



# Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.35 P.M. ON TUESDAY,  
19<sup>th</sup> FEBRUARY 2019**

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

**IN ATTENDANCE:** Mr R Sanderson (General Manager); Mr G Davoren)  
(Deputy General Manager); Mr H Macpherson (Municipal  
Engineer); Mrs J Banks (Governance Manager) and Mr D  
Allingham (Senior Planner)

## **1. CONFIRMATION OF MINUTES:**

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING  
OF 15<sup>TH</sup> JANUARY 2019.

*Cr Geard moved, Cr Gray seconded that the Minutes of the Ordinary Council Meeting of 15<sup>th</sup> January 2019 be confirmed.*

**CARRIED**

### **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 12<sup>TH</sup> FEBRUARY 2019.

*Cr Jeffries moved, Cr Owen seconded that the Minutes of the Finance Committee Meeting of 12<sup>th</sup> February 2019 be confirmed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.3 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 12<sup>TH</sup> FEBRUARY 2019.

*Cr Gray moved, Cr Geard seconded that the Minutes of the Planning Authority Meeting of 12<sup>th</sup> February 2019 be confirmed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**2. APPLICATIONS FOR LEAVE OF ABSENCE:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**3. PUBLIC QUESTION TIME AND DEPUTATIONS:**

- Lucia Fitzgerald and Marian Bissett from Uniting Church addressed Council in relation to Item 11.2
- Steve Deveraux and Kirsha Kaechele from MONA addressed Council in relation to Item 11.2

**4. DECLARATION OF INTEREST:**

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

*There were no declarations of interest.*

*Cr Geard moved, Cr Gray seconded that Item 11.2 be brought forward and discussed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	

Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

*For the purpose of these minutes the items will remain in numerical order.*

## 5. REPORTS FROM COUNCILLORS:

### 5.1 MAYOR'S COMMUNICATIONS:

**AUTHOR:** Mayor Deputy Mayor  
(Cr T Foster) (Cr B Curran)

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The Mayor and Acting Mayor's communications were as follows:-

Jan 17 GM and I met with Federal member for Lyons Brian Mitchell.  
Integrity Commission workshop  
Meeting with members of Uniting Care David Parker and Scott  
Glanville.

Jan 25 Australia Day Civic Reception

Feb 05 Meeting with Robert Rockefeller

Feb 06 GM, Deputy Mayor and I met with Housing Minister Roger Jaensch

Feb 07 Strategic workshop

Feb 12 Meeting with GM and Deputy GM  
Finance Committee meeting  
Planning Authority meeting

Feb 18 STCA Board meeting

Feb 19 Ordinary Council meeting

### RECOMMENDATION:

That the Acting Mayor & Mayor's communications be received.

### DECISION:

*Cr Jeffries moved, Cr Murtagh 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

## **5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:**

Cr Geard briefed Councillors on his recent involvement with the fires and Brighton SES involvement at Geeveston ie traffic control etc Cr Geard also attended fire at Maydena and the Great Lakes.

Cr Owen briefed Councillors on his involvement at the Geeveston fires.

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

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

If any Councillor wishes to view documents received contact should either be made with the Governance Manager or General Manager.

## **6. NOTIFICATION OF COUNCIL WORKSHOPS:**

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that there was a Strategic Planning workshop held on the 7<sup>th</sup> February 2019, Councillors in attendance were Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; Cr Murtagh; Cr Owen and Cr Whelan.

## **7. NOTICE OF MOTION:**

*There were no notices of motion.*

## **8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:**

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

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and

- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

**RECOMMENDATION:**

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

**DECISION:**

*The General Manager advised that there were no supplementary agenda items.*

**9. REPORTS FROM COMMITTEES:**

**9.1 FINANCE COMMITTEE – 12/2/19:**

The recommendations of the Finance Committee Meeting of 12<sup>th</sup> February 2019, were submitted to Council for adoption.

**DECISION:**

*Cr Gray moved, Cr Geard seconded that the recommendation of the Finance Committee meeting of 12<sup>th</sup> February 2019, be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

The Chairperson adjourned the Council meeting to allow the Planning Authority to discuss the following Planning items.

