



**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,
21 SEPTEMBER 2021**

PRESENT: Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr De La Torre; Cr Garlick; Cr Geard; Cr Murtagh; Cr Owen and Cr Whelan.

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

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council Meeting of 17 August 2021.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Ordinary Council meeting of 17 August 2021, be confirmed.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh

Cr Owen
Cr Whelan

2.2 Confirmation of minutes of the Planning Authority Meeting of 14 September 2021.

Cr Geard moved, Cr Murtagh seconded that the Minutes of the Planning Authority meeting of 14 September 2021, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

2.3 Confirmation of minutes of the Finance Committee Meeting of 14 September 2021.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Finance Committee meeting of 14 September 2021, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

3. Applications for Leave of Absence

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	

Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

4. Public Question Time and Deputations

- 4.1 Mr A Blackwell addressed Council in relation to 'Road Kill' on our roads.
- 4.2 Mr B Tucker (TFS) addressed Council in relation to their request for a grant – Item 5.3 - September Finance Committee minutes.
- 4.3 Mr Dan Skuse and Mr Todd Williams from the Department of Education provided Council with an overview of the new Brighton High School masterplan drawings to be released for public consultation.

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.

Cr Whelan declared an interest in Item 14.4 on the agenda.

6. Outcome of Brighton Council By-Election August 2021 and Declarations of Office:

Author: General Manager (Mr J Dryburgh)

Background

On June 30, 2021 former Mayor Tony Foster retired from Brighton Council as Mayor and Councillor.

Former Mayor Foster's resignation created vacancies for his position as both Mayor and Councillor. Because the vacancies occurred more than 6 months before the next scheduled local government elections, the vacancies were required to be filled in through by-elections. The Tasmanian Electoral Commission (TEC) conducted the two by-elections concurrently.

The Certificate of Election dated 25 August 2021 confirms that the following Councillor has been duly elected until the 2022 ordinary elections:

- Aaron De La Torre

The Certificate of Election also confirms that Cr Leigh Gray has been elected as Mayor until the 2022 ordinary elections. Cr Gray completed his Declaration of Office on the 25th August 2021.

Cr De La Torre was required to complete his Declaration of Office, before being able to participate at this meeting. The Declaration of Office was made on the 27th August 2021 prior to his induction.

RECOMMENDATION:

That Council:

1. Notes the results of the 2021 Brighton Council By-Elections, as published in the Certificate of Election.
2. Acknowledges the making of the respective Declarations of Office under section 321(3) of the Local Government Act 1993 of:
 - a) Mayor Leigh Gray on 25 August 2021.
 - b) Councillor Aaron De La Torre on 27 August 2021.

DECISION:

Cr Curran moved, Cr Geard seconded that the recommendation be noted.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

7. Reports from Council

7.1 Mayor's Communications

Author: Mayor (Cr L Gray)

The Mayor's communications were as follows:

- 25 August Meeting with the GM – Signing of Certificate of Election and Making the Declaration of Office.
- 26 August Triple M Hobart - Radio Interview – Brian Carlton.
ABC Radio Interview with Kylie Baxter – Drive ABC Hobart.
- 28 August NSJSA Gala Day at Seymour street Brighton.
- 30 August Meeting at New Norfolk for our Sub Region – Brighton, Southern Midlands, Derwent Valley and Central Highlands.
- 1 Sept Meeting with GM, Roger Curtis and Nick Heath regarding workshop on Tuesday 14th September.
- 8 Sept Meeting with GM / Governance Manager.
Jordan River Services Catch up.
Dinner at Parliament House – Guest of Mark Shelton – attended with Mayor Bec Thomas, Mayor Kerry Vincent and Mayor Ben Shaw.
- 13 Sept ABC Radio Interview – Monday Mayor with Leon Compton.
- 14 Sept Workshop – Annual Plan and Meeting procedures.
Finance Committee and Planning Authority Meeting.
- 17 Sept Meeting to GM, Deputy GM, Governance Manager and Executive Officer.
- 21 Sept Meeting with Tony Coen and Paul Jones – Tasmanian Association of Tourist Railways.
Ordinary Council Meeting.

A number of face-to-face meetings and over the phone conversations with Councillors.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

7.2 Reports from Council Representatives

DECISION:

Cr Geard attended a meeting with Brighton Cricket Club and staff in relation to the lease of the Brighton Sports Pavilion.

Cr Geard attended Brighton Cricket Club AGM.

Cr Geard attended a meeting to discuss the upcoming fire service changes re TFS & SES.

Cr Whelan moved, Cr De La Torre seconded that the reports be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

7.3 Correspondence from Southern Tasmanian Councils Association (STCA), LGAT, TasWater and Joint Authorities

7.4 Miscellaneous Correspondence

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 the following workshops were held:

8.1 Review of draft 2021/22 Annual Plan at 3.30pm on 14 September 2021

In attendance were: Mayor Gray, Cr Curran, Cr De La Torre, Cr Garlick, Cr Jeffries, Cr Murtagh and Cr Owen.

