



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30 P.M. ON TUESDAY,
18th FEBRUARY 2020**

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

IN ATTENDANCE: Mr Ron Sanderson (General Manager), Mr G Davoren (Deputy General Manager); Mr J Dryburgh (Chief Operations Officer); Mr H Macpherson (Municipal Engineer); Mrs J Banks (Governance Manager) and Mr D Allingham (Manager Development).

1. ACKNOWLEDGEMENT OF COUNTRY:

2. CONFIRMATION OF MINUTES:

- 2.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21st JANUARY 2020:

Cr Gray moved, Cr Whelan seconded that the Minutes of the Ordinary Council Meeting of 21st January 2020 be confirmed as amended i.e. Item 5.1.

CARRIED

VOTING RECORD

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

2.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 11TH FEBRUARY 2020:

Cr Garlick moved, Cr Whelan seconded that the Minutes of the Finance Committee Meeting of 11th February 2020 be confirmed.

CARRIED

VOTING RECORD

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

2.3 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 11TH FEBRUARY 2020:

Cr Geard moved, Cr Whelan seconded that the Minutes of the Planning Authority of 11th February 2020 be confirmed.

CARRIED

VOTING RECORD

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

3. APPLICATIONS FOR LEAVE OF ABSENCE:

- Mayor Tony Foster had requested leave of absence.

Cr Garlick moved, Cr Geard seconded that Cr Foster be granted leave of absence.

CARRIED

VOTING RECORD

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

4. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Scott Wade and Sachie Yasuda of Grass Roots Community Development addressed Council in relation to Item 12.6.
- Sonya Williams, Council's Project Officer for Brighton Care Collective addressed Council on this network funded through Primary Health Tasmania and Item 14.1 under Questions on Notice.

5. DECLARATION OF INTEREST:

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

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

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

There were no declarations of interest.

6. REPORTS FROM COUNCILLORS:

6.1 ACTING MAYOR'S COMMUNICATIONS:

AUTHOR: Acting Mayor
(Cr B Curran)

The Acting Mayor's communications were as follows:-

28th January Meeting with General Manager and Governance Manager.

3rd February Southern Central Sub-Region (SCS) Meeting.

11th February Council Workshop to scope review of Brighton Community News.

Finance Committee Meeting.

Planning Authority Meeting.

13th February Meeting to discuss the issue of homelessness in Greater Hobart.

RECOMMENDATION:

That the Acting Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Geard advised that a debrief on the opening of the Evacuation Centre was recently held with staff and there is an Emergency Management meeting scheduled for March.

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

CARRIED

VOTING RECORD

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

6.2 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.

7. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that a workshop was held at 4.30pm on the 11th February 2020, to discuss a review of the Brighton Community News. Councillors in attendance were:- Acting Mayor Curran, Cr Garlick, Cr Geard, Cr Jeffries, Cr Murtagh and Cr Whelan.

8. NOTICE OF MOTION:

8.1 NOTICE OF MOTION – CR MURTAGH – RATE OF NEWSTART ALLOWANCE:

Cr Murtagh had requested the following Notice of Motion:

Brighton Council recognises the low rate of the Newstart Allowance is contributing to an increase of poverty, poor health and homelessness for recipients within our municipality. Brighton Council publicly advocate in writing to the relevant federal ministers that the Newstart rate (\$559.00pfn) be increased to the level of the Henderson Poverty Line (\$858.80pfn)

Reason:

Newstart Allowance provides financial assistance if you are looking for work. It also supports you if you have a longer term illness or injury and cannot get a Disability Support Pension.

According to data from the Department of Human Services One in four of people on Newstart Allowance has a significant disability including physical disabilities affecting their limbs, shoulders and upper arms, spine and another muscular-skeletal disorders, depression, psychiatric/psychological disorders, anxiety, hypertension and circulatory system problems.

Australian Council of Social Service survey of 600 Newstart recipients in 2015 reported:

- 40% are unable to pay their bills on time or see a dentist;
- 50% are unable to raise \$2,000 in the event of an emergency;

- 50% are turning off heating and cooling to save money;
- 32% skipped meals in the previous year;
- 25% are suffering from “housing crisis” – spending more than half their income on rent; and
- 20% do not have enough money for essentials like housing, food and electricity.

The minimum rate of Newstart Allowance for a single person is \$559.00 per fortnight or \$279.50 per week which is \$39.92 per day.

If you're	Your maximum fortnightly payment is
Single, no children	\$559.00
Single, with a dependent child or children	\$604.70
Single, aged 60 or over, after 9 continuous months on payment	\$604.70
Partnered	\$504.70 each
Single principal carer granted an exemption from commitments for any of the following: <ul style="list-style-type: none"> • foster caring • non-parent relative caring under a court order • home schooling • distance education • large family 	\$780.70

Newstart Allowance is not enough to cover the rising costs of living which is contributing to poor health, homelessness, risk of homelessness and poverty for the Newstart recipients who live in our municipality.

It is not enough to cover the cost of rent and even with the recipient receiving Rent Assistance this is still not enough.

Household crowding is becoming increasingly popular for those who cannot afford to rent a home of their own. This may be a better alternative than being homeless but it does not come without posing an increase to the risk of lower respiratory infections, meningococcal, Haemophilus influenzae(Hib)disease, Hepatitis A, Helicobacter pylori infection and tuberculosis.

Severe crowding is classified as homelessness by the Australian Bureau of Statistics and the proportion of Australians living in crowded dwellings has increased by more than 50 per cent between 2001 and 2016.

Many residents are having to make choices in the winter months between heating and eating. If they choose to heat instead of eat they risk an imbalanced diet and becoming ill by not receiving enough specific nutrients to maintain a healthy immune system and fight off illnesses. Poor nutrition contributes to stress, tiredness, capacity to work, depression, obesity, high blood pressure, tooth decay, high cholesterol, heart disease, stroke, diabetes, eating disorders.

If they choose to eat instead of heat in the winter months they risk becoming ill with respiratory infections (Bronchitis, Bronchiolitis, pneumonia). Respiratory infections such as flu can make people more prone to heart attacks and stroke, diseases of the circulatory system, pneumonia & influenza.

Some residents have reported waiting up to 3 weeks to see a doctor and if medication is required the pharmaceutical allowance of \$6.20 per fortnight is not an adequate amount to cover the cost of a single person's multiple prescriptions or a couple's individual prescriptions let alone a family.

When grocery shopping nutrition often does not enter the mind of a Newstart recipient, however cost does. If the person is able to buy processed foods at a lesser price that will feed them and/or their family for the next 14 days they will invest in processed unhealthy food instead of skipping meals. Fruit & vegetables, gluten & lactose free, artificial colouring & preservative free, unprocessed and sugar free are expensive and unaffordable for many Newstart recipients.

