



# Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL HELD REMOTELY  
AT 5.35 P.M. ON TUESDAY,  
21<sup>st</sup> APRIL 2020**

**PRESENT:** Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; 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); Mr D Allingham (Manager Development Services) and Mrs J Banks (Governance Manager).

## **RECORDING OF COUNCIL MEETINGS DURING COVID-19**

During the COVID-19 emergency, Council conducted its Ordinary Council Meetings using remote meeting technologies. An audio recording was made available to the public via Council's website, except for the part held in Closed Session.

### **1. ACKNOWLEDGEMENT OF COUNTRY:**

### **2. CONFIRMATION OF MINUTES:**

#### **2.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 17<sup>th</sup> MARCH 2020.**

*Cr Owen moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting of 17<sup>th</sup> March 2020 be confirmed.*

**CARRIED**

**VOTING RECORD**

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

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

All members were present remotely.

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

*This Council Meeting was held remotely due to the COVID-19 emergency, public attendance at the meeting was not possible.*

*No requests were made prior to the meeting for public question time.*

**5. DECLARATION OF INTEREST:**

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

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

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

*There were no declarations of interest.*

**6. REPORTS FROM COUNCILLORS:**

**6.1 ACTING MAYOR’S COMMUNICATIONS:**

**AUTHOR:** Acting Mayor  
(Cr B Curran)

The Acting Mayor’s communications were as follows:-

24<sup>th</sup> March Attended the Emergency Services Management Meeting.

27<sup>th</sup> March Attended the LGAT General Meeting.

**RECOMMENDATION:**

That the Acting Mayor’s communications be received.

**DECISION:**

*Cr Geard moved, Cr Curran seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

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

**6.2 MAYOR’S COMMUNICATIONS:**

Mayor Tony Foster provided a verbal update at the meeting.

**DECISION:**

*Cr Geard moved, Cr Curran seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

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

**6.3 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:**

**DECISION:**

Cr Geard advised that the recently attended the Southern Regional Emergency Management and Recovery meetings and the Pontville User Group.

*Cr Whelan moved, Cr Garlick seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

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

**6.4 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 no workshops had been held since the previous Ordinary Council Meeting.

**8. NOTICES OF MOTION:**

*There were no Notices of Motion.*

**9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:**

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

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

**RECOMMENDATION:**

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

**DECISION:**

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

**10. REPORTS FROM COMMITTEES:**

*There were no committees held in April.*

*Cr Curran moved, Cr Whelan seconded that the Council meeting be adjourned.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
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 SUBSTANTIAL MODIFICATION TO PART OF THE BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE**

**AUTHOR:** Manager Development Services  
(David Allingham)

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#### **Purpose:**

The purpose of this report is to gain approval to submit the substantially modified part of the Brighton draft LPS to the Tasmanian Planning Commission (the Commission) in accordance with the direction from the Commission under s35K(1)(c) of the *Land Use Planning and Approvals Act 1993* (the Act).

#### **Background:**

The Brighton draft LPS was endorsed by the planning authority at its meeting on 19 June 2018 and submitted to the Commission. The Commission directed that the Draft LPS be publicly notified in accordance with the Act on 28 March 2019.

The draft LPS was publicly notified for 60 days and 39 representations were received. The planning authority endorsed the s35F report responding to the representations at the August 2019 Ordinary Council Meeting (OCM).

On October 18, the Commission conducted a Direction Hearing for the Brighton draft LPS and four subsequent Hearing days in November. The Hearings were attended by Council staff, representors and authorities that chose to attend.

Following the Hearings, the Commission has determined that modifications ought to be made to the draft LPS, and some are substantial modifications. Therefore, the Commission has determined to direct the planning authority to substantially modify parts of the draft LPS in accordance with the section 35K(1)(c) notice shown at Attachment A of this report. Attachment B provides the reasons for the Commission's decision.

Planning staff have prepared the substantially modified part of the Draft LPS in accordance with the Commission's direction and are satisfied that it meets the LPS Criteria under s34 of the Act. The modified part of the draft LPS can be viewed at Attachment C.