Cr Gray took the Chair.

## 10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10 on this agenda, inclusive of any supplementary items.

### 10.1 DRAFT PLANNING SCHEME AMENDMENT - REQUEST TO INSERT THE BRIGHTON ARMY CAMP HOSPITAL & PARADE GROUNDS INTO TABLE E13.1 'HERITAGE PLACES' OF THE HISTORIC HERITAGE CODE, INCLUDING MINOR ZONE BOUNDARY REALIGNMENT - SECTION 39 REPORT:

<b>FILE REFERENCE:</b>	RZ 2018/2
<b>Author:</b>	Planning Officer (R Cuskelly)
<b>Applicant:</b>	Brighton Council
<b>Owners:</b>	Brighton Council & P & K Group Pty Ltd
<b>Location:</b>	23 Menin Drive, Brighton (CT 169004/1) 241 Brighton Road, Brighton (166272/1) Lot 2012 Brighton Road, Brighton (175749/2012)
<b>Application no.:</b>	RZ 2018/2
<b>Zoning:</b>	Community Purpose Open Space General Residential
<b>Planning Instrument:</b>	Brighton Interim Planning Scheme 2015
<b>Date received:</b>	20 November 2018
<b>Date advertised:</b>	28 November 2018 – 9 January 2019
<b>Decision required:</b>	13 February 2019
<b>Representations:</b>	Nil

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#### 1. Executive Summary

1.1 The report considers the:

- 1.1.1 Insertion of 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton Road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code; and
- 1.1.2 Rezoning of Community Purpose land on Lot 2012 Brighton Road, Brighton to General Residential to align with the existing lot boundary adjoining 23 Menin Drive, Brighton.
- 1.2 The request to initiate the rezoning was approved by Council's Planning Authority at its meeting on 20 November 2018.
- 1.3 A notice of draft amendment was forwarded to the Tasmanian Planning Commission on 3 December 2018.
- 1.4 The draft amendment was advertised in the *Mercury* newspaper on 28 November and 1 December 2018, and placed on public exhibition between 28 November 2018 and 9 January 2019.
- 1.5 No representations to the draft amendment were received during the public notification period.
- 1.6 The proposal is a recommendation to:
  - 1.6.1 Advise the Tasmanian Planning Commission that no representations were received following exhibition of draft amendment RZ 2018/2 to the Brighton Interim Planning Scheme 2015.
  - 1.6.2 Advise the Tasmanian Planning Commission that no modifications to the draft amendment RZ 2018/2 are necessary.

## 2. Background

- 2.1 Council at its meeting of 20<sup>th</sup> November 2018 resolved to amend the *Brighton Interim Planning Scheme 2015* by inserting 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton Road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code and rezoning a small portion of land zoned Community Purpose to General Residential.
- 2.2 The purpose of the proposed amendment is to recognise the Brighton Army Camp hospital building and parade ground's acknowledged local heritage value, and to correct a past zoning boundary error.



- 2.3 The certified draft amendment was publicly exhibited. There were no representations received during the public exhibition period. The application was referred to TasWater, who declined to make a submission.



Figure 1. Aerial image of the Brighton Army Camp hospital building and parade grounds