8.2 Discussion/training on Local Government Meeting Procedures with Mr Roger Curtis and Mr Nick Heath from Abetz Curtis at 4pm on 14 September 2021.

In attendance were: Mayor Gray, Cr Curran, Cr De La Torre, Cr Garlick, Cr Geard, Cr Jeffries, Cr Murtagh, Cr Owen, Cr Whelan.

9. Appointment of Council's Representatives on Committees

9.1 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.

Due to the recent by-election and the declaration of a new Councillor, it is appropriate to review Council and Committee meeting times and representatives.

Consultation:

Nil.

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

Goal 4 – Ensure a Stable Organisation.

S4.1: Be well governed.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

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.
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RECOMMENDATION:

For discussion and recommendation.

DECISION:

Cr Geard moved, Cr Curran seconded that Option 2 be adopted.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.2 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 Whelan (Deputy Chair); Cr Garlick, Cr Gray and Cr Murtagh

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

DECISION:

Cr De La Torre moved, Cr Murtagh seconded that all Councillors, with Cr Geard as Chairperson and Cr Whelan as Deputy Chairperson be on the Parks & Recreation Committee.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre

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

9.3 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 Mayor (Chairperson); Cr Curran (Deputy Chairperson), Cr Garlick; Cr Gray; Cr Owen and Cr Whelan.

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

DECISION:

Cr Garlick moved, Cr Whelan seconded that all Councillors, with Cr Gray as Chairperson and Cr Curran as Deputy Chairperson be on the Finance Committee

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.4 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.

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

DECISION:

Cr Whelan moved, Cr Murtagh seconded that Councillors Curran, De La Torre, Geard, Gray, Jeffries, Murtagh, Owen and Whelan be on the Planning Authority. The Chairperson to be decided at the next meeting.

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.5 Environment, Culture & Arts Committee (Previously Environment & Heritage):

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

MEETING CYCLE – As and when required.

DECISION:

Cr Curran moved, Cr Whelan seconded that all Councillor, with Cr Curran as Chairperson and Cr Geard as Deputy Chairperson be on the Environment, Culture & Arts Committee.

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.6 Southern Tasmanian Councils Association:

Council's representative on the Southern Tasmanian Councils Association were Cr Curran and Cr Gray (alternative representative). Meetings are as determined by the Association.

MEETING CYCLE - As determined by the Association.

DECISION:

Owen moved, Cr Geard seconded that Cr Gray and Cr Curran be Council's representatives on the STCA.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.7 Old Council Chambers Users Group:

The Chairperson was Cr Geard. This Committee meets infrequently.

MEETING CYCLE - As determined by the Committee.

DECISION:

Cr De La Torre moved, Cr Garlick seconded that Cr Geard (Chairperson), Cr Murtagh and Cr Whelan be on the Old Council Chambers User Group.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.8 Waste Management Committee:

Council's representatives on the Waste Management Committee were Cr P Owen (Chair), Cr B Curran (Deputy Chairperson); Cr P Geard; Cr L Gray and Cr Whelan.

MEETING CYCLE – As and when required.

DECISION:

Cr Geard moved, Cr Curran seconded that Cr Curran, Cr De La Torre Cr Geard, Cr Gray Cr Owen (Chairperson) and Cr Murtagh be on the Waste Management Committee.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Decision was later amended to include Cr Whelan.

Cr Curran moved, Cr Geard seconded that Cr Curran, Cr De La Torre Cr Geard, Cr Gray Cr Owen (Chairperson), Cr Murtagh and Cr Whelan be on the Waste Management Committee.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.9 Emergency Management Advisory Committee:

Council's representative on the Emergency Management Advisory Committee was Cr Geard and Cr Murtagh.

MEETING CYCLE – As and when required.

DECISION:

Cr Curran moved, Cr De La Torre seconded that Cr Geard and Cr Murtagh be on the Emergency Management Advisory Committee.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

9.10 Hobart Fire Management Committee:

Council's representative on the Hobart Fire Management Committee is Cr Geard.

MEETING CYCLE – As and when required.

DECISION:

Cr Owen moved, Cr Curran seconded that Cr Geard be Council's representative on the Hobart Fire Management committee.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Mr Dryburgh (General Manager) left the meeting

9.11 General Manager's Performance Review Committee:

In accordance with Section 27(1)(g) of the *Local Government Act 1993*, the Mayor and Deputy Mayor are to lead and participate in the monitoring of the performance of the general manager. It is suggested that an additional 2 Councillors be included on this Committee.

MEETING CYCLE – As and when required.

DECISION:

Cr Owen moved, Cr Curran seconded that Cr Curran, Cr Garlick, Cr Geard, Cr Gray and Cr Whelan be on the General Manager's Performance Review Committee.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Mr Dryburgh returned to the meeting.

9.12 Cycling South:

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

MEETING CYCLE – as and when required.