Once the modified part of the draft LPS is submitted to the Commission, the Commission will direct Council to exhibit *only* the modified part of the draft LPS for 60 days and representations are to be only about the substantially modified part.

Following exhibition, the planning authority is to provide a further report to the Commission.

### **Consultation:**

The Brighton Draft LPS has been subject to the statutory public exhibition requirements of the Act.

### **Risk Implications:**

Once the draft LPS is finalised, Brighton Council will move to the Tasmanian Planning Scheme (TPS). Through the process of preparing the draft LPS it has become clear that the TPS is in many ways inferior to the existing *Brighton Interim Planning Scheme 2015*.

However, moving to the TPS and preparation of modified part of the Draft LPS is a statutory requirement under the Act.

Planning staff will continue to advocate for improvements to the TPS.

### **Financial/Budget Implications:**

There are no significant financial/budget implications to endorsing the recommendation.

### **Social Implications:**

The LPS provides for managing some land-use conflict and creating healthier communities. Generally, the LPS improves health and wellbeing standards provided in the SPP's. However, it is considered that the TPS has vastly inferior social outcomes than under the current *Brighton Interim Planning Scheme 2015*.

### **Environmental Implications:**

Due to the Guidelines provided by the TPC, there are likely to be a number of bushland areas on agricultural land and Rural Living areas that have a bushland character that receive a lower level of vegetation protection than they do currently.

### **Economic Implications:**

There are unlikely to be any significant economic implications.

### **Options:**

1. As per the recommendation.
  2. Reject the proposal and provide reasons.
  3. Other
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**RECOMMENDATION:**

It is recommended that the Planning Authority:

1. Endorse the attached document 'C - Substantially modified part of the Brighton Draft Local Provisions Schedule' pursuant to s35K(4) of the Act.
2. That the planning authority delegate to the General Manager its powers and functions to modify the document submitted under recommendation 1 if a request is received from the Tasmanian Planning Commission for further information.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**11.2 RZ 2020/01 – SECTION 35 REPORT – AMENDMENT TO BRIGHTON INTERIM PLANNING SCHEME 2015 – INSERTION OF BUSHFIRE-PRONE AREAS OVERLAY**

Type of Report	Planning Authority
Application No:	RZ 2020/01
Address:	Whole Municipality
Requester:	Brighton Council & Tasmania Fire Service (TFS)
Proposal:	Insertion of Bushfire-Prone Areas Overlay
Zone:	All
Authors:	Richard Cuskelly (Planning Officer) Tom O'Connor (TFS Planning & Assessment Officer)

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## 1. Executive Summary

- 1.1. The report considers amending the Brighton Interim Planning Scheme 2015 (BIPS 2015) by inserting the Bushfire-Prone Areas Overlay (Overlay) maps produced by the Tasmania Fire Service (TFS). See the maps in Attachment (3).
- 1.2. To proceed, the request must be initiated by the Planning Authority. If initiated, public exhibition would follow, with the final decision ultimately made by the Tasmanian Planning Commission.
- 1.3. Bush-fire prone areas are classified on a case-by-case basis which can be ambiguous. By removing the need to evaluate whether vegetation is bushfire-prone before confirming whether a site is within bushfire-prone area, the mapping will remove ambiguity and improve the development assessment process to the benefit of permit authorities, landowners and developers.
- 1.4. The TFS recommends inserting the Overlay into the BIPS 2015 now, instead of waiting an unknown period until the Tasmanian Planning Scheme comes into effect.
- 1.5. The amendment has not previously been considered by Brighton Council.
- 1.6. The proposal is recommended for initiation.

## 2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to make an informed decision on whether to initiate the planning scheme amendment.
- 2.2. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA establish the test of whether a planning scheme amendment is reasonable or not.
- 2.3. 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:
  - 2.3.1. adopt the recommendation, or
  - 2.3.2. vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal. Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.
- 2.4. This report has been prepared with appropriate regard to the State Policies that apply under the *State Policies and Projects Act 1993*.

