

This is a new residents' group for the area, who have positive change goals for their neighbourhood. Both Neighbourhood Watch and Landcare are established and respected organisations who will be supporting this group in their activities.

Options

1. As per the recommendation.
2. Provide support in a different format.
3. Not approve the recommendation.

RECOMMENDATION:

That Council approves free use of the Old Beach Community Centre for this initial meeting and allow other meeting use on a monthly basis for a period of twelve months, if requested. Council provides up to \$500 for the establishment of both groups upon provision of appropriate invoices.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	

Cr Murtagh
Cr Owen
Cr Whelan

12.6 Waste Transfer Station - Free Access Applications:

Author: Council Services Officer (Ms C Harper)

Background

Each year a number of users had been given free access to the Waste Transfer Station (WTS) for disposal of rubbish. Those users were as follows:

- Bridgewater/Gagebrook Uniting Church
- Community Corrections
- Jordan River Service (includes Neighbourhood Houses and Pete's Shed)
- St Vincent de Paul (Shop)

Council has contacted all these providers to advise that a request for this service is required for the 2021/2022 financial year.

To date these are the organisations who have responded and the amount of free access they have requested.

Jordan River Service – Bridgewater Centre (12), Gagebrook Centre (12), Pete's Shed (12) & Helping Hands (26)	62
St. Vincent De Paul (Shop)	26
Community Corrections	No response received.
Friends of the Farm	12
Uniting Church Bridgewater	No response received.
Bridgewater /Gagebrook Volunteer Group	24 (no longer a volunteer group)
Bridgewater Anglers' Association Inc.	1

Consultation

Council Services Officer, Manager Governance & Human Resources, Heath Macpherson (Municipal Engineer), Friends of the Farm, Community Corrections, Jordan River Services, St Vincent de Paul, Uniting Church, Bridgewater/Gagebrook Volunteer Group.

Risk Implications

The free access is considered a donation as per Community Grants program.

Financial Implications

Usage/Cost- 2020-21 as at 30 April 2021:

Organisation	\$ Cost to date
Uniting Church	\$119.00
Jordan River Service	\$926.00
St. Vincent De Paul	\$644.00
Community Corrections	0.00
Friends of the Farm	\$82.00
Bridgewater /Gagebrook Volunteer Group	\$142.00
Total	\$1751.00

Strategic Plan

S1.4 Support Connected Communities.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Waste disposal minimisation education is required to reduce the overall amount of waste going to landfill.

Economic Implications

Not applicable.

Other Issues

Nil.

Assessment

For these organisations to continue many of the works assisting community members with essential services and support, gardening and providing social opportunities, they rely on Council support to dispose of the waste that is collected as part of their activities.

Options

1. As per the recommendation.
2. That Council charge all users.
3. Other amounts as decided by Council.

RECOMMENDATION:

That the following organisations be provided free access to the Waste Transfer Station for the 2021/22 financial year; this to be funded from the 2021/22 Grants and Donations budget and recorded in the Annual Report.

Organisation	Recommended number of vouchers
Jordan River Service	62
St. Vincent De Paul (Shop)	26
Friends of the Farm	12
Bridgewater Anglers' Association Inc.	1

DECISION:

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

CARRIED**VOTING RECORD**

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

Cr Whelan moved, Cr Garlick seconded that Council resolve Into Closed Council.

CARRIED**VOTING RECORD**

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

13. 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 item is to be considered in closed session in accordance with Meeting Procedures Regulation 15(2)(b).

13.1 Sale of Surplus Land – 203 and 209 Brighton Road, Brighton:

Author: Deputy General Manager (Mr G Davoren)

RECOMMENDATIONS:

1. Subdivide part of 209 Brighton Road and adhere to the car park in front of the bowls club to retain driveway access.
2. Council resolves to sell 203 and 209 Brighton Road, Brighton at market price based on an independent valuation from Opteon.
3. The independent valuation report be brought back to Council for further discussion and recommendation.
4. Council commence advertising the disposal of this public land in accordance with the *Local Government Act 1993*.
5. The proceeds from the sale are set aside for land reserves of a capital nature.

DECISION:

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

CARRIED

VOTING RECORD

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

13.2 Closure of the Walkway Between Fredrick Drive and Jubilee Avenue Brighton:

Author: Deputy General Manager (Mr G Davoren)

RECOMMENDATION:

That council write to residents within the area the intention of temporarily closing the walkway between Jubilee Avenue and Fredrick Drive, Brighton and report back to Council.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Whelan moved, Cr Jeffries seconded that the Council resolve out of Closed Council and the decisions made while In closed Council be ratified.

CARRIED

VOTING RECORD

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

Cr Whelan moved, Cr Murtagh seconded that the recommendation and decisions made while In Closed Council be made public in the Minutes.

CARRIED

VOTING RECORD

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

14. Questions on Notice

There were no 'Questions on Notice' for the July Ordinary Council Meeting.

The meeting closed 6.50pm

Confirmed:

(Acting Mayor)

Date:

17th August 2021