Many Newstart recipients are employed, however they rely on Income Support Payments to supplement their wages due to their wages not being adequate enough to cover the rising costs of living. Newstart recipients must engage with employment agencies and undertake a Job seeker plan which often includes appointments with employment and third party agencies, looking for and applying for multiple jobs per fortnight along with 30 hours of approved work/training/study.

If the recipient fails to meet these requirements their Newstart is automatically cut off, those who cannot take time off work to attend appointments made by employment agencies are sometimes cut off from their Newstart payment which affects them not only financially but mentally and emotionally.

Newstart parents of children on part-time timetables are also affected. If the parents' mutual obligations &/or working hours clash with the part-time timetable the children are often left at home without any supervision or guidance leading some children returning to school wanting to be with their friends which sometimes results in suspension for the child and a re-entry meeting with the child and parent/s.

Some of these part-time students hang out in public spaces which for some has led to them getting in trouble with the law and sometimes ending up on youth intervention programs and parents notified to Child Safety Services.

Not all parents cannot afford adequate child care on Newstart & if they do not abide by the job seeker plan they are cut off Newstart unable to pay their bills, buy their groceries and care for their children leaving them under great emotional, mental and financial stress.

Raising the rate of Newstart is a Federal Government issue and we as Councillors do not have the power to increase the rate of Newstart Allowance but what we do have is knowledge of the effects the low rate Newstart Allowance is having on recipients in our municipality and the ability to advocate on behalf of our residents receiving Newstart Allowance.

Management Response:

Whilst the issue is technically the realm of the federal government, Council does have a role to play in lobbying other tiers of government on behalf of its community. Indeed, Brighton has a history of making a stand on state or federal issues when it has considered them to have a major effect on its community – Council’s vocal support of pokies reform being one such example.

Brighton is a community with particularly high rate of disadvantage, disability and unemployment and as such the rate of Newstart Allowance is especially relevant to our community. The links between financial poverty and many other issues affecting our community such as physical and mental health, crime, domestic violence, and indeed unemployment are well documented.

DECISION:

Cr Murtagh moved, Cr Jeffries seconded that:-

- Brighton Council recognises the low rate of the Newstart Allowance is contributing to an increase of poverty, poor health and homelessness for recipients within our municipality.*
- Brighton Council publicly advocate in writing to all State and Federal ministers that the Newstart rate be increased.*
- A Motion to be forwarded to LGAT for their General Meeting in March*

CARRIED

VOTING RECORD

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

8.2 NOTICE OF MOTION – CR OWEN – MAKING DECISION PUBLIC ITEM 12.1 ORDINARY COUNCIL MEETING 21/1/2020:

Cr Owen had requested the following Notice of Motion:

Motion:

That Cr Whelan's motion and Council's decision in respect to item 12.1 of Ordinary Council Meeting on 21 January 2020 be made public.

Discussion:

Considering the Minute in question and sub-regulation 15(9) of the Local Government (Meeting Procedures) Regulations 2015 that states:

"Subject to the Right to Information Act 2009, any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee, after considering privacy and confidentiality issues, authorises their release to the public"

A deal of public interest had been generated prior 21 January 2020 and I have received numerous requests as to the nature and outcome of Item 12.1 on that agenda. Speculation in some cases is interestingly accurate and others wide of the mark. In stating I am unable to comment, enquirers believe I am not being open and transparent. It is my contention that the matter is sufficiently in the public/ratepayers' interest, in no way damaging and should be made public.

Management Response:

If Council is in agreement with this decision, Councillors may communicate the specific decision relating to this item that was made in 'closed session'.

DECISION:

This item was discussed in Closed Council at Item 13.1

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

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

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

RECOMMENDATION:

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

DECISION:

General Manager advised that there were no supplementary agenda items.

10. REPORTS FROM COMMITTEES:

10.1 FINANCE COMMITTEE MEETING – 11/2/20

The recommendations of the Finance Committee Meeting of 11th February 2020, were submitted to Council for adoption.

DECISION:

Cr Garlick moved, Cr Whelan seconded that the recommendations of the Finance Committee meeting of 11th February 2020 be adopted.

CARRIED

VOTING RECORD

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

Cr Garlick moved, Cr Geard seconded that the Council meeting be adjourned for the Planning Authority.

CARRIED

VOTING RECORD

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

Cr Gray took the Chair.

11. 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 11 on this agenda, inclusive of any supplementary items.

11.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 - DA 2019/00252 – 620 MIDDLE TEA TREE ROAD, TEA TREE- INTENSIFICATION OF USE (INCREASED OPERATING HOURS)

Type of Report	Planning Authority – For Decision
Application No:	DA 2019/00252
Address:	620 Middle Tea Tree Road, Tea Tree
Proposal:	Intensification of Use (Increased Operating Hours)
Zone:	Significant Agriculture Zone
Representations:	One (1)
Discretions:	1. Changes to Existing Non-conforming Uses
Author:	Planning Officer (Patrick Carroll) Manager Development Services (David Allingham)

1. Executive Summary

- 1.1. Planning approval is sought for an Intensification of Use (Increased Operating Hours) at 620 Middle Tea Tree Road, Tea Tree (the 'site'). The site is known as 'Zoo Doo Fun Park' and is situated within the Significant Agriculture Zone of the *Brighton Interim Planning Scheme 2015* (the 'Interim Scheme').
- 1.2. The use (i.e. Tourist Operation) is classified as an existing use, and was approved under a former planning scheme. The application invokes discretion under the Special Provisions listed in Section 9.0 of the Interim Scheme.
- 1.3. One (1) representation was received within the statutory public advertising period.
- 1.4. The application is recommended for refusal.
- 1.5. Due to the receipt of a representation during the public advertising period, the final decision is delegated to the Planning Authority or by full Council acting as a Planning Authority.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2019/00252.
- 2.2. This determination must be made no later than 18 February 2020.
- 2.3. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (the 'Act'). The provisions of the Act require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.
- 2.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- 2.5. This report has been prepared with appropriate regard to the State Policies that apply under the *State Policies and Projects Act 1993*.
- 2.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

3. Risk & Implications

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority, unless the decision is appealed.
- 3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications.

4. Relevant Background

- 4.1. The original development application for Zoo Doo Fun Park was approved by Council in January 1999 under the *Brighton Section 46 Planning Scheme No 1 of 1992*. The use of 'Tourist Operation' was a discretionary use under the 1992 Planning Scheme.
- 4.2. Condition 13 of the original planning permit (DA 98/107) states:
Hours of operation are to be restricted to 9:00a.m – 5:00p.m. daily.

- 4.3. Under the both the current *Brighton Interim Planning Scheme 2015* and the superseded *Brighton Planning Scheme 2000*, the 'Tourist Operation' use is a prohibited use within the applicable zone. However, the site continues to legally operate under existing use rights and its 1999 planning permit (DA 98/107).