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Cr Gray be Council's representative on Cycling South.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	

Cr Owen
Cr Whelan

9.13 TasWater:

Council's representative was Cr Gray (Owner Representative) and Cr Owen (Deputy Rep).

MEETING CYCLE – as and when required.

DECISION:

Cr Geard moved, Cr Whelan that Cr Gray (Owner Representative) and Cr Owen (Deputy Representative) be Council's representatives on TasWater.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

10. Notices of Motion

10.1 Asset Maintenance versus Asset Renewal

Author - Cr Phil Owen:

There are a number of road asset that do not meet community expectations and attract many ratepayer complaints. Specifically, I refer to Baskerville Road, Gunners Quoin Road, Back Tea Tree Road. There are other roads that continually generate criticism and dissatisfaction around safety and functionality.

I seek a report that shows what the cost would be to bring each of these roads and other identified road assets up to a functional community acceptable standard as soon as is practicable compared to our current “business as usual” maintenance and staged upgrade/renewals approach.

Motion - Cr Owen moves that:

Council officers prepare a report to Council comparing the costs, risks and benefits of an accelerated road asset renewal programme versus the current “business as usual” maintenance and staged upgrades/renewals. The report to include all roads in the Brighton LGA currently not meeting community expectations including Baskerville, Gunners Quoin and Back Tea Tree Roads.

DECISION:

*Cr Owen moved, Cr De La Torre seconded **that** Council officers prepare a report to Council comparing the costs, risks and benefits of an accelerated road asset renewal programme versus the current “business as usual” maintenance and staged upgrades/renewals. The report to include all roads in the Brighton LGA currently not meeting community expectations including Baskerville, Gunners Quoin and Back Tea Tree Roads.*

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

11. 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 requested that a Closed Council supplementary agenda be discussed. At the time of compiling the agenda relevant information had not been received and therefore was not able to be included or listed in the Agenda.

Cr Owen moved, Cr Curran seconded that supplementary agenda ie Item 15.3 be discussed in closed Council.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

12. Reports from Committees**12.1 Finance Committee Meeting – 14 September 2021:**

The recommendations of the Finance Committee Meeting of 14 September 2021 were submitted to Council for adoption.

DECISION:

Cr Whelan moved, Cr Curran seconded that the decisions made at the Finance Committee of 14th September 2021, be adopted.

CARRIED**VOTING RECORD****In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray

Cr Murtagh
Cr Owen
Cr Whelan

13. 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 13 on this agenda, inclusive of any supplementary items.

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

14. Reports from Officers

14.1 Annual Plan 2021-22:

Author: Governance Manager (Mrs J Banks)

Background

The Annual Plan 2021-22 was presented to Council at the August 2021 Ordinary Meeting of Council. It was decided that the Annual Plan should be taken to a Council workshop prior to its adoption. This workshop occurred on the 14th of September and the plan is once again presented for Council's endorsement.

The plan has been prepared in accordance with Section 71 of the *Local Government Act 1993* and Council's 2021-22 budget.

Consultation

Senior Management Team

Risk Implications

None.

Financial Implications

In accordance with the adopted budget.

Strategic Plan

Goal 4:

S4.1 - Ensure Financial & Risk Sustainability

S4.2 - Be well governed

Social Implications

Not applicable

Environmental or Climate Change Implications

Not applicable

Economic Implications

In accordance with the adopted budget.

Other Issues

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

Options

1. As per the recommendation.
2. Do not adopt the 2021/22 Annual Plan.

RECOMMENDATION:

That the Annual Plan 2021-22 be adopted in accordance with Section 71 of the *Local Government Act 1993* and that a copy be forwarded to the Director of Local Government and the Director of Public Health.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

14.2 LGAT - Voting Delegates:

Author: Governance Manager (Mrs J Banks)

Background

It is a requirement after each Council Election that Council appoint a Voting Delegate and Proxy as per the Member Rules of the Local Government Association of Tasmania.

Consultation

LGAT (Chris Agistonelli) and Governance Manager (Janine Banks).

Risk Implications:

Nil.

Financial Implications:

Not applicable.

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.

Assessment

In previous years the Mayor and Deputy Mayor (as proxy) have been appointed as LGAT Voting delegates.

Options:

1. As per the recommendation.
2. Not appoint LGAT Voting Delegates.

RECOMMENDATION:

That the Mayor be appointed as Brighton Council's voting delegate at the LGAT General Meetings and the Deputy Mayor be appointed as proxy.

DECISION:

Cr Owen moved, Cr De La Torre seconded that the recommendation be adopted.

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

14.3 Delegations - Land Use Planning & Approvals Act 1993:

Author: Governance Manager (Mrs J Banks)

Background

Section 6 of the *Land Use Planning & Approvals Act 1993* enables a Planning Authority (Council) to delegate some of its functions to assist in the smooth and efficient running of Council affairs.

In order for a Planning Authority 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.

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

Consultation

Governance Manager, Manager Development Services, Senior Planner and Abetz Curtis.