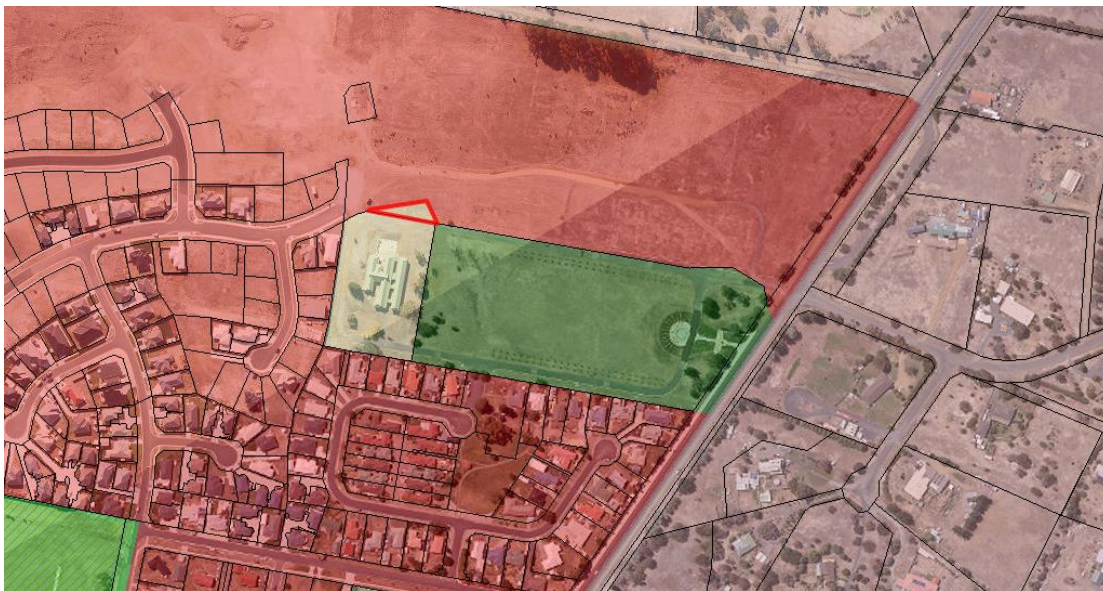


Figure 2. The portion of Lot 2012 Brighton Road, Brighton, proposed to be rezoned from Community Purpose to General Residential

### 3. Consultation

- 3.1 The draft amendment was exhibited in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993* (the Act) and Section 6 of the

*Land Use Planning and Approvals Act Regulations 2004 from 28 November 2018 and 9 January 2019, inclusive.*

- 3.2 No representations were received to the application.
- 3.3 TasWater were referred the draft amendment and declined to make a submission.

#### 4. Legislation

- 4.1 Section 39(2) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission a report comprising:
  - (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
  - (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to-*
    - (i) *the need for modification of the draft amendment in the light of that representation; and*
    - (ii) *the impact of that representation on the draft amendment as a whole; and*
  - (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*
- 4.2 Subsection (b) relates specifically to any representation received.
- 4.3 Subsection (c) allows the Planning Authority (Council) to provide any additional information or recommendation in relation to the draft amendment as certified or recommend to the Tasmanian Planning Commission that a modification should be made regardless of any representation.
- 4.4 As the draft amendment has been initiated and certified the Tasmanian Planning Commission must make a determination on the matter.

#### 5. Assessment

- 5.1 The draft amendment received no representations and no submission from TasWater.

### **Options:**

- 1. To adopt the recommendation; or

2. To adopt an alternative recommendation satisfying the provisions of section 39 of the Act, with a full statement of reasons as determined by Council.

**RECOMMENDATION:**

That in accordance with Section 39 (2) of the Land Use Planning and Approvals Act 1993 Council resolves to:

- A. Advise the Tasmanian Planning Commission that no representations were received following exhibition of draft amendment RZ 2018/2 to the Brighton Interim Planning Scheme 2015; and
- B. Advise the Tasmanian Planning Commission that no modification to amendment RZ 2018/2 is considered necessary to the initial s.35 report.

**DECISION:**

*Cr Geard moved, Cr Jeffries seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

*The Ordinary council meeting resumed.*

**11. REPORTS FROM OFFICERS:**

## 11.1 BRIGHTON ARMY CAMP – HERITAGE SIGNIFICANCE ASSESSMENT:

**AUTHOR:** Senior Planner  
(Mr D Allingham)

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### **Background:**

This report is seeking a decision on whether Council should engage a consultant to prepare a significance assessment and conservation guidelines for the Army Camp building.

Council own the Army Camp building at 23 Menin Drive, Brighton. Over several years Council has been seeking a suitable tenant for the Brighton Army Camp building.

Recently, Council were in discussions with a developer about the site being used as a distillery. As part of this process, it was considered prudent to ensure the heritage values of the site were protected and an amendment under the *Brighton Interim Planning Scheme 2015* (“the Scheme”) was initiated to list the site as a “Heritage Place” under the Heritage Code.