5. Site Detail

- 5.1. The subject site is a 30.94 hectare (ha) lot with existing access to Middle Tea Tree Road. The site is developed with a Tourist Operation use, being a zoo and/or wildlife park.
- 5.2. The site is within the Significant Agriculture Zone of the Interim Scheme, but adjoins residential uses.
- 5.3. Part of the site is impacted by the Waterway and Coastal Protection overlay, but the provisions of that code are not a relevant consideration when assessing this application.
- 5.4. The surrounding land is zoned Significant Agriculture and Environmental Living.



Figure 1. Aerial photography of the subject site.

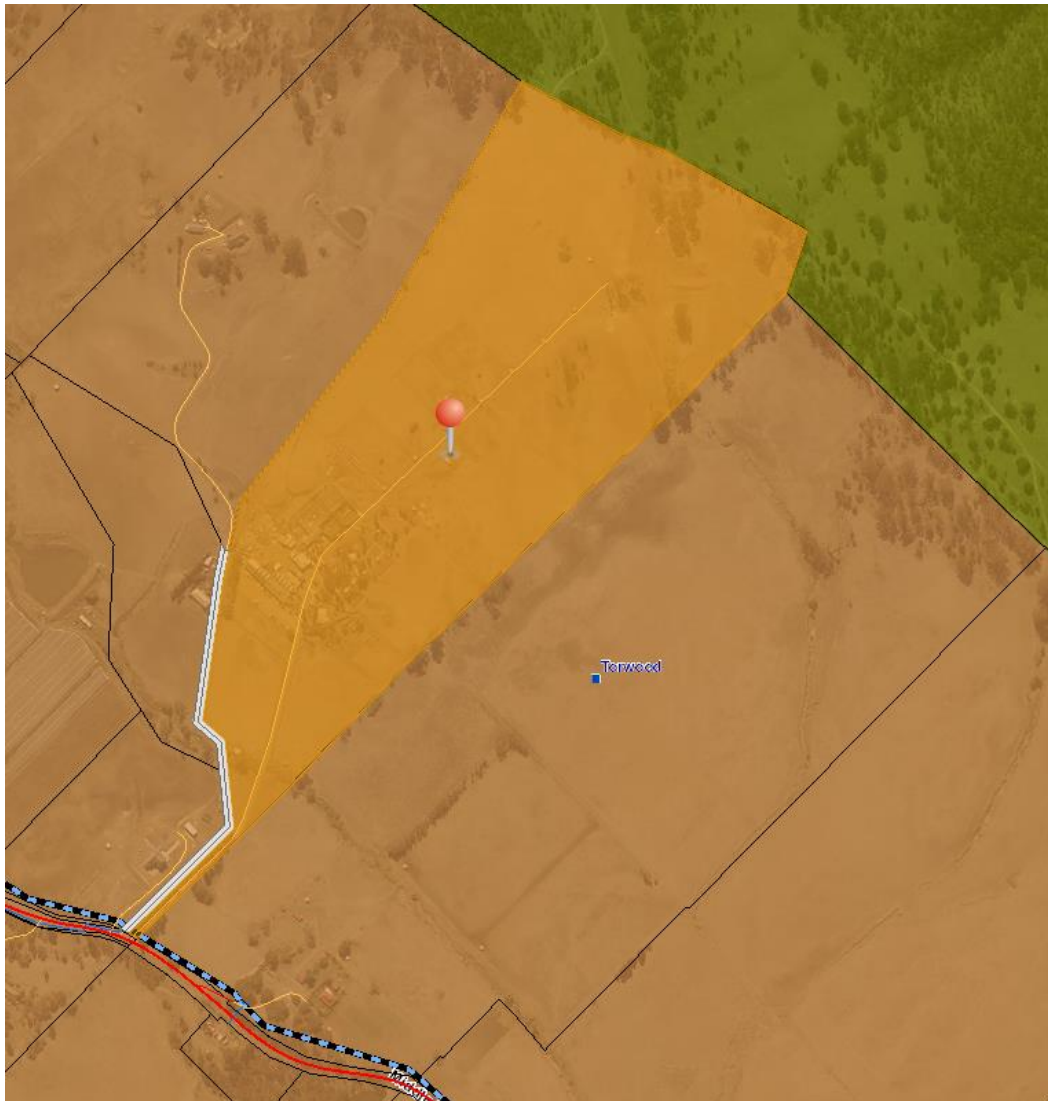


Figure 2. Zoning of the subject site and surrounds. Brown denotes the Significant Agriculture Zone.

6. Proposal

- 6.1. The applicant has proposed intensifying the existing use by increasing the operating hours of the Tourist Operation.
- 6.2. The applicant initially proposed to increase the operating hours from 9:00am - 5:00pm daily to 9:00am - 9:00pm Monday to Saturday. On Sunday, the existing hours would remain as existing.
- 6.3. The purpose of the increased hours would be to operate a “twilight zoo” from 21 December 2019 to 1 February 2020. From April 2020, nocturnal tours would operate. Numbers were not stipulated for either the twilight zoo or for the nocturnal tours.
- 6.4. The above details were stated in the documents that were publicly advertised.

- 6.5. However, the proposed intensification of use was further clarified by the applicant to Council on 14 January 2020. In an email to Council, the applicant states:

We have discussed our aims with the extended hours and while we would like to leave some flex to operate occasional after hours activities, the only planned activities at this point are;

Nocturnal tours operating in the darker months i.e May- September, selected nights per week by pre-booking. This would be for a small group tour of approximately 15 (maximum 20 participants). With families our main customer base, this is around an extra 5 cars. The nocturnal tours will be a quiet activity to view the animals without disturbance. The use of lighting and speakers etc will be extremely minimal and not noticed by neighbors.

Twilight Zoo activities will aim to be held during daylight savings months i.e October- April on select nights, primarily in school holidays but also occasional weekends, likely as pre-booked tickets. Participant attendance will be set at a maximum of 80 people (approximately 20 cars). From 5pm-9pm, noise will be kept to a minimum and our noisiest activity, Safari bus tours will not operate. Instead quieter activities such as small group walking tours.

Both of these activities are commonly operated at most zoo's and wildlife parks. These activities will create additional employment opportunities in Tea tree, in addition to our existing 28 staff.

I can assure you that Zoodoo will be mindful not to disturb the peaceful lifestyle of our neighbors and hope that council are able to see the positive affects the extended hours will have on business growth, tourism industry diversity and employment opportunities.

- 6.6. The item was listed for consideration at the January Ordinary Council Meeting, which was held on 21 January 2020. On the day of the meeting, the applicant requested that the application be deferred so additional information could be provided to Council.

- 6.7. On 4 February 2020, the applicant again provided a revised scope of the proposal. In an email to Council, the applicant stated:

- The activity would be limited to 4 days per week (no Sundays)
- A 'twilight zoo' will operate from October to April, providing visitors with an alternative experience of the zoo in a guided walking tour. Attendees would be capped at 30 people.
- A 'Park in the Dark' experience will operate from May to September, providing visitors with education and appreciation of Tasmania's nocturnal species, in a private walking tour.
- Attendance for both experiences would be pre-booked.