Risk Implications

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

Financial Implications

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

Strategic Plan

S4.2: Be well-governed.

Social Implications

None identified.

Environmental or Climate Change Implications

None identified.

Economic Implications

None identified.

Other Issues

No identified.

Assessment

A council, in writing, may delegate with or without conditions to the General Manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (subject to restrictions).

The General Manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993*.

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the *Acts Interpretation Act 1931*.

If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the *Acts Interpretation Act 1931*.

A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the *Acts Interpretation Act 1931*.

Options

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

RECOMMENDATION:

That the Planning Authority (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 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.

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.

Land Use Planning & Approvals Act 1993

1.	S.53(5A) - Extension to s.57 & s.58 permit
2.	S.54 - Additional information
3.	S.55 - Correction of mistakes
4.	S.56 - Minor amendments to permits
5.	S.57(2) - Application for discretionary permit – to refuse to grant a permit within 7 days
6.	S. 57(3) – Applications for Discretionary Permits

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. 60 – Council responding and issuing notices relating to compliance with certain permit conditions
13.	S. 60H(3) – Minister may request information from Council or relevant State Authority
14.	S. 60S(4)(b) – Refund of ordinary permit where declaration of Major Project is made
15.	S. 60ZX(1) – Provision to Panel of Further Information
16.	S.63B - Notice of suspected contravention etc may be given
17.	S.64 – Civil Enforcement proceedings
18.	S.65A - Issue and serve an infringement notice
19.	S.65B - Issue a notice of intention to issue enforcement notice
20.	S.65C - Enforcement Notice
21.	S.65D - Requirements of Enforcement Notice
22.	S.65F - Notice of intention to cancel a permit to be issued before permit cancelled
23.	S.71 - Planning authority may enter into agreements
24.	S.73 - Bonds and guarantees
25.	S.73A - Payments and contributions for infrastructure
26.	S.74(3) - Duration of agreement
27.	S.75 - Amendment of agreements
28.	S.78 - Registration of agreements

DECISION:

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

CARRIED

VOTING RECORD

In favour**Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Cr Whelan left the meeting at 6.18pm while the next item was discussed.

14.4 Request for Kennel Licence - 74 Nelsons Buildings Road, Brighton:

Author: Governance Manager (Mrs J Banks)

Background

The owners of 74 Nelsons Buildings Road, Brighton have applied for a Kennel Licence for eight (8) Samoyeds; which is outside the scope of Council's Policy.

The applicants moved into their shed recently without contacting Council in relation to a kennel licence or conditions imposed by Council.

The property is zoned Rural Living and has an area size of 1 hectare. The area and number of dogs is not consistent with Council's Policy.

Council's Policy for the area size of 1 hectare is a maximum of 4 dogs; extract from Council's Policy 4.3 is below:-

The land area guide for up to 20 dogs is:-

1.0 - 2.0ha for 3-4 dogs

2.0 - 5.0ha for 5-7 dogs

5.0 - 10.0 ha for 8-10 dogs

Greater than 10ha for 11-20 dogs.

Before a licence for more than 10 dogs is issued, applicants must be able to demonstrate to Council they have the time, resources and ability to satisfactorily maintain the number of dogs for the breed(s) states on their application.

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 August 2021. No objections were received.

Risk Implications

May set a precedent to allow other residents to seek approval outside of Council's Policy.

Financial Implications

Nil.

Strategic Plan

Not applicable.

Social Implications

Nil.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

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

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

Assessment

There are currently five (5) dogs registered at this address.

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 requested number of dogs in this application i.e. 8.

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. No objections were received.

Council's Animal Control Officer (ACO) had an inspection of the property scheduled for the afternoon of 16th September 2021; the Governance Manager reported that the property was suitably set-up for the welfare and housing of these dogs.

Options

1. As per the recommendation.
 2. That Council not approve the kennel licence at 74 Nelsons Buildings Road, Brighton.
-

RECOMMENDATION:

That in accordance with Council Policy 4.3, Council resolves to recommend to the General Manager that a kennel licence be issued pursuant to the *Dog Control Act 2000* for the keeping of five (5) and not eight (8) Samoyed dogs as requested at 74 Nelsons Buildings Road, Brighton and that the following conditions be included on the kennel licence:

1. The Council is to be notified of any change in the breed.
2. Any change in the breed of dogs may require submission of an application for a new licence.
3. No more than 5 dogs are to be kept on this property.
4. Adequate provisions for the health, welfare and control of all dogs.
5. Compliance with all laws relating to public health, environmental protection and required plumbing and planning approvals for the kennel structures.
6. 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*.
7. The condition of the premises shall not create a nuisance at any time.
8. 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 Murtagh moved, Cr Geard second that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	

Cr Whelan returned to the meeting at 6.21pm.