The listing means two things:

- Any future development will need to ensure that the heritage significance of the site/building is not lost and is not dominated.
- There is greater flexibility for use under clause 9.5 of The Scheme if a use facilitates the restoration, conservation and maintenance of the heritage values.

The amendment was initiated by Council’s Planning Authority on 20 November 2018 and has now been advertised with no representations and a report recommending that there be no modification to the draft amendment is featured in the Planning Authority section of this Agenda.

Since the amendment was initiated, the negotiations with the distillery developer have fallen over. This was partly due to the uncertainty about the scale and type of buildings that could complement the existing Army Camp building.

Staff are now in the process of preparing an Expressions of Interest (EoI) document for proposals for the future use and development of the site. A real estate agent was shown the property and noted that there would be a significant cost for restoring the entire building and questioned whether parts of the building could be demolished.

Council do not have the heritage expertise on staff to determine the heritage significance of components of the building and once the Army Camp is listed as a Heritage Place under the Scheme any future use and development will require a Development Application (DA) which includes, among other things, a “heritage impact statement” or similar.

To gain a better understanding of the heritage significance of the building for the EoI process, Council approached heritage consultants Paul Johnston Architects (PJA). PJA has provided a fee proposal for \$9,720 for preparing a significance assessment and conservation guidelines for the property. PJA state in their proposal:

*The Conservation Plan will provide development guidelines for new buildings, additions to existing buildings and alterations to existing buildings that are acceptable to the heritage values of the place. These guidelines will be considered specifically in relation to the requirements of the Planning Scheme Heritage Code E.13.7.1 Demolition and E 13.7.2 Building and Works other than demolition, and E 13.7.3 Sub Division.*

## **Discussion**

Council has already identified that the site has local heritage significance by initiating the amendment to list the site as a Heritage Place in the Scheme.

There is a Planning Report from 2002 prepared for the Department of Defence that identifies that the site has heritage significance and the building should remain. A further Master Plan for the area also recommends that the building should remain and has significance. So, it can generally be concluded that the majority of the building will need to be retained. However, Council has little appreciation of the individual elements of the existing building that contribute to the heritage significance.

The Conservation Plan will be an extremely useful document to provide with the EoI and will give interested parties a clear understanding of what parts of the existing building can and cannot be modified as well as they type and scale of new buildings that could be constructed. The Conservation Plan will also likely mean that any future developer will not need to undertake a significant heritage study as part of a DA for the site.

Without the Conservation Plan, Council will be able to provide minimal advice about what can be done to the existing building and further development of the site as part of the EoI process. Any future developer will need to undertake their own heritage study as part of a future DA.

As an alternative, Council may wish to offer to pay for a heritage assessment for a successful applicant of the EoI. This may be a cheaper and more focused process as it will directly address a single proposal. It will also guarantee that Council does not unnecessarily spend funds if no submissions are received. Council should engage the consultant and approve the consultant brief.

## **Consultation:**

Consultation has occurred between Council's Deputy General Manager, Manager Development Services, Senior Planner and PJA.

## **Risk Implications:**

There may be no submissions as part of the EoI process so there is a risk that Council fund a report that is not needed. However, it would be a useful document for any other future negotiations.

Undertaking the EoI process without a Conservation Plan will limit Council's ability to respond to applicants about what can be done with the site and the lack of certainty may discourage submissions. Additionally, Council may award the EoI to an applicant whose vision for the site cannot be approved under the Scheme.

Having a Conservation Plan to be sent out with the EoI will give applicants a clear understanding of the constraints and opportunities which may limit interest. However, it will mean inappropriate use and developments that are not compatible with the heritage values of the site will not be considered.

**Financial Implications:**

The cost of preparing a significance assessment and conservation guidelines for the property is \$9,720.

If Council do not approve the preparation of a significance assessment and conservation guidelines the cost will be shifted to a future developer to prepare as part of a DA.

**Options:**

1. As per the recommendation.
2. That Council commit to funding the significance assessment and conservation guidelines for the successful EoI respondent.
3. That Council refuse funding for the preparation of a significance assessment and conservation guidelines.