- The applicant has requested a 12-month trial of these experiences.
- From 5pm, lighting will be kept to a minimum. No amplified speakers will be used, nor will any vehicles be operated, such as the safari bus.

7. Assessment

- 7.1. The *Brighton Interim Planning Scheme 2015* is a performance-based planning scheme.
- 7.2. To meet an applicable standard, a proposal must demonstrate compliance with either an Acceptable Solution or a Performance Criterion. Where a proposal complies with a standard by relying on one or more Performance Criteria, the Council may approve or refuse the proposal on that basis. The ability to refuse the proposal relates only to the Performance Criteria relied upon.

8. Assessment against planning scheme provisions

- 8.1. The following provisions are relevant to the assessment of the proposed use and development:
- Part C – Section 9.0 – Special Provisions
 - Part D – Section 27.0 – Significant Agricultural Zone
- 8.2. The following discretions are invoked by the proposal:
- Section 9.1 – Changes to an Existing Non-Conforming Use

8.3 Discretion 1 – Changes to Existing Non-Conforming Use

- 8.3.1 The existing use of the site is 'Tourist Operation', which is defined as:
- Use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitors centre, wildlife park and zoo.*
- 8.3.2 Tourist Operation is a discretionary use within the Significant Agricultural Zone, only if it is associated with agricultural use on the property.
- 8.3.3 No agricultural use exists on the property, nor is one proposed. As such, the use is prohibited under the Zone provisions. However, as stated above, despite the use being prohibited under the *Brighton Interim Planning Scheme 2015* (as well as the former *Brighton Planning Scheme 2000*), the use is legally operating under existing use rights and the terms of the original planning permit, issued under the *Brighton Section 46 Planning Scheme No 1 of 1992* (Planning Permit DA 98/107). The 'Tourist Operation' use is therefore considered to be an existing non-conforming use.

8.3.4 The applicant has proposed an Intensification of Use to an existing non-conforming use.

8.3.5 The application must be assessed against the Special Provisions found in Part C, Section 9.0 of the Interim Scheme.

8.3.6 Section 7.1.1 of the Interim Scheme sets out the operation of the Interim Scheme. It states:

Part C sets out provisions, for certain types of use or development, that are not specific to any zone, specific area plan, or area to which a code applies.

8.3.7 Section 7.1.2 of the Interim Scheme continues:

Where there is a conflict between a provision in a zone, specific area plan or code and a special provision in Part C, the special provision in Part C prevails.

8.3.8 As such, the Special Provisions in Section 9.0 of the Interim Scheme override any other provision within the Interim Scheme if there is conflict between the provisions.

8.3.9 Section 9.1 of the Interim Scheme applies directly to changes to existing non-conforming uses. It states:

Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

(a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or

(b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or

(c) for a minor development to a non-conforming use,

where there is –

(a) no detrimental impact on adjoining uses; or

(b) the amenity of the locality; and

(c) no substantial intensification of the use of any land, building or work.

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

- 8.3.10 The applicant is not proposing to bring the existing use of the land into greater conformity with the scheme, nor are they proposing to either transfer the use from one part of the site to another, nor are they proposing a minor development at the site. As such, those elements of Section 9.1 do not apply to this application.
- 8.3.11 Similarly, the applicant is not proposing to extend the use from one part of the site to another.
- 8.3.12 The applicant is proposing to extend the existing non-conforming use, by increasing the operating hours, as described in the applicant's correspondence to Council dated 4 February 2020 and in Section 6 of this report. After 5:00pm, the maximum number of visitors proposed at the site is limited to 30 persons. This would be on a 12-month trial only.
- 8.3.13 However, in order for the Planning Authority to approve such an extension to the operating hours, it must be satisfied that there is no detrimental impact on adjoining uses or the amenity of the locality. Further, the Planning Authority must also agree that there is no substantial intensification of the use of any land, building or work.
- 8.3.14 The Planning Authority may have regard to the purpose of the Significant Agricultural Zone, which is provided for in Section 27.1.1 of the Interim Scheme. It states:
- 27.1.1.1 To provide for the use or development of land for higher productivity value agriculture dependent on soil as a growth medium.*
- 27.1.1.2 To protect the most productive agricultural land and ensure that non-agricultural use or development does not adversely affect the use or development of that land for agriculture.*
- 27.1.1.3 To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- 27.1.1.4 To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.*
- 27.1.1.5 To protect regionally significant areas of significant agricultural land identified in the Regional Land Use Strategy, including areas subject to existing or proposed irrigation schemes, from conversion to non-agricultural use.*
- 27.1.1.6 To protect areas used for reuse water irrigation.*

27.1.1.7 *To ensure that new residential use is only established where necessary to facilitate the management of the land for agricultural purposes and does not fetter existing or potential agricultural use on other land.*

- 8.3.15 The proposed intensification of use does not further the Zone Purpose Statements for the Significant Agricultural Zone.
- 8.3.16 There are no Local Area Objectives or Desired Future Character Statements within the Significant Agricultural Zone of the Interim Scheme.
- 8.3.17 It is considered that approving an extension to the operating hours has the potential to create a detrimental impact on adjoining properties, which include residential uses. This potential impact would largely be created through visitation to the site by up to 30 guests out of ordinary business hours, creating a potential for environmental nuisance, generated broadly by noise impacts and vehicle movements of the guests.
- 8.3.18 By having a Tourist Operation operate out of ordinary business hours in such close proximity to residential uses, the potential for adjoining residential uses to use areas of private open space (such as for outdoor dining or recreation purposes) or even areas of the dwelling in the evening without encroachment from the non-conforming Tourist Operation use is further diminished, creating a detrimental impact to those adjoining residences.
- 8.3.19 The impacts from the increased operating hours on the wider locality that surrounds the site are not considered to be significant.
- 8.3.20 Finally, the existing use is approved to operate from 9:00am – 5:00pm, 7 days per week, or 56 hours per week. By increasing the operating hours by 4 hours per day for up to 4 days of the week, this represents a total operational period of 72 hours per week, or a 28.6% increase in operating hours from what is currently approved. If Council permits the proposed intensification of use, it is considered that the use of the land at 620 Middle Tea Tree Road is being substantially intensified.
- 8.3.21 It is the Officer's opinion that, based on the information provided to Council as part of the development application, the proposed increase in operating hours does not satisfy the tests stipulated in the Special Provisions for Changes to Existing Non-conforming Uses, as found in Section 9.1 of the Interim Scheme. As such, Council should refuse the application to increase the existing operating hours of the Tourist Operation use at 620 Middle Tea Tree Road, Tea Tree.