14.5 Old Beach Saltmarsh Signage:

Author: Asset Services Manager (Mr H Macpherson)

Background

In February 2021, a report from the Derwent Estuary Program's Biodiversity Officer that formed part of a Planning Authority report for a development application in Old Beach, highlighted the importance of the area as a bird habitat, based on several scientific surveys and the fact that the Derwent Estuary has lost half its saltmarsh areas. There was evidence both from direct observation and anecdotal evidence from locals, that dogs are often running off-lead across the wetland leading to disturbance to feeding, roosting and breeding behaviour of the birdlife.

Subsequent to this report, Cr Owen provided a Notice of Motion to the March Ordinary Council Meeting and the following decision was made unanimously by Council:

Council officers develop an action plan to discourage dog owners from allowing their dogs to roam off lead through and across the salt marshes at Old Beach, prohibited dog areas and along all pedestrian walkways and trails and report back to Council as to what additional action is proposed or taking place to better protect sensitive areas and the wildlife therein.

As a result, Council officers in consultation with the Derwent Estuary Program and UTAS Department of Geography, Planning and Spatial Sciences, developed a range of signs that are designed to illuminate the natural asset and values contained within the Old Beach Saltmarsh, in addition to making people more aware of ensuring their dog is not a nuisance and does not inadvertently damage or destroy any of the natural inhabitants or plants that make up the unique saltmarsh environment.

The suite of signs includes an overview that describes why saltmarsh environments are so special and some detail about the benefits they provide us and the natural inhabitants.

The signs have been developed with scientific input and expertise from the Derwent Estuary Program and UTAS. The signs as presented here for Council's approval have been given final sign-off from both the Derwent Estuary Program and UTAS.

Consultation

Derwent Estuary Program (Inger Visby, Biodiversity Officer), UTAS (Dr. Vishnu Prahalad), Senior Management Team, Climate Resilience Officer, Executive Officer (Governance), Animal Control Officer.

Risk Implications

Nil.

Financial Implications

Approximately \$12K including graphic design and manufacturing of signs.

Strategic Plan

Goal 1: Strengthen our Communities.

S1.1: Understand/improve health and wellbeing.

S1.3: Support connected communities.

S1.5: Build a resilient community and environmentally sustainable future.

Social Implications

Greater pride and enjoyment of the area by those in the local community and beyond as a beautiful, environmentally interesting and diverse place to recreate that requires responsible dog ownership and dog walking behaviours.

Environmental or Climate Change Implications

Improving the perceived value and appreciation of the Old Beach saltmarsh and engendering more environmentally aware usage of the area and foreshore trail that ultimately results in long term care and protection of the saltmarsh at a local level.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

This Old Beach Saltmarsh signage project marks the beginning of a new style of signage and an approach that aims to educate in order to change behaviours that could potentially be very detrimental to the long term protection of the area. The signs are designed to encourage a range of positive behaviours to protect the area and raise awareness of the immense value of the Old Beach Saltmarsh as a natural asset for all to enjoy responsibly.

Options

1. As per the recommendation.
2. Does not approve the recommendation.

RECOMMENDATION:

That Council endorses the Old Beach Saltmarsh signage as presented for production and installation on the Old Beach foreshore walking track.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

14.6 Brighton Regional Sports Pavilion Update:

Author: Deputy General Manager (Mr G Davoren)

Background

During the June 2021 Ordinary Council Meeting (OCM), Council approved the Brighton Football Club to seek expressions of interest for a sub-lease of the new function centre and bar as well as an overarching committee be set up.

Council's recommendation three of the OCM was for a lease amount to be paid in the first year of \$2,500, and in the second year the lease amount will increase to between \$5,000 and \$10,000, subject to a financial review.

Brighton Football Club advertised the sub-lease in The Mercury, with expression of interest applications closing at the end of July 2021. One application was received only from Scott Cranfield of Moe's Restaurant in Brighton. In a recent email the club president Darren Clark, advised that due to the short time of occupying the new building, they do not have a 12 month financial analysis of the operating costs therefore have not entered into a sub-lease but instead a Memorandum of Understanding with Scott Cranfield to run functions for both the cricket and football clubs, while the clubs run the bar with volunteers and paid staff.

Both the Brighton Football Club and Council have individually started drafting a constitution for the overarching body and anticipate meeting soon to discuss and collaborate both documents.

In his recent email attached, Darren Clark advised that "both clubs cannot work with a sliding scale and the uncertainty of the council fees, these need to be set regardless of how we run our business, if this cannot be agreed by 1 October for the full three years then both clubs will consider their options."

Staff also met with the members of the Brighton Cricket Club, who have expressed their preference to operate the lease with each club running the venue for a six-month period associated with the relevant season. They have discussed this with the football club and advised both clubs are happy with the new arrangement. This is a significant change to the operations based on discussions held with the two clubs back in June.

Consultation

Jason Green (Brighton Cricket Club), Damien Godfrey (Brighton Cricket Club), Darren Clarke (Brighton Football Club), Megan Braslin (Executive Officer), Cathy Harper (Council Services Officer), Gillian Browne (Corporate Executive),

Risk Implications

Nil.