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**RECOMMENDATION:**

That Council approve funding of \$9,760 for the preparation of a significance assessment and conservation guidelines in accordance with the attached fee proposal.

**DECISION:**

*Cr Geard moved, Cr Jeffries seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	Cr Foster
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 11.2 BOND PLACE, GAGEBROOK LAND USE

**AUTHOR:** Senior Planner  
(Mr D Allingham)

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### **Background:**

#### **Land and ownership**

The purpose of this report is to provide Council with information about the land at 7 Bond Pl and 33 Tottenham Rd, Gagebrook (both lots referred to as “Bond Place” for the remainder of report) and part of Cris Fitzpatrick Park so there can be an informed decision about how the land can be used.

The land at Bond Place is owned by Housing Tasmania (HT). Council has generally been dealing with Centacare Evolve Housing (CEH) on dealings with this property. The land contains no permanent built structures.

The adjoining land to the west (Cris Fitzpatrick Park) is owned by Council and forms part of the open space network.

#### **Current and proposed uses**

##### *UCA*

The Uniting Church of Australia (UCA) want to use the land to develop the “Gagebrook Hub” (see Attachment A) as part of a three-way land swap, that was endorsed “in-principle” at the September 2018 Ordinary Council Meeting (see Attachment B). The land-swap also involves Council and HT (with CEH involvement).

The “Gagebrook Hub” requires a portion of Council’s adjoining parkland to facilitate the development.

The Gagebrook Hub will include:

- Flexible space for the delivery of community services - emergency relief etc.
- Free food distribution
- Commercial kitchen and café / Worship space
- Meeting rooms (available to the community)
- Offices
- Op Shop
- Education and food literacy run by and for community
- Community garden
- Orange Sky Laundry
- Increased service delivery (to include advocacy, tenant advice etc.)
- Off street car parking for 19 cars

*Mona*

Mona has been using the land as a temporary community facility since March 2018 which has evolved into a “Community Kitchen” which holds fortnightly events. Mona wish to continue to use the site and further expand the “Community Kitchen” and the community garden. Mona has future to develop a community hub in the Gagebrook area.

**Timeline**

There has been a significant amount of discussion and activity between the stakeholders about plans for both Mona and UCA’s presence in the Gagebrook Community.

A timeline is provided below to help to understand Council’s involvement with the stakeholders:

- October 2017 – The UCA facility at 32 Tottenham Rd, Gagebrook was destroyed by fire.
- 20 October 2017 – Council met with UCA to discuss re-build of church and advised it was preferable not to build on the existing site due it being in an overland floodpath.
- 27 November 2017 – Council approved a change of use to church at 10 Tottenham Rd, Gagebrook (Housing Tas land) as a temporary facility.
- 29 November 2017 – Land at Guilford Crescent for a new UCA facility was first flagged.
- 30 Nov 2017 – Council approached Centacare about the possibility of a land swap that involved 32 Tottenham Rd, Guilford Cres and 13 Gage Rd (vacant land adjoining United Service Station).
- 9 Jan 2018 – Centacare acknowledged they were open to land swap.
- March 2018 – A 10-day pop-up community space was established at Bond place by Mona, the Design Studio of Social Intervention (Boston) and UTAS School of Architecture.
- 20 April 2018 – UCA officially write to Council to pursue a land swap with Council and Centacare/Housing. The two sites at 7 Bond Pl and 33 Tottenham Rd are first discussed as an alternative to Gage Rd.
- 19 July 2018 – UCA formally proposed three-way land swap as follows:
  - Centacare/Housing will transfer the 2 blocks located in Bond Pl to the UCA
  - UCA will relinquish the site at 32 Tottenham Road to the Brighton Council
  - Brighton Council will release the land at Guilford Cres to Centacare/Housing