## 3. Risk

- 3.1. Approval or refusal of this application will have no direct risk or financial implications for the Planning Authority.

#### 4. Background

- 4.1. The planning and building regulatory system in Tasmania includes bushfire protection requirements to mitigate risk to communities and assets in bushfire-prone areas.
- 4.2. The existing framework includes:
  - 4.2.1. the Bushfire-Prone Areas Code, which applies through local planning schemes under the *Land Use Planning and Approvals Act 1993*, &
  - 4.2.2. the Director's Determination - Requirements for Building in Bushfire-Prone Areas, which applies through the *Building Regulations 2016* and *Building Act 2016*.
- 4.3. This framework is structured in a way that enables application of bushfire controls through the planning approvals process for proposals involving land subdivision, vulnerable and hazardous uses. Bushfire requirements for other types of use and development are applied through the building approvals process.
- 4.4. For the purposes of both planning and building permit approvals it is necessary to determine whether new development and/or land-use are located within a 'bushfire-prone area'.

#### 5. Planning Scheme Implication

- 5.1. BIPS 2015 establishes a series of objectives for achieving sustainable use and development of land, which are relevant for the consideration of any planning scheme amendment. For this amendment, it is important to consider the Bushfire-Prone Area Code.
- 5.2. The purpose of the Bushfire-Prone Areas Code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.
- 5.3. The Bushfire-Prone Areas Code contains use standards for vulnerable and hazardous uses in bushfire-prone areas and development standards for subdivision, including the provision of hazard management areas and access and water supply for firefighting purposes.
- 5.4. The Code is applied to land located within a bushfire-prone area. E1.3 Definition of Terms in this Code states that bushfire-prone area means:
  - (a) Land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or
  - (b) Where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.
- 5.5. Because there is currently no overlay in the BIPS 2015, sub-clause (b) applies.

- 5.6. Bushfire-prone vegetation means:  
*contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.*
- 5.7. In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on case-by-case interpretation of subclause (b).
- 5.8. Incorporation of the mapping within the relevant local planning scheme overlay map will enable the use of subclause (a) of the abovementioned definition, thereby reducing the amount of assessment required to determine applicability.
- 5.9. The 100m rule that forms the basis of the abovementioned definition has historically been accepted as a benchmark for the application of development control for bushfire and is the maximum distance considered in Australian Standard 3959-2009. Post-fire investigations have indicated that 85% of building loss resulting from major bushfires has historically occurred at distances within 100m of the urban interface. Notwithstanding this, bushfire behaviour is not uniform across all situations some circumstances application of a 'blanket' 100m buffer is considered unnecessarily conservative.
- 5.10. This amendment would enable certainty in applying or not applying the Bushfire-Prone Areas Code to an assessment.

**6. Planning Assessment**

**6.1. Requirements of the Act**

**6.1.1. Pursuant to s.32(1) of LUPAA:**

*(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –*

*(a) . . . . .*

*(b) . . . . .*

*(c) . . . . .*

*(d) . . . . .*

*(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

*(ea) must not conflict with the requirements of section 30O; and*

*(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

(2) *The provisions of section 20 (2), (3) , (4) , (5) , (6) , (7) , (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

Section 30O of the Act requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy. Section 30O also sets a number of requirements relating to the insertion of a local provision and its relationship to a common provision.

In addition to these requirements, Section 20(1) is also relevant as a planning scheme amendment is also the making of a planning scheme:

(1) *A relevant decision-maker, in preparing, accepting, declaring or making a relevant scheme, or giving approval in relation to the making or approving of a relevant scheme, must, in the opinion of the relevant decision-maker–*

(a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and*

(b) *prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and*

(c) . . . . .

(d) *have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and*

(e) *have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

The following sections address the above.

**6.2. Brighton Strategic Plan 2015-2025**

The Brighton Council Strategic Plan 2015-2025 outlines the following key focus areas for the next ten years:

- *Provide sustainable and responsible financial management of council resources;*
- *Manage and influence population growth with appropriate land use planning;*
- *Promote sustainable practices throughout council, local businesses and the community;*
- *Promoting Brighton as a great place to be;*
- *Facilitate provision of better transport systems;*
- *Maintain and improve our physical infrastructure; and*
- *Promoting industrial, business and employment growth*

The proposed amendment does not conflict with any of Council’s key focus areas.