Financial Implications

The sub-lease amount of revenue to the Brighton Football Club will form part of a review of the lease amount to be paid to Council.

Strategic Plan

Relates to our Goal 1 to Strengthen our Communities.

Social Implications

Communities that participate in sport and recreation develop strong social bonds, as an extension of this, a well-run restaurant/function centre and bar will complement those social bonds providing a centre where families and friends can gather.

Environmental or Climate Change Implications

Nil.

Economic Implications

There is an opportunity for Council's new building's function centre and bar to provide employment in the community.

Council requires a lease amount from the Brighton Regional Sports Pavilion to contribute to the maintenance costs of the building but also ensuring the lessee can afford the set lease amount after the first and second year lease terms.

Other Issues

Nil.

Assessment

Upon receipt of this recent email from Darren Clark, Brighton Football Club President, the Council officers met to discuss elements of the email and consider amending the initial recommendations approved in the June OCM.

The club's not locking into a sub-lease with Moe's Restaurant until after a full year of operations is sensible. For this reason, Council officers discussed the same consideration for an initial one-year lease between Brighton Council and the Football and Crickets clubs for the use of the new Sports Pavilion. After July next year, Council could review both clubs financial position and the operational costs for the new Pavilion before setting further lease amounts for subsequent years.

Options

1. As per the recommendation.
2. Do not approve the recommendation.

RECOMMENDATION:

That Council amend and approve a one-year lease only with the Brighton Football and Cricket Club for an amount of \$2,500, with a financial review of the lease after July 2022.

DECISION:

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

CARRIED

VOTING RECORD**In favour Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

14.7 Potential sale of 14 Glebe Street, Pontville - Uniting Church Cemetery:

Author: Deputy General Manager (Mr G Davoren).

Background

Brighton Council has had ownership of the cemetery since 2009. The site has 11 gravestones, most of which are in a poor state, along with a concrete horse trough at the entrance to the site. The cemetery is no longer used as a burial ground, the last known burial was during the 1930's.

The property, 14 Glebe Street Pontville CT 131925/1 is 4047m², is on hill overlooking Pontville, the Cemetery is at the front of the property and takes up less than half the site.

Mr Morley recently met with staff to discuss his interest in purchasing the property and advised what his intentions are if he is successful with the purchase, including restoration of graves and displaying the old Brighton Heritage Association photos and information.

Mr Morley recently purchased the land surrounding 14 Glebe Street known as 'PonyHill'.

Consultation

Planning Officer Richard Cuskelly, General Manager James Dryburgh, Corporate Executive Gillian Browne, Executive Officer Megan Braslin, Scott Percey Works Supervisor, Cathy Harper Council Services Officer, Brighton Heritage Association Andrea Marks, Michael Morley.

Risk Implications

The sale may not be supported by the community.

Financial Implications

All capital returned for land sold will be set aside for reserve expenditure of a capital nature.

Government Capital Valuation is \$140,000

Strategic Plan

Relates to our Goal 1 to Strengthen our Communities.

Social Implications

Nil.

Environmental or Climate Change Implications

Mr Morley intends to clear the dead trees and slash the grass around the grave sites.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The property planning zone is 'landscape conservation' and has a heritage listed overlay (both state and local).

Council currently has the property on the mowing maintenance schedule for twice per year.

The property is owned by Council for the community and the former Brighton Heritage Association artifacts, photos and documents have been entrusted to Council for the Pontville community.

Options

1. As per the recommendation.
2. That Council does approve the sale of 14 Glebe Street Pontville at valuation.

RECOMMENDATION:

That Council does not approve the sale of 14 Glebe Street, Pontville.

DECISION:

Cr Geard moved, Cr De La Torre seconded that the recommendation be adopted.

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

14.8 Disposal of Land - Scott Road Bridgewater - Objection:

Author: Deputy General Manager (Mr G Davoren)

Background

In the September 2020 Finance Committee meeting, it was approved for Council to sell surplus land known as lots 974 & 975 Scott Road, Bridgewater, giving Centacare Evolve first option to purchase the land. This approval was then adopted in the ordinary council meeting that followed.

In accordance with section 178 of the *Local Government Act 1993* the land has been advertised for disposal, which received one written objection from a Scott Road resident.

Consultation

Megan Braslin Executive Officer, Gillian Browne Corporate Executive, David Allingham Manager Development Services.

Risk Implications

Nil.

Financial Implications

All capital returned for land sold will be set aside for reserve expenditure of a capital nature. Ongoing savings will be made to Council on land tax and property maintenance.

Strategic Plan

Relates to our Goal 1 to Strengthen our Communities.

S1.2 Create Housing/Employment/Play/Education.

Social Implications

Nil.

Environmental or Climate Change Implications

Nil.

Economic Implications

The demand for affordable housing currently exceeds supply.

Other Issues

Nil.

Assessment

The resident's objection was for two reasons. The first reason was on the grounds that she has sited the endangered Orange-Bellied Parrot in the trees at breeding season each year (no photographic evidence available) and the second reason is that the land is a thoroughfare for access to the walking track.