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- 31 July 2018 – Centacare confirm they are in favor of the land swap and indicate they will follow-up with Mona about potentially transferring to Council land.
- 14 August 2018 – Council write to Mona advising of land swap and are open for Mona to relocate to Council land in proximity and establish an MOU. Mona indicated they would like to be as close to “caretakers” at Bond Pl as possible.
- 30 August 2018 – UCA provide Council with preliminary drawings for Bond Place site for comment which includes proposal to use some of Council land at Cris Fitzparick Park.
- 18 September 2018 – Council endorses the proposed land swap in principle. The report mentions engaging with MONA about them using the Tottenham Road site under council ownership in future.
- 20 November 2018 – UCA send Council proposed guidelines of land swap and survey plan for discussion.
- 5 December 2018 – Council meet with UCA to go through Draft Heads of Agreement (HOA) for land-swap and preliminary drawings.
- 6 December 2018 – Council circulate final draft HOA for review.
- 12 December 2018 – Council meet with Mona and Mona put forward their case for staying at Bond St strongly for the first time and suggest that Council had failed to engage with them.
- 14 December 2018 – Council provide detailed feedback on UCA plans to be submitted for DA.
- 17 December 2018 – Centacare write to Council advising they have requested landowner consent for lodging of UCA DA at Bond Place.
- 3 January 2019 – UCA submit DA for Gagebrook Hub at Gage Road. DA is invalid without landowner consent from both Council and HT.
- 8 January 2019 – Council write to Mona advising that a DA has been submitted by UCA at Bond Place.
- 14 January 2019 – Mayor and GM meet with Mona who strongly put forward their case for staying at Bond Place.
- 15 January 2019 – Bond Place impasse discussed informally at OCM with Councilors requesting a report with all the background information.
- 17 Jan 2019 – Mayor, Dep Mayor, Chair PA, GM, Dep GM and Acting Manager DS meet with UCA to hear their position on Bond Place.
- 23 January 2019 – Council wrote to UCA, Mona and Centacare requesting submissions about the Bond Place situation.
- 5 February 2019 – Submissions received from all parties.

- 12 February 2019 – Council met with HT who advised that they have not been kept up to date on dealings of this property and have not consented to a DA being lodged or endorsed the three-way land swap.

### **Submissions**

Council wrote to UCA, Mona and Centacare requesting submissions about Bond Place and their organizations involvement in the site and future plans for the site. The submissions are summarized below:

#### *UCA (Attachment C)*

UCA submits that Brighton Council has indicated both verbally and in writing that it would support and assist with the relocation of a new church facility to Bond Place. UCA have spent circa \$95K on preparing a DA based on this advice. The total cost of the new church will be approximately \$1.2M.

The current tenant, Mona, has been informed on several occasions that its tenure was temporary and that they would need to vacate as soon as UCA were ready to build and work with Council to find an alternate site.

Mona and UCA have met on several occasions to see if they could work together, however Mona could not contribute financially, but only assist with architectural services. It was also identified that the two organisations approaches were not compatible.

If UCA were to lose their tenure at Bond Pl they would have no option but to scale down services within the community.

UCA has had a presence in the community for 37 years and provided a range of community services, including counselling, food banks, emergency relief, Men's shed, religious education and more. The op-shop had over 7,000 transactions per year.

In the last 12 months, UCA has provided \$70,000 worth of emergency relief and has a dedicated team of volunteers (approx. 12) assisting 6 days/week.

UCA employs a full time Minister, part-time cleaner and Emergency Relief Worker.

UCA provide their own timeline outlining the process to date which is largely similar to that provide above.

UCA note that they are "perplexed and disappointed that it finds itself in a position of having to justify our existence in this community, after all these years."

#### *Mona (Attachment D)*

Mona's submits that their approach is to combine social justice with conceptual art with a focus on community programs.

Mona has a number of projects in Brighton, including collaboration with Council and Centacare Evolve on to develop a Specific Area Plan for a community school and 24 Carrot Gardens. Mona has also participated in a number of events in the community.

Mona held a “Public Kitchen” as a 10 day installation pop-up community event at Bond Place in March 2018. In response to the positive community feedback Mona has continued to cultivate the community garden and hold fortnightly community events.

In 2019, Mona intend to teach the 24 Carrot Garden curriculum from Bond Place. Ongoing programming and staffing is funded by Mona with free community meals and 3 hours of classes, once a fortnight.