9. Referrals

9.1. Environmental Health

The application was referred to the Council’s Senior Environmental Health Officer (SEHO), who provided comment on the proposed intensification of use and potential amenity impacts to the surrounding area.

The SEHO’s opinion is that the proposed intensification of use has the potential to create an environmental nuisance, and impact upon the amenity of surrounding uses.

10. Concerns raised by representors

10.1. The application was advertised in accordance with the statutory requirements of the *Land Use Planning and Approvals Act 1993*.

10.2. One (1) representation was received during the statutory public advertising period. The concerns of the representor are summarised below:

<i>Concerns of Representor</i>	<i>Planning Response</i>
Not enough information on how ‘low noise’ and low visitation will be managed and regulated.	The proposed intensification of use was clarified by the applicant. See correspondence from the applicant dated 4 February 2020 and referenced in Section 6.7 of this report.
Currently during the day a loud speaker/amplifier is used on the safari bus that traverses the site, and can be heard at the our property. We do not agree to the extended hours if the amplifier is used. We have the right to enjoy peace and quiet in the evening, and we have tolerated the use during the day for an 8 hour period, but the evenings are a time that we like to wind down and share our outdoor areas with friends and family.	The proposed intensification of use has since been clarified by the applicant. Refer to correspondence dated 4 February 2020 and Section 6.7 of this report for revised proposal. The applicant has stated that amplified speakers and the safari bus will not be used after ordinary business hours (i.e. 5pm).
More information needs to be supplied in respect to exact dates and times, and stipulate the activities that will be carried out, including what vehicles will be used.	The proposed intensification of use was clarified by the applicant. See correspondence from the applicant dated 4 February 2020 and referenced in Section 6.7 of this report.

	<p>The safari bus will not operated after ordinary business hours (i.e. 5pm)</p>
<p>We are not totally opposed to the extension of hours, however we would be impacted if some restrictions were not placed on the hours of extension. We request that the Council do further enquiry with the application and seek more details on their intended activities and how they will be conducted, perhaps discussions with others including ourselves to come to a mutual agreeance on dates/times and noise abeyance before approval is granted.</p>	<p>Following the closure of the public exhibition period, Council contacted both the representor and the applicant to further clarify the scope of the proposed intensification of use.</p> <p>The applicant provided a clarified scope of proposal on 4 February 2020, as detailed in Section 6.7 of this report.</p> <p>The representor provided an addendum to their representation on 12 February 2020, as detailed in Section 10.3 of this report.</p>

- 10.3. It should be noted by Council that the representor was contacted by Planning staff on 12 February 2020 to outline the extent of the revised proposal, as submitted by the applicant on 4 February 2020. The representor subsequently provided an addendum to their representation the same day, stating:

<i>Concerns of Representor</i>	<i>Planning Response</i>
<p>If the hours are extended past 5 to 9pm I would assume this would be advertised and if the place is "Open" how will they control the numbers, as people will just arrive and expect to enter?</p>	<p>It is assumed that the extended opening hours would be advertised. However, the applicant has stated that the extended hours would be for pre-booked tour groups only, which would leave at dedicated times.</p>
<p>Saying this is a twilight zoo is somewhat misleading, as the months from October to end of March is daylight savings time and there is not much Twilight until 8.30 - 9.00pm. It seems to us that this is just an extension of their normal business hours, and not really offering anything than a normal visit that could be done at the existing times.</p>	<p>Noted.</p>

<p>My concern is the cars arriving at ZooDoo in the dark. On a daily basis, "Lost " tourists are redirected that end up at adjoining properties because the driveways are so close together.</p> <p>If they can't read the direction signs during the day, how many cars are going to end up at these adjoining properties late at night??</p> <p>This is a country road and not lit up - this would be very off putting for those residents, to have to deal with people arriving at those properties in the dark seeking directions.</p> <p>This is a current disturbance to the enjoyment of privacy and the extensions of hours would escalate this, regardless of numbers being capped so now knowing the full details we are not in support of this at this time.</p>	<p>The concerns of the representor are noted.</p>
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11. Conclusion

- 11.1. The proposal is for an Intensification of Use (Increased Operating Hours) for an existing Tourist Operation use in the Significant Agricultural Zone at 620 Middle Tea Tree Road, Tea Tree.
- 11.2. The key issues are the potential detrimental impact that the increased operating hours may have on adjoining residential uses, as well as the substantial intensification of the use of the site.
- 11.3. The existing use is a non-conforming use under the *Brighton Interim Planning Scheme 2015*, and the application is being considered under the Special Provisions of the Interim Scheme.
- 11.4. The proposal is not considered to satisfy the requirements of the relevant Special Provision the *Brighton Interim Planning Scheme 2015*, and as such, is recommended for refusal.

RECOMMENDATION:

That pursuant to the *Brighton Interim Planning Scheme 2015*, Council refuse application DA 2019/00252 for the proposed Intensification of Use (Increased Operating Hours) in the Significant Agricultural Zone at 620 Middle Tea Tree Road, Tea Tree for the following reasons:

1. The proposed Intensification of Use (Increased Operating Hours) does not satisfy the requirements of Section 9.1 of the *Brighton Interim Planning Scheme 2015*, as the proposed intensification of use:
 - a. Has the potential to create a detrimental impact on adjoining uses through environmental nuisance; and
 - b. The proposed increased operating hours are a substantial intensification of the existing Tourist Operation use.

DECISION:

Cr Owen moved, Cr Geard seconded that in accordance with Division 2 of Part 4 section 57 of the Land Use Planning and Approvals Act 1993, the Brighton Council (Planning Authority) grants a permit for the following discretionary application –

To: D L Cuttriss

Of: 620 Middle Tea Tree Road, TEA TREE TAS 7017

For land described as:

620 Middle Tea Tree Road, Tea Tree

Certificate of Title Volume 12952 Folio 3

THIS PERMIT ALLOWS FOR:

The land to be used as *Tourist Operation* and developed by *Intensification of Use (Increased Operating Hours)* and ancillary site works in accordance with the information and particulars set out in the development application and the endorsed drawings.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Hours of Operation

- (3) Prior to the commencement of the use, a schedule, nominating the days of the week the extended operating hours apply to, must be submitted to and approved by Council’s Manager Development Services. The extended operating hours:
 - a) Are limited to four (4) days of the week only; and
 - b) Will not be approved for Sundays and State-Wide public holidays.

Once approved, the schedule shall form part of this permit and must be adhered to.

- (4) The use must only operate between the following hours, unless otherwise approved by Council’s Manager Development Services:

- Those days approved under Condition 3 9:00 a.m. to 9:00 p.m.
- All other days 9:00 a.m. to 5:00 p.m.

Advice: The hours of operation referred to in conditions 3 and 4 mean the hours during which customers are on the premises. Such hours do not include those during which time the proprietors remain on the premises for the purpose of cleaning up and perhaps preparing for the next day’s operations. Put another way the “hours of operation” are to the hours during which the business is open to the public.