Facts

The species is listed as an endangered species in Victoria, South Australia, and Tasmania, and is also listed as critically endangered under the Commonwealth *Environmental Protection & Biodiversity Conservation Act 1999*.

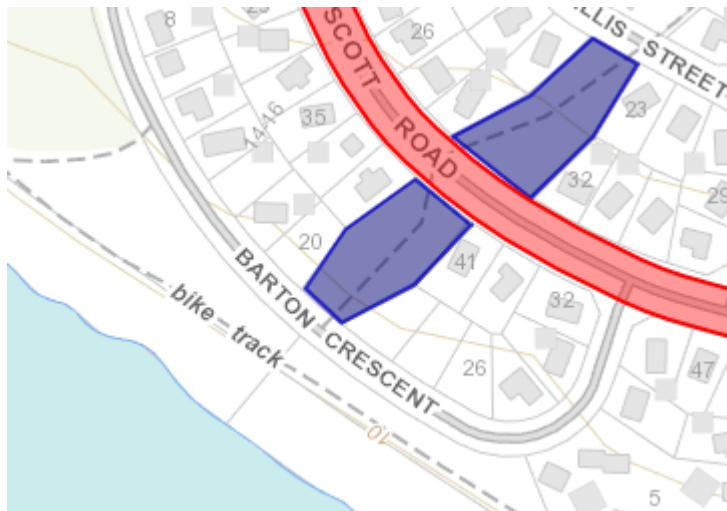
Australia is the native home of the Orange-Bellied Parrot. Here they make their home in two areas depending on the time of year. Spring and Summer is spent in Tasmania where they breed, and they then fly to the mainland for winter and autumn, where they live along the coast of Victoria and South Australia.

Breeding is only known to occur for Orange-Bellied Parrots in the wild, at Melaleuca in Tasmania's south-west. However, there are other breeding programs in captivity, which are a part of the release to the wild projects.



Given the facts researched regarding the breeding locations as well as migration in Australia, there is no reason to cease the sale of Scott Road proceedings based on the Orange-Bellied Parrot breeding in the vicinity of Scott Road, Bridgewater.

Lot 974 & 975 Scott Road Bridgewater map



Options

1. As per the recommendation.
2. Do not approve the recommendation.

RECOMMENDATION:

That Council approve the continuation of the sale of Lot 974 and Lot 975 Scott Road, Bridgewater.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Owen
Cr Whelan

Against

Cr Murtagh

14.9 Closure of the Walkway between Fredrick Drive and Jubilee Avenue, Brighton:

Author: Deputy General Manager (Mr G Davoren)

Background

The July 2021 Ordinary Council Meeting recommended further community consultation with residents regarding the closure of the walkway between Fredrick Drive and Jubilee Avenue, Brighton.

Council has now written to all residents of both Fredrick Drive and Jubilee Avenue, Brighton welcoming comments in writing.

Consultation

Executive Officer, Municipal Engineer, Asset Services Manager, residents of Fredrick Drive and Jubilee Avenue, Brighton.

Risk Implications

Nil.

Financial Implications

A peppercorn lease of the walkway will reduce the burden on the rate payers of the ongoing costs of maintenance and vandalism. Any works done to the walkways under a lease would need to be approved by council and would be done at the lessee's costs.

Strategic Plan

Relates to our Goal 1: Strengthen our Communities.

S1.5 Build a resilient community and environmentally sustainable future.

Social Implications

The original complainant advised us of such things like rubbish and rocks being thrown over their fence. In April a police report was made due to two large rocks being thrown through a bedroom window. The complainant's daughter is too scared to play outside in the yard.

Anti-social behaviour impacts on individuals, families, and communities, it prevents a peaceful community life and degrades the environment.

Some impacts of antisocial behaviour on individuals who experience this regularly are feeling anxious and constantly on edge, being frightened to go out, not feeling safe in your own home and anxious children.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

Council have now written to all 62 residents of both Fredrick Drive and Jubilee Avenue Brighton and have received 12 written responses.

- Eight (8) in favour of the walkway closure.
- Four (4) against the walkway closure

The four submissions opposed to the closure were for reasons that the walkway was a regular exercise route.

Jubilee Avenue also has a walkway through to Jordan Downs Drive.

Options

1. As per the recommendation.
2. Do not approve the closure of the walkway.

RECOMMENDATION:

That Council allows the public access walkway to be closed off and Council to discuss with any adjoining owners the possibility of a peppercorn lease.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen

Against

Cr Whelan

Cr Geard moved, Cr Garlick seconded that Council resolve into Closed Council

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

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

15.1 Purchase of Proposed Lots 20 & 21 Lukaarlia Drive Bridgewater:

Author: Deputy General Manager (Mr G Davoren)

RECOMMENDATION:

That Council approve the purchase of proposed lots 20 and 21 Lukaarlia Drive, Bridgewater at the Opteon Property Group combined valuation.