Access to the site at Bond Place is currently provided by the landowner, Centacare Evolve, in-kind. Mona has established a TasNetworks power supply, installed a mains water connection, maintained landscaping and lawns, and installed irrigation for 10 modular raised garden beds. UTAS architect students have designed a structure to surround a 12 metre custom made table that has been gifted to the community.

The Bond Place project has been able to provide pathways to employment for locals, with four people from the area being employed by Mona. The community garden also provides on the job training and mentorship for local community members across all of its Brighton projects.

Mona recognizes the need for a community centre in Gagebrook in addition to the community garden. Mona propose to establish a community centre in Bond Place which will be accessible to young people independent of their parents and provide classes that address multi-generational disadvantage. The community centre will be designed by Mona’s lead architect and Mona will raise independent funds up to \$1.5 for construction.

Mona’s community projects team wish to maintain a gentle presence in the neighborhood with a small but consistent offering, allowing trust and relationships to build and to provide a much needed community space.

*Centacare (Attachment E)*

Centacare submit that Uniting Church/Care and MONA as critical community partners to enable increased support and tangible positive change in Gagebrook. Centacare have provided a chronological understanding with UCA and Mona around the Bond Place.

Centacare note early in the process that the land was HT’s and required for housing. Temporary use of the land by Mona was negotiated and an MoU prepared. Throughout, Centacare have indicated that the arrangement with Mona was temporary and that they were committed to UCA building a church. Centacare attempted to facilitate a collaboration between Mona and UCA which could not be agreed on.

Centacare has remained committed to a three-way land swap and recommend that UCA be allowed to construct the church and to work with Mona to use other land. Centacare believe that HT is seeking built outcomes on the land. Centacare note that the Gagebrook community are in the need for a community centre, and a proposed \$1M investment by Uniting Church cannot be replicated by any other party at this time.

## **Discussion**

Both UCA and Mona provide excellent and much needed services to the community, albeit with quite different approaches. However, Council need to consider the process and events that have led up to today and decide what is both fair and the best outcome for the organisations and the community.

It is clear from the outset that Mona's arrangement at Bond Place was temporary.

It is also clear that Council has been committed to assisting UCA to re-establish a built presence in Gagebrook. Council worked with UCA and suggested that Bond Place was a more suitable site than 32 Tottenham Rd, Guilford Crescent or Gage Road.

The three-way land swap was mutually agreeable to all parties, and at a time this was perceived to include Mona if they could relocate their facility to Council land at Tottenham Road.

Council worked with UCA over a period of several months on preparing a DA for a new facility at Bond Place on the understanding that Mona were happy to vacate.

Over this period, Mona's community project continued to engage and grow trust and relationships with the Gagebrook community, particularly those in Bond Place and achieved exceptional outcomes. However, Mona's presence was always to be temporary and perhaps this needed to be better communicated to the community. Mona's facilities at Bond Place are also temporary and Council has committed to working with Mona to move to a nearby location on Council land.

UCA has done a significant amount of planning and design work for the site and have available funds for construction. Mona's plans for a community centre are conceptual and no funding is currently available.

UCA has indicated that they would drastically reduce services to Gagebrook should the project not proceed. Mona has committed to the area in some form or another and continues to be supported by Council on a number of projects.

Considering all the matters in this report, it would be difficult for Council to request UCA to seek an alternative location, particularly after the ongoing engagement and commitment from Council staff at various stages of the process. Mona's presence in the community is of equal importance, however the temporary nature of the facility and the early status on a larger built facility provides them with greater flexibility to explore other options.

The best outcome for the Gagebrook community is for both UCA and Mona to maintain their presence in the community.

However, 7 Bond Pl and 33 Tottenham Rd are owned by Housing Tasmania and ultimately the decision is theirs. Council staff met with HT late in the process and they have not endorsed the three-way land swap, nor have they given consent to either UCA to obtain and develop the land or to Mona for continued use of the site.