Use

- (5) The intensified use is approved on a trial period until 18 February 2021, or until a date otherwise approved by Council’s Manager Development Services. After this time, the intensified use must cease immediately, and the hours of operation will revert to those approved under Condition 13 of Planning Permit DA 98/107.

Advice: Following the conclusion of the trial period, should the applicant wish for the extended operating hours to continue, the applicant will be required to lodge a fresh Development Application with Brighton Council, and obtain separate planning approval.

- (6) Council’s General Manager reserves the right to terminate the 12-month trial period, referred to in Condition 5 of this permit, at any point with fourteen (14) days’ notice. Notice must be provided in writing.

Tours

- (7) Entry to the park after 5pm must be for pre-booked tour groups only.
- (8) General park entry must cease at 5:00pm, with all patrons required to leave the park at that time.
- (9) Only one tour group is approved per evening.
- (10) Tours are to depart at pre-determined times, and as part of a dedicated tour group around the site.
- (11) All tours must cease by 8:45pm, with all patrons departed from the site by 9:00pm.
- (12) The tours are limited to the following patron numbers, unless otherwise approved by Council’s Manager Development Services:

- October to April 30 patrons
- May to September 20 patrons

- (13) No vehicles are to be used to transport tour groups around the site after 5:00pm.

- (14) No amplified speakers are to be used after 5:00pm.

- (15) With the exception of security lighting and car park lighting, no external lighting is to be used after 5:00pm.

Amenity and Patron Management Plan

- (16) Prior to the commencement of the use, an amenity and patron management plan must be submitted to and approved by Council's Manager Development Services. When approved, the plan will form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
 - b) signage to be used to encourage responsible off-site patron behaviour
 - c) the training of staff in the management of patron behaviour
 - d) staff communication arrangements
 - e) measures to control noise emissions from the premises

Parking and Access

- (17) Prior to the commencement of the use approved under this permit, Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.
- (18) Lighting for the car parking areas must be baffled to ensure that there is no emission of light onto adjoining land.
- (19) Landscaping extending the western boundary of the car park must be retained.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- C. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	

Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

The Ordinary Council meeting resumed.

12. REPORTS FROM OFFICERS:

12.1 TENDER FOR SERVICES:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

At the January council meeting Cr Owen put forward a motion that all goods and services required for Council be advertised and go to tender.

His motion was very general in prescribing the all goods and services be put to tender. When questioned about which items he was most concerned about, Cr Owen said legal, communication and planning services.

The author advised that he would address this in the February council meeting.

Consultation:

SMT

Risk Implications:

None identified

Financial/Budget Implications:

This would test the marketplace with potential savings in cost of services provided.

Strategic Plan:

Goal 4 - Ensure a Stable Organisation

S4.1 Ensure Financial & Risk Sustainability

S4.2 Be well-governed

Social Implications:

Expanding the Council's tender process to include these services would demonstrate transparency and fairness in the provision of council services.

Environmental or Climate Change Implications:

None.

Economic Implications:

Potential benefits from increased commercial competition.

Other Issues:

Many professional services have been in place for many years without testing the market.

Assessment:

For many years Council has conducted annual tenders for plant and materials:

Registration of Machinery:

- Plant and equipment
- Reserves maintenance
- Contractor services

Registration of Materials:

- One sized aggregate
- Crushed rock
- Natural road sheeting gravel

Several councils, the LGAT and the state government do tender for services in establishing a “panel” of specific services.

In response to Cr Owen’s request, council staff will include the provision of legal, communications and planning services with its tender for plant and materials this financial year.

Options:

1. As per the recommendation.
2. Do nothing

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Murtagh
Cr Owen
Cr Whelan

12.2 VIDEO AND AUDIO RECORDING OF COUNCIL MEETINGS:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

Cr. Whelan requested a Notice of Motion "That in accordance with Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, and as from the 18th February 2020, all meetings held by Council be video and audio recorded to ensure all Councillors commit to the overarching principles of good governance and to ensure that a true and accurate record of debate and discussion is available to members of the public.

A policy for video and audio recording of meetings shall be drafted and returned to Council for adoption at the Council Meeting on 21st January 2020.

The policy shall include all Ordinary Council Meetings, all Closed Council Meetings, all Planning Authority Meetings, all Council Committee Meetings, all Annual General Meetings, any additional meetings held by Councillors or with Councillors in attendance and all meetings of Microwise Australia Pty Ltd.

The video and audio recordings of all Ordinary Council Meetings, all Planning Authority Meetings, all Council Committee Meetings, all Annual General Meetings and any additional meetings held by Councillors or with Councillors in attendance are to be made available to members of the public within 48hrs of the meeting time.

The video and audio recordings of Closed Council Meetings shall only be made available to Councillors and the General Manager unless otherwise approved by the General Manager.

The video and audio recordings of Microwise Australia Pty Ltd shall only be made available to Councillors, the General Manager and the Board Members of Microwise Australia Pty Ltd unless otherwise approved by the General Manager. The video and audio recordings are to be permanently retained by Council."

Council supported a preference that the concept should be costed first to make a more informed decision.

A new motion was supported unanimously that "Council staff to investigate and provide costings".

Consultation:

IT staff.

Risk Implications:

Some Councils have argued that that recording Council meetings stifles open debate and selected clips can be used on social media to bully members of Council. Others argue that having access to the complete recording limits selective publishing.

One Council resolved to no longer record after a code of conduct complaint was made against the whole Council. One may argue that this is exactly why meetings should be recorded.

Financial/Budget Implications:

There is currently no budget allocation for the purchase of video and audio equipment for facilitating the video audio recording of Council Meetings.

Indicative quotes identify an amount in the vicinity of \$20,000 would need to be allocated in the 2020-21 budget for the purchase and implementation of the recording equipment. Ongoing costs have yet to be identified.

Strategic Plan:

Not Applicable

Social Implications:

Not Applicable

Environmental or Climate Change Implications:

Not Applicable

Economic Implications:

Not Applicable

Issues:

Nil

Assessment:

There are many benefits associated with having Council meetings recorded, including Council being more readily accessible, possible historic interest and to provide accurate confirmation of the minutes.

However, Council will need to consider if this is indeed the most beneficial option to spend \$20,000 + on-going costs of ratepayers' funds. Typically, there has been an extremely low uptake of viewings in other Council areas where these solutions have been implemented, so it may be difficult to justify the initial capital outlay and ongoing operational costs associated. Some Councils identified an average of as little as just 3 viewings per recording per 1000 head of population over a 5-year period.

Whatever Council's decision, it is always preferable unless due to urgency, that all expenditure is considered as part of the budgetary process so that expenditure items can be prioritised to maximise the community benefit from ratepayers' funds.

