



Brighton Council

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

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr H Macpherson
(Municipal Engineer); Mrs J Banks (Governance Manager);
Mr P Carroll (Senior Planner) and Ms G Browne (Corporate
Executive).

1. ACKNOWLEDGEMENT OF COUNTRY:

I would like to begin by acknowledging the traditional owners of the land on which we meet today. I would like to pay my respects to Elders past, present and emerging and acknowledge the Aboriginal people present today.

2. CONFIRMATION OF MINUTES:

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21 JULY 2020:

Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council meeting of 21st July 2020 be confirmed.

CARRIED

VOTING RECORD

In favour **Against**

Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

3. APPLICATIONS FOR LEAVE OF ABSENCE:

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

CARRIED

VOTING RECORD

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

4. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Mrs V Wagner addressed Council in relation to Item 12.4
- Mr M Gordon addressed Council in relation to Item 12.3

5. DECLARATION OF INTEREST:

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

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

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

Cr Whelan declared an interest in Item 12.4

Cr Geard declared an interest in Item 12.8

6. REPORTS FROM COUNCILLORS:

6.1 MAYOR’S COMMUNICATIONS:

AUTHOR: Mayor
(Cr T Foster)

The Mayor’s communications were as follows:

- July 14 Meeting with Minister Guy Barnett.
- July 16 Meeting with Emmanuel Kalis.
- July 17 Meeting with Jacqui Lambie (General Manager only).
- July 21 Meeting with Speaker of the House, Sue Hickey.
- July 21 Meeting with Lyons MHA John Tucker.
- July 21 Citizenship ceremony.
- July 21 Ordinary Council Meeting.
- July 28 Zoom meeting re: future energy requirements i.e. hydrogen.
- July 30 Civic Centre - Ron Sanderson's retirement function.
- Aug 03 Meeting with Minister Elise Archer.
- Aug 03 Meeting with Minister Jeremy Rockliff.
- Aug 04 Meeting with Madeleine Ogilvie.
- Aug 04 Meeting with Premier Peter Gutwein.
- Aug 06 Meeting with General Manager, Heath Macpherson, Simon Pulford, Paul Sutcliffe and Ken Midson re: Waste Transfer Station.
- Aug 07 Dialogue with David Kernke (Shene property).
- Aug 08 Pontville oval re: Brighton and New Norfolk.
- Aug 10 Senator Claire Chandler - sod turning at Pontville Oval.
- Aug 11 General Manager and I attended a meeting with the consultants for the Brighton Community News (BCN).
- Aug 14 Meeting with Senator Eric Abetz.
- Aug 18 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

6.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Curran attended a recent STCA meeting.

Cr Geard met with the 2 dog groups out at Pontville Park re shed location.

Cr Curran also attended Brighton Bowls Club AGM.

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

CARRIED

VOTING RECORD

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

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

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

6.3.1 Letter and attachment from STCA to The Hon. Peter Gutwein MP, Treasurer (6 August 2020) regarding STCA’s submission for the 2020-21 Budget development process.

6.3.2 Letter from the STCA to the Greater Hobart Advisory Committee (11 August 2020) regarding appointment of Mr James Dryburgh as the Council Officer to support engagement with the Committee.

RECOMMENDATION:

That the Council receives and notes this information provided by the STCA.

DECISION:

Cr Whelan moved, Cr Curran seconded that the correspondence be noted.

CARRIED

VOTING RECORD

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

7. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it is reported that no workshops were held in the previous month.

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 a late item on the appointment of Council’s Emergency Management representatives be tabled for approved.

Cr Owen moved, Cr Garlick seconded that supplementary agenda item 12.8 Emergency Management be discussed.

CARRIED

VOTING RECORD

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

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

10. REPORTS FROM COMMITTEES:

There were no committee meetings held in August.

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

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
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 RZ 2020 / 1 – SECTION 39 REPORT – AMENDMENT TO BRIGHTON INTERIM PLANNING SCHEME 2015 – INSERTION OF BUSHFIRE-PRONE AREAS OVERLAY:

File Reference:	RZ 2020 / 1
Applicant:	Brighton Council
Proposal:	Insertion of Bushfire-Prone Areas Overlay
Location:	Whole Municipality
Zoning:	All
Planning Instrument:	Brighton Interim Planning Scheme 2015

Date initiated: 21 April 2020

Representations: Nil

Author: Richard Cuskelly (Planning Officer)