DECISION:

Cr De La Torre moved, Cr Geard seconded that council suspend standing orders.

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh

Cr Owen
Cr Whelan

Cr Curran moved, Cr De La Torre resume standing orders.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	Cr Murtagh
Cr De La Torre	Cr Whelan
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	

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

15.2 Expression of Interest - 23 Menin Drive, Brighton - Release of Decision to Public:

Author: Deputy General Manager (Mr G Davoren)

RECOMMENDATION:

That Council resolves to report in the open minutes of the Ordinary Council Meeting - 21 September 2021, the decision (as outlined below) for *Item 13.2 Expression of Interest for 23 Menin Drive Brighton*, made in the Closed session of the June 2021 Ordinary Meeting of Council, excluding the applicant's names.

Cr Curran moved, Cr Gray seconded that Council pursue the proposal [for the sale 23 Menin Drive Brighton] as submitted and that Council staff further progress with the other applicants to support their aspirations.

CARRIED

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran	Cr De La Torre (abstained)
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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

15.3 Supplementary Item - Council Supplier:

Author: General Manager (Mr J Dryburgh)

DECISION:

Cr Curran moved, Cr De La Torre seconded that council suspend standing orders.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr De La Torre moved, Cr Curran seconded resume standing orders.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Cr Whelan moved, Cr De La Torre seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

15.4 Authorisation to Move Out of Closed Session and Release of Information to the Public:

RECOMMENDATION:

That the Council:

- (i) Having met and dealt with its business formally moves out of Closed Session;
and
- (ii) Resolves to report that it has determined the following:

DECISION:

<u>Item Number</u>	<u>Matter</u>	<u>Outcome</u>
15.1	Purchase of proposed lots 20 & 21 Lukaarlia Drive, Bridgewater	That Council approve the purchase of proposed lots 20 and 21 Lukaarlia Drive, Bridgewater at the Opteon Property Group combined valuation.
15.2	Expressions of Interest - 23 Menin Drive, Brighton - release of decision to public	That Council resolves to report in the open minutes of the Ordinary Council Meeting - 21 September 2021, the decision (as outlined below) for <i>Item 13.2 Expression of Interest for 23 Menin Drive Brighton</i> , made in the Closed session of the June 2021 Ordinary Meeting of Council, excluding the applicants names. <i>Cr Curran moved, Cr Gray seconded that Council pursue the proposal [for the sale 23 Menin Drive Brighton] as submitted, and that Council staff further progress with the other applicants to support their aspirations.</i>
15.3	Supplementary Item - Council supplier	Resolved not to be released to the public.

Cr Whelan moved, Cr Curran seconded that Council resolve out of Closed Council and that the decisions made while in Closed Council be ratified.

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

16. Questions on Notice

16.1 Walkway from Gagebrook to Jordan River and Herdsmans Cove

Author - Cr Aaron De La Torre:

During my election campaign, many in the community raised their concerns about the condition of the gravel footpath which links Laurence Place, Gagebrook to both the Jordan River Bridge and Lamprill Circle, Herdsmans Cove. The lack of a sealed pathway joining the existing concrete path from Bridgewater creates difficulties for many in the community who do not drive and must walk this path to the services in both Bridgewater and Herdsmans Cove.

Could the General Manager please outline what plans the Council has at this time to construct a concrete footpath in place of the gravel track currently in use? When can the Gagebrook community expect this work to be completed?

General Manager's Response:

Some funds for the footpath work referenced are included in the 2021/22 budget (\$110K). Council is also waiting on the outcome of a grant application and will most likely be informed on this end of September/early October. The intention is to complete the work in the current financial year. If Council is unsuccessful in obtaining the \$250K grant, the footpath/walkway construction will be commenced in sections but may not be able to be completed this financial year.

16.2 Garbage Bins and Seating along Waterfront Walking Tracks

Author - Cr Aaron De La Torre:

The rubbish which litters the waterfront walking tracks across the municipality is a problem that many in the community are concerned about. Regrettably, it seems the lack of rubbish bins along these well used tracks creates an incentive for those using the tracks to litter, as they have nowhere to easily dispose of their rubbish. Many have advised that they would be more likely to use these tracks if it weren't for the rubbish along these routes.

Others have advised that it is difficult for them to safely make use of the walking tracks across the municipality due to the lack of seating available.

Could the General Manager please outline whether the Council has plans to install additional rubbish facilities and seating along our foreshore walking trails in Bridgewater, Herdsmans Cove, Old Beach and Brighton?

General Manager's Response:

Council's approach has been to only place bins at the entry and exit points of walking tracks so that they can be efficiently and effectively emptied and to allow passive surveillance of rubbish bins, that are often the target of vandalism.

Council can certainly look at installing more seating in specific areas where it has been identified they are needed.

An overall review of the location of rubbish bins and seating throughout the Municipality can be conducted for future budgeting purposes.

The meeting closed 8.10pm

Confirmed:

(Mayor)

Date:

19th October, 2021