If Council adopts the option to record Council meetings, then a suitable policy will be provided to Council prior to implementation for Council to approve guidelines relating to the recording of meetings and a method to inform stakeholders of the changed procedures.

Options:

1. As per the recommendation.
2. To not proceed to video and audio record Council meetings at this stage.
3. To approve an unbudgeted amount up to \$20,000 from cash reserves to proceed with video and audio recording of Council meetings and for staff to develop a policy to provide guidelines for Council adoption prior to implementation.

RECOMMENDATION:

Consider an expenditure for the capex and installation of video and audio equipment for the recording of Council meetings as part of the next budgetary process.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries
Cr Owen

Against

Cr Murtagh (abstained)
Cr Whelan

12.3 MICROWISE AUSTRALIA P/L BOARD CHARTER:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Microwise Board Charter is a document that clearly sets out the respective roles, responsibilities and authorities of the board of directors (both individually and collectively) and management in setting the direction, the management and the control of Microwise. Organisations striving for best practice in board leadership, effectiveness and governance will have in place a Board Charter that all board members understand and formally commit. The Board Charter also defines the relationship and expectations of the board by the owners being Brighton Council.

The Microwise Board have recently adopted the Board Charter to be amended or endorsed by Council.

Consultation:

Microwise board members.

Risk Implications:

The Board Charter will provide greater direction from Council to the Board.

Financial/Budget Implications:

Nil

Strategic Plan:

Not Applicable

Social Implications:

Not Applicable

Environmental or Climate Change Implications:

Not Applicable

Economic Implications:

Not Applicable

Issues:

Nil

Assessment:

The benefits of endorsing a Microwise Board Charter are self-evident, however a Board Charter serves a number of important functions and are worth noting, including:

- Documenting the policies that the board has decided upon to meet its governance, leadership, social and compliance responsibilities;

- Providing a useful induction tool for new directors and senior managers;
- Providing a reference point for disputes;
- Removing individual interpretation from the decision-making process;
- Providing a forum and framework to discuss “difficult” governance issues; and
- Creating a framework to review individual and collective performance and to clarify roles and responsibilities of both the board and management.

Options:

1. As per the recommendation.
2. Amend the Microwise Board Charter as appropriate.
3. Do not endorse the Microwise Board Charter

RECOMMENDATION:

Endorse the Microwise Board Charter.

DECISION:

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

CARRIED

VOTING RECORD

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

12.4 AUSTRALIAN CITIZENSHIP CEREMONIES CODE – REQUIREMENT FOR COUNCILS TO ADOPT A DRESS CODE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Following changes to the Australian Citizenship Ceremonies Code, all Councils are required to establish a Dress Code for Citizenship Ceremonies, to reflect the significance of the occasion, and to provide a copy of the Dress Code to the Department of Home Affairs.

Consultation:

Mrs K Hampton (Devonport Council); Mr M Grimsey (Huon Council) and Mr T Kirkwood (Southern Midlands Council); Department of Home Affairs.

Risk Implications:

Nil

Financial/Budget Implications:

Nil

Strategic Plan:

S1.4 and S1.5

Social Implications:

N/A

Environmental or Climate Change Implications:

N/A

Economic Implications:

N/A

Other Issues:

Nil

Assessment:

In Council's experience to date, all new Australians and their guests have attended ceremonies in suitable and respectful attire reflecting the importance of the occasion.

The proposed dress code will be made available on Council's website.

Options:

1. As per the recommendation.
2. That Council does not adopt a dress code for Australian Citizenship Ceremonies.

RECOMMENDATION:

That Policy 7.10 Australian Citizenship Ceremony Dress Code be adopted, and a copy be sent to the Department of Home Affairs.

DECISION:

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

CARRIED

VOTING RECORD

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

12.5 DRAFT POLICY 7.6 – WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Councillors will recall that Cr Owen had requested the following Notice of Motion at the January Ordinary Council meeting.

At Council's last Ordinary Council Meeting during my motion for Council to install sufficient flagpole infrastructure to enable the Australian and Aboriginal flags be flown at the Council Offices, I indicated I would be seeking support to include, onto the agenda of our Council Meetings and at Council conducted events, an Acknowledgement of Country. I have included below an extract from the Department of Premier and Cabinet to provide some information in this regard.

For too long this Council has failed to acknowledge Aboriginal people to the extent we should. The Annual General Meeting has been the only occasion this recognition has taken place.

Besides an Acknowledgement of Country, part 2 of my motion is seeking support for officers, as a matter of urgency, to develop an action plan and strategy to assist Brighton Council to engage with Aboriginal communities and promote reconciliation. I am thinking for example, that on special occasions a Welcome to Country should be part of proceedings.

Council's decision was:-

Cr Owen moved, Cr Jeffries seconded that Brighton Council immediately prepare and adopt a policy where at all meetings an Acknowledgement of Country is included on the agenda; and Brighton Council staff as a matter of urgency develop an action plan/strategy for adoption by Council, to help Council to engage with Aboriginal communities and promote reconciliation

Consultation:

Senior Management Team, Paul Mabb (Education Department)

Risk Implications:

Nil.

Financial/Budget Implications:

Nil.

Strategic Plan:

S1.4 and S1.5

Social Implications:

Support connected communities.

Environmental or Climate Change Implications:

N/A

Economic Implications:

N/A

Other Issues:

Council run events and receptions have always included and Acknowledgement of Country to Welcome to Country where appropriate.

Assessment:

A Reconciliation Action Plan (RAP) is already in train and staff are totally in support of this initiative. Council's Services Officer (Cathy Harper), Governance Manager (Janine Banks) and Chief Operations Officer (James Dryburgh) have consulted with Tracey Howard (tagari lia), Margie Nolan (Connected Beginnings) and Kellyanne Downham (Community Member) in relation to this plan; a draft of that report was previously sent to Cr Owen. This report and Action plan will be submitted to Council in the next couple of months.

Options:

1. As per the recommendation.
 2. Council does not adopt Policy 7.6.
-

RECOMMENDATION:

That Council adopt Policy 7.6 - Welcome to Country and Acknowledgement of Country.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

- Cr Curran
- Cr Garlick
- Cr Geard
- Cr Gray
- Cr Jeffries
- Cr Murtagh
- Cr Owen
- Cr Whelan

12.6 UPDATE TO COUNCIL ON GRASS ROOTS COMMUNITY DEVELOPMENT (GCD):

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

Background:

In 2018, Council was approached by Grassroots Community Development Pty Ltd (GCD) to support their proposal to establish a ‘sport and wellbeing community club’ to primarily serve the communities of Bridgewater, Herdsmans Cove and Gagebrook. Council agreed to contribute to the funding of the project to the amount of \$25k per year subject to progress.

In the first year of the project the funds have predominantly been committed to consultation; the legal establishment of the club; recruitment/set up of the manager and administration of the club.

In the current financial year, the funds were intended to primarily fund the wages of a locally employed manager.