Mona's current operation is located solely on HT's land. The UCA proposal is three quarters on HT land and requires landowner consent from HT and Council. It is not Council's decision as to what happens on land that is not in their ownership except when a valid planning application is submitted.

If HT consent for Mona to stay at Bond Place and do not consent to the three-way land swap and UCA development then Council has no role to play.

If HT consent to UCA submitting a development application and endorse the three-way land swap it would be logical for Council to follow suit.

Given the primary role of HT as the main land owner, it is considered prudent to defer any decision to allow HT to make its own decision first.

### **Consultation:**

Consultation has occurred between Council's SMT, Councillors, Centacare Evolve, UCT, MONA and Housing Tasmania.

### **Risk Implications:**

Supporting UCA may result in Mona reducing their presence in the Gagebrook community and vice-versa.

### **Financial Implications:**

The financial implications will be minimal, with each party merely responsible for their own procedural costs. Details have not been determined as yet, but it has been made clear to UCT that council would expect their Tottenham Road site to be "made good" before accepting ownership.

### **Options:**

1. As per the recommendation.
2. Support Mona to remain at Bond Place and not provide consent for UCA to lodge a DA and not sign the Heads of Agreement for the three-way land swap.
3. Support the UCA proposal to develop Bond Place and do the following:
  - provide landowner consent for UCA to lodge a Development Application.
  - endorse the Heads of Agreement for the Three-way Land Swap for signing by all parties (Attachment F).
  - begin the sale of public land process for the portion of Cris Fitzpatrick Park indicated on Attachment A as required by s.178 of the *Local Government Act 1993*.
  - work with Mona to relocate their Bond Place facility to Council owned land.

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### **RECOMMENDATION:**

That Council defer their decision until Housing Tasmania formally advise their position.

**DECISION:**

*Cr Gray moved, Cr Curran seconded that Council defer their decision until Housing Tasmania formally advise their position and that Council support Uniting Church and Mona and their ongoing presence in the Gagebrook community.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**11.3 CODE OF CONDUCT POLICY:**

**AUTHOR:** Governance Manager  
(Mrs J Banks)

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**Background:**

Under the *Local Government Amendment (Code of Conduct) Act 2015*, Council are required to adopt the Model Code of Conduct as prescribed by the Director of Local Government.

Council's Code of Conduct Policy was adopted in June 2016.

The Code was recently reviewed. The *Local Government (Model Code of Conduct) Amendment Order 2018* (the Order) was signed by the Minister for Local Government on 7 December 2018 and came into effect when Gazetted on 26 December 2018.

Under section 28T of the *Local Government Act 1993* (the Act), councils must adopt the amended Model Code within three months of the Order taking effect. The deadline for adopting the amended Model Code is 26<sup>th</sup> March 2019.

**Consultation:**

General Manager and Governance Manager.

**Risk Implications:**

Nil.

**Financial Implications:**

Nil.

**Other Issues:**

N/A

**Assessment:**

The deadline for adopting the amended Model Code is 26 March 2019. Council's previous Model Code will continue to apply until Council resolves to adopt the new amended Model Code.

**Options:**

1. As per the recommendation.
2. That Council not adopt the Code of Conduct.

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**RECOMMENDATION:**

That Council adopt updated Policy 2.4 – Councillors Code of Conduct; and

A copy be forwarded to the Director of Local Government and be made available free of charge to the public and uploaded to Council's website in accordance with the Act.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

*Cr Jeffries moved, Cr Curran seconded that Council resolve into Closed Council.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	

Cr Murtagh  
Cr Owen  
Cr Whelan

**12. CLOSED MEETING:**

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

*This matter was considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(c)*

**12.1 REQUEST FOR RATE RELIEF, PLANNING FEE REIMBURSEMENT AND LANDSCAPING CONTRIBUTION FOR PROPOSED DEVELOPMENT:**

*Cr Curran moved, Cr Jeffries seconded that Council resolve out of Closed Council and the recommendation made while in Closed Council be ratified.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**13. QUESTION ON NOTICE:**

*There were no questions on notice.*

The meeting closed 6.55pm

Confirmed: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_  
19<sup>th</sup> March 2019