### **6.3. Southern Tasmania Regional Land Use Strategy 2010-2035**

The Southern Tasmania Regional Land Use Strategy (STRLUS) has been implemented to provide guidance and direction for future development and use in the Southern Region. Section 30O of the former provisions of LUPAA requires that a proposed amendment must be consistent with the STRLUS.

The key section of STRLUS is section 8, which provides regional policies for managing risks. The majority of the policies pertaining to bushfire hazard relate to ensuring that planning schemes provide suitable requirements for vegetation removal and subdivision design, and therefore are directly relevant to the overlay. Section 6.3 of Attachment (1) outlines how the proposed amendment is consistent with the relevant STRLUS policies.

It is considered the proposed amendment is strategically aligned with STRLUS.

### **6.4. Overriding Local and Common Provisions:**

In addition to requiring that a Draft Amendment is consistent as far as practicable with the Regional Land Use Strategy, Section 30O requires that an amendment to a local provision of the scheme is not directly or indirectly inconsistent with the common provisions.

The insertion of the Overlay does not conflict with common or overriding local provisions of the Scheme.

### **6.5. State Policies**

Current State Policies created under the *State Policies and Projects Act 1993* include:

- *State Policy on the Protection of Agricultural Land 2009,*
- *State Coastal Policy 1996, &*
- *State Policy on Water Quality Management 1997*

The proposed amendment to the Planning Scheme does not introduce any new development standards, rather, it will improve the application of the Bushfire-Prone Areas Code. The amendment will accordingly not facilitate the loss of productive agricultural land, nor the degradation of coastal land or water resources. The scheme amendment is accordingly not considered to conflict with any of the existing State Policies.

Section 12A of the *State Policies and Projects Act 1993* also requires that a national environment protection measure is taken to be a State Policy. The current NEMPs provide objectives for the protection of air, land and water quality, the protection of amenity from noise, the control of hazardous wastes and recycling of used materials. The adoption of the Overlay is considered to have no impact with respect to compliance with the current NEMPs.

## **6.6. RMPS Objectives**

The objectives of the Resource Management and Planning System is furthered by the request. See Section 6.1 of Attachment (1) for detailed assessment.

## **6.7. Gas Pipeline safety**

Section 20(e) of the Act provides that a draft amendment must have regard to the safety requirements for gas pipelines.

There are no issues of gas pipeline safety associated with the draft amendment.

## **6.8. Potential for Land Use Conflicts S 32 1 (e)**

There is no potential for land use conflicts.

## **6.9. Regional Impacts s 32 1 (f)**

As discussed earlier in this report, the proposed listing is entirely consistent with the STRLUS.

## **6.10. Other requirements of s.20**

The substantially altered Draft Amendment is also consistent with the other requirements under Section 20(2), (3), (4), (5), (6), (7), (8) and (9) of the Act. In particular, the substantially altered Draft Amendment does not:

- prevent the continuance or completion of any lawful use or development;
- prevent the reconstruction or restoration of buildings or works unintentionally destroyed or damaged;
- extend or transfer a use from one part of a parcel of land to another part; and
- affect forestry operations, mineral exploration, fishing or marine farming.

## **7. Referrals**

### **7.1. Tasmania Fire Service (TFS)**

Expert advice and support were received from TFS Planning & Assessment Officer, Tom O'Connor.

## **8. Conclusion**

The rationale for this proposal to amend the *Brighton Interim Planning Scheme 2015* is to remove the ambiguity often associated with case-by-case assessment and make use of expert spatial mapping of bushfire-prone areas as early as possible.

The proposal is consistent with regional and local land use strategies and the requirements of the *Land Use Planning and Approvals Act 1993*.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2020/01, as detailed in the attachments to this report.