Please see attached progress report provided by GCD in February of this year.

Consultation:

Consultation has occurred amongst the Senior Management Team. GCD has also presented to council several times.

Risk Implications:

That the project is ultimately unsuccessful.

Financial/Budget Implications:

Council is currently in the early phases of preparing its 2020/21 budget and will need to consider whether or not to continue funding GCD.

Social Implications:

The primary reason motivations for undertaking this project are to increase local participation in sport and healthy living activities; to improve community pride and unity; and to improve pathways from junior sport through into older years.

Environmental Implications:

None.

Economic Implications:

Providing for some local employment and local activities has a positive impact on the local economy. At a big picture level, healthy living and physical activity generally reduces pressure on the health system and reduces crime.

Strategic Plan:

The project is consistent with all the social goals within council’s Strategic Plan.

Options:

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

RECOMMENDATION:

That Council receive the report.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Jeffries moved, Cr Garlick seconded that Council resolve into Closed Council.

CARRIED

VOTING RECORD

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

13. CLOSED MEETING:

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

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

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

13.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 21ST JANUARY 2020:

Cr Owen moved, Cr Geard seconded that the minutes of the closed portion of the ordinary council meeting of 21st January 2020 be confirmed and that the decision relating to Item 12.1 made while in Committee be made public.

CARRIED

VOTING RECORD

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

Cr Jeffries moved, Cr Owen seconded that Council resolve out of Closed Council and the decision made while in Closed Council be ratified.

CARRIED

VOTING RECORD

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

14. QUESTIONS ON NOTICE:

14.1 RECENT MEDIA REPORTS ON HEALTH RELATED ISSUES:

Cr Owen had asked the following Questions on Notice:

This article [The outer suburbs top in obesity, smoking and asthma rates, Helen Kempton, The Mercury, January 21, 2020] suggests many of our residents are living 20 years less than those living in other Hobart suburbs.

Have Council officers sought to discuss this with Federal and/or State Governments and are there strategies already in place to address the issue? If not, what can this Council do or is doing to improve the circumstances outlined in the article?

One probably needs to ask, how credible and accurate is this newspaper article?

A briefing on the Brighton Care Collective will be provided to Councillors at the February Ordinary Meeting in response to Councillor Owen's questions.

The following has been provided as background to this briefing:

The Australian Social Health Atlases provided by the Public Health Information Development Unit (PHIDU) of the Torrens University is a credible and accurate source of public health data.

Recent media reports around the poor health statistics for this area have highlighted the health issues this community has experienced for many years. These statistics include the fact that the life expectancy is 66 for this area. (*PHIDU Social Health Atlas of Australia 2013 - 17*). The below table shows just a few of the areas that our health factors are below the average for Tasmania.

- The above information is taken from the Primary Health Tasmania Website which is gathered from a range of reliable sources.
- *% alcohol refers to alcohol consumption causing lifetime harm
- In 2007, Jesuit Social Services and Catholic Social Services Australia commissioned research into place-based disadvantage across the nation this was then repeated in 2015.
- The resulting reports, Dropping off the Edge, became a critical resource for communities attempting to address the challenge of entrenched geographical disadvantage.
- The 2015 report noted that in Tasmania, Brighton and George Town experienced significant deterioration of their social situation between 2007 and 2015. And of all the LGA's in Tasmania Brighton ranked as the most disadvantaged in the state.
- All the research around health issues show that poor health is a really complex issue - and there are no simple solutions. No single action or organisation can cause change to happen quickly. This change needs a broad range of actions and many organisations working together over a long period to create meaningful change.

History

The Brighton Care Collective is a network that formed in July 2017 through funding from Primary Health Tasmania. The purpose of this network is to improve the health and wellbeing of people living in the Brighton municipality by making sure the residents of Brighton get the right services at the right time in the right place, through greater communication between health and community services and by building an evidence base for change through data and stories.

In August 2018 Lisa Schimanski presented the Brighton Care Collective's first twelve months of operation Evaluation Report to Council. The presentation for this council

LGA	Population	% Aboriginal Population	% Smokers	% Insufficient activity	% Obese	% Alcohol*	% Children immunised
Tasmania	510k	4.62	15.7	14.9	24.3	38.5	93.3
Brighton	16.51k	9.35	32.5	21.9	31.1	18.2	95.35
Sorell	14.41k	4.16	14.3	12.5	20.4	20.8	92.14
Glenorchy	46.25k	4.87	23.1	17.0	24.0	19.6	95.77
Derwent Valley	10.02k	4.66	27.4	12.2	12.1	37.1	93.25
Waratah/Wynyard	13.58k	7.61	9.0	20.6	18.4	18.2	94.3
George Town	6.76k	4.38	23.5	22.1	16.2	29.4	89.61

meeting is to update Councillors on the progress since that time, along with the hopes for the future of the members of this network.

The members of the Brighton Care Collective are:

- Anglicare

- Child Health
- Diabetes Tas
- Drug Education Network
- The Link (Youth Health)
- Catholic Care
- Priceline Pharmacy
- Eastern Shore Community Nursing
- Bridgewater PCYC
- Centacare Evolve Housing
- Greenpoint Medical Centre
- kutalyna health
- Jordan River Services
- Relationships Tasmania
- Brighton Community Health Centre
- tagari lia
- Brighton Doctors
- Brighton Regional Doctors
- Brighton Pharmacy
- Brighton Council
- Primary Health Tasmania
- Dept. of Health

The BCC members have committed to this network through active participation of senior managers and front-line workers who have wholeheartedly supported the ongoing relationship building within the collective.

Outcomes

The positive outcomes of the work of the collective include:

- Service Directory
- Referral Card System
- Networking event
- Data gathering
- Relationship development
- Increase in services delivery by some members
- An avenue for Council to actively work in the Health and Wellbeing arena
- Provided the opportunity for Council to partner with PHT and Dept of Health
- Major pilot program being trialled in the municipality - Care Point (Dept of Health & Medibank).

Future

The BCC members are keen to continue developing this network and its potential impact on the health of the Brighton municipality residents. Being able to maintain existing relationships and enable new ones to grow requires support and commitment from all the member organisations. Particularly Council as the backbone to this network.

Ordinary Council Meeting

18/02/2020

The leadership group believes that this project aligns with Council's 10 Year Strategic Plan 2019-2029, Goal 1, *Strategies S1.1 - Understand/Improve Health and Wellbeing; S1.4 - Support Connected Communities; and S1.5 - Build a resilient community and environmentally sustainable future* and offers the opportunity for actions to undertake to support these strategies.

The Leadership group is seeking support from Brighton Council to continue the good work undertaken so far and will expand on details of the request for support at the presentation to the Council meeting on Tuesday 18 February 2020.

The meeting closed at 6.50pm

Confirmed:

(Acting Mayor)

Date:

17th March 2020