1. Executive Summary

- 1.1 The report considers the amendment of the Brighton Interim Planning Scheme 2015 (BIPS 2015) ordinance to insert Bushfire-Prone Areas Overlay maps produced by the Tasmania Fire Service (TFS).
- 1.2 The request to initiate the draft amendment was approved by Council's Planning Authority at its 21 April 2020 meeting.
- 1.3 Notice of the certified draft amendment was forwarded to the Tasmanian Planning Commission (TPC) on 28 April 2020.
- 1.4 The draft amendment was publicly exhibited in accordance with relevant legislation and no representations were received.
- 1.5 TasWater were referred the draft amendment and responded that they do not object or have any comments.
- 1.6 This report recommends that Council:
 - 1.6.1 Advise the TPC that no representations were received following exhibition of draft amendment RZ 2020 / 1 to the BIPS 2015, and
 - 1.6.2 Advise the TPC that no modifications to the draft amendment RZ 2020 / 1 are necessary.

2. Background

- 2.1 Council resolved at its meeting of 21 April 2020 to initiate a draft amendment to the BIPS 2015 to insert Bushfire-Prone Areas Overlay maps produced by the TFS.
- 2.2 The purpose of the proposed amendment is to remove the ambiguity often associated with case-by-case assessment of sites, and to utilise expert spatial mapping of bushfire-prone areas in decision-making as early as possible.

3. Consultation

- 3.1 The draft amendment was advertised in the Mercury newspaper on 23 May 2020 (Saturday) and 27 May 2020 (Wednesday), and placed on public exhibition between 23 May 2020 and 16 June 2020, and 14 July 2020 and 21 July 2020.
- 3.2 The draft amendment was publicly exhibited for a total of 30 statutory days in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993* (the Act) and Section 6 of the *Land Use Planning and Approvals Act Regulations 2004*.
- 3.3 No public representations were received.
- 3.4 TasWater were referred the draft amendment and submitted a Submission to Planning Authority Notice stating:

TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

4. Legislation

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

- 4.4 As the draft amendment has been initiated and certified the TPC must decide on the matter.

5. Assessment

- 5.1 The draft amendment received no public representations, and one submission from TasWater stating that they do not object or have any comments.

OPTIONS:

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

RECOMMENDATION:

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

- A. Advise the Tasmanian Planning Commission that no representations were received following exhibition of draft amendment RZ 2020/1 to the Brighton Interim Planning Scheme 2015; and
- B. Advise the Tasmanian Planning Commission that no modification to amendment RZ 2020/1 is considered necessary to the initial section 35 report.

DECISION:

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

VOTING RECORD

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

Cr Whelan moved, Cr Curran seconded that the Council Meeting be resumed. **CARRIED**

VOTING RECORD

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

Cr Owen
Cr Whelan

12. REPORTS FROM OFFICERS:

12.1 ANNUAL PLAN 2020-21:

AUTHOR: General Manager
(Mr J Dryburgh)

Background:

The Annual Plan 2020-21 has been prepared in accordance with Section 71 of the *Local Government Act 1993* and Council's 2020-21 budget.

Consultation:

Senior Management Team

Risk Implications:

None

Financial Implications:

In accordance with the adopted budget.

Other Issues:

Not applicable

Assessment:

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

Options:

1. As per the recommendation.
 2. Do not adopt the 2020-21 Annual Plan.
-

RECOMMENDATION:

That the Annual Plan 2020-21 be adopted in accordance with Section 71 of the *Local Government Act 1993* and that a copy be forwarded to the Director of Local Government and the Director of Public Health.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 DEVELOPMENT OF A RECONCILIATION ACTION PLAN (RAP):

AUTHOR: General Manager
(Mr J Dryburgh)

Background:

In January 2020, a motion was passed that Brighton Council should develop what is known as a Reconciliation Action Plan (RAP).

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

CARRIED

Prior to and during the COVID-19 crisis, Council staff have been working with Reconciliation Australia to understand the best approach for Council in developing and implementing a RAP.

What is a RAP?

It is a framework supported by Reconciliation Australia for organisations to be able to support national reconciliation and take tangible steps that are about achieving a more just, equitable and productive organisation day to day. Each type of RAP is designed to suit an organisation at different stages of its 'reconciliation journey'. Brighton Council is at the beginning of this journey as an organisation, so the type of RAP we will be developing is called a *Reflect* RAP.

Why develop a RAP?

A RAP moves an organisation beyond conducting Acknowledgements of Country and starts the process of integrating other actions and relationships that get us closer to the vision of reconciliation in Australia. Reconciliation Action Plans assist organisations to create a workplace culture that understands, values and respects the histories, cultures and contributions of Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander peoples make up approx. 9.4% of the population in the Brighton municipal area (2016 Census), compared to 4.6% for Tasmania overall, so are a very significant part of our community.

What is a Reflect RAP?

A *Reflect* RAP is like a background document to what we commit to do in the future. It is about laying strong foundations for development of future RAPs and reconciliation initiatives. It becomes a public commitment endorsed by and published on Reconciliation Australia's website and will take about 1-2 months to develop and 12-18 months to implement. It includes things like:

- Identify all of the local Aboriginal and Torres Strait Islander stakeholders and organisations in our local area and sphere of influence.
- Research best practices and principles that support partnerships with these stakeholders. For example, we know tagari lia Child and Family Centre in kotalayna/Jordan River has some very successful programs to connect with our local Aboriginal community and we want to support them and others in the most meaningful way we can.
- Actively participating in external National Reconciliation Week events.
- Conduct a review of and plan cultural learning needs within our organisation.
- Increase staff's understanding of the purpose and significance behind cultural protocols including Acknowledgement of Country and Welcome to Country protocols.
- Introduce staff to NAIDOC Week.

RAP Working Group

A working group has been formed and the first meeting will take place on 26 August, 2020. The RAP working group consists of staff members (8 in total), who have indicated they are interested in being a part of this process. The General Manager is Council's RAP champion and there are two Councillor representatives included on the working group: Councillors Owen and Murtagh have said they are very interested in being part of this working group.

The first meeting of the working group will include an overview of the RAP process, followed by a guest speaker from Reconciliation Tasmania. Mark Redmond is the Chief Executive of Reconciliation Tasmania and he will talk to the group about the Tasmanian context of reconciliation, the education programs they offer and his experience working with Councils in Tasmania to develop RAPs.

For more information about reconciliation in Australia please visit: <https://www.reconciliation.org.au/what-is-reconciliation/>

Consultation:

The Council Services Officer commenced initial consultation in 2019 and included:

Tracey Howard (tagari lia), Margie Nolan (Connected Beginnings), Kellyanne Downham (Community Member), James Dryburgh (Chief Operations Officer), Janine Banks (Governance Manager).

Risk Implications:

Commitment to the process of developing and implementing a RAP needs to be strongly endorsed and championed by Council and the leadership team or there is a risk of not achieving any cultural change, increased understanding or actions as related to reconciliation.

Financial Implications:

The *Reflect* stage of this framework requires no major expenditure by Council.

Strategic Plan:

A RAP will assist with Council's 2019-29 Strategic Plan:-

Goal 1 - Strengthen our Communities,

S1.1 - Understand/Improve Health and Wellbeing

S1.4 - Support Connected Communities

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

Social Implications:

Improved relationships between Council and the Aboriginal community, and the organisations, which operate in our municipality. As per the Reconciliation Australia website: "*At its heart, reconciliation is about strengthening relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples, for the benefit of all Australians.*" Brighton Council has always tried to have a strong focus on education and health outcomes for its community, as well as economic opportunities. According to national research, RAP's have made significant contributions to closing the gap in education, employment and health outcomes.

Environmental or Climate Change Implications:

Opportunities to explore indigenous approaches to caring for the land and sustainability will most likely be explored as part of the RAP implementation phase.

Economic Implications:

In other regions in Australia where organisations have developed and implemented RAP's there have also been well documented examples of improved economic activity, including increased employment, greater education outcomes, more business activity and growth.

Other Issues:

Not applicable.

Assessment:

A *Reflect* RAP is like a background document to what we commit to do in the future. It is about laying strong foundations for development of future RAPs and reconciliation initiatives. It becomes a public commitment endorsed by and published on Reconciliation Australia's website and will take about 1-2 months to develop and 12-18 months to implement. It includes things like:

- Identify all of the local Aboriginal and Torres Strait Islander stakeholders and organisations in our local area and sphere of influence.
- Research best practices and principles that support partnerships with these stakeholders. For example, we know tagari lia Child and Family Centre in kotalayna/Jordan River has some very successful programs to connect with our local Aboriginal community and we want to support them and others in the most meaningful way we can.
- Actively participating in external National Reconciliation Week events.
- Conduct a review of and plan cultural learning needs within our organisation.
- Increase staff's understanding of the purpose and significance behind cultural protocols including Acknowledgement of Country and Welcome to Country protocols.
- Introduce staff to NAIDOC Week.

Options:

1. As per the recommendation.
2. That council not support the development of a Reconciliation Action Plan (RAP).

RECOMMENDATION:

That Council receives and notes the