**RECOMMENDATION:**

- A. That in accordance with Section 34(1)(b) of the *Land Use Planning & Approvals Act 1993*, subject to the provisions of section 3 of schedule 6, Council initiates the draft amendment, to be known as draft amendment RZ 2020/01 to insert the Bushfire-Prone Areas Overlay.
- B. That in accordance with Section 35(1) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2020/01 satisfies the provisions of Section 32 of the *Land Use Planning and Approvals Act 1993*.
- C. That in accordance with Section 35(2) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2020/01 be certified by instrument in writing affixed with the common seal of the Council; and
- D. That in accordance with Section 35(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2020/01 be given to the Tasmanian Planning Commission within 7 days;
- E. That in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2020/01 be placed on public exhibition for no less than 28 days.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

*Cr Whelan moved, Cr Garlick seconded that the Council meeting be resumed.*

**CARRIED**

**VOTING RECORD**

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

Cr Foster resumed the Chair.

**12. REPORTS FROM OFFICERS:**

**12.1 COUNCIL OPERATIONS REPORT:**

**AUTHOR:** General Manager  
(Mr R Sanderson)

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**Background:**

The COVID-19 pandemic has changed the world as we know it. Brighton Council has adapted to this swiftly and efficiently. The report was an update of council operations.

**Consultation:**

SMT and LGAT

**Risk Implications:**

Substantial if staff become infected.

**Financial Implications:**

Substantial with the duration of the virus unknown. The short term implications are covered in an agenda item in this meeting.

**Other Issues:**

Council will support staff and residents and businesses as much as possible.

**Assessment:**

The council operations have been orderly and efficient to date. Council will continue to support the government in dealing with the pandemic.

Council will also work with the LGAT to provide a common sector response to the virus.



**Options:**

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

**RECOMMENDATION:**

That the report be received.

**DECISION:**

*Cr Jeffries moved, Cr Garlick seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

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

*Cr Owen moved, Cr Whelan seconded that Council resolve into Closed Council.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
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 ECONOMIC SUPPORT PACKAGE:**

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#### **RECOMMENDATION:**

1. That Council supports the actions taken by Council's Management to date in responding to the COVID-19 emergency including:
  - Debt collection suspended until June 30
  - Stop any accumulation of interest on outstanding rates until June 30, 2020.
  - Allow flexibility re payment of rates until June 30 if requested
  - Allow flexibility re payment of debtors until June 30 if requested
  - Provide immediate payment of all invoices received by small or local business's
2. Adopt a community based economic support package to assist community members, organisations and businesses adversely affected by COVID-19 to apply as follows:
  - Rent relief on council owned buildings where tenants are experiencing financial hardship until 30 June 2020.
  - Community grants to be refocused as appropriate to support local businesses and not-for-profit recovery or conversion to digital environment or circular economy until June 30, 2021.
  - A 0% rate increase for 20/21 but fees and charges may be increased only up to CPI.
  - Support favourably loan guarantees, subject to Council approval, for community groups where it can be demonstrated that financial hardship is current, but the long-term operating position is stable to June 2021.
  - Move the rate instalment due dates back when preparing the 2020/2021 rate resolution.
3. Adopt the Financial Hardship Assistance Policy.

4. That the closed session of Council having met and dealt with its business resolves to report in the open minutes of the Ordinary Council Meeting that it has determined the following in closed session.....

**DECISION:**

*Cr Curran moved, Cr Whelan seconded that Item 1 and 2 be adopted.*

**CARRIED**

**VOTING RECORD**

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

*Cr Curran moved, Cr Whelan seconded that Item 3 be adopted.*

**CARRIED**

**VOTING RECORD**

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

*Cr Geard moved, Cr Curran seconded that the decisions for items 1, 2 and 3 be shown in the open council minutes.*

**CARRIED**

**VOTING RECORD**

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

Cr Murtagh  
Cr Owen  
Cr Whelan

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

**CARRIED**

**VOTING RECORD**

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

**14. QUESTIONS ON NOTICE:**

*There were no Questions on Notice.*

The meeting Closed 6.30pm

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

Date: \_\_\_\_\_  
19<sup>th</sup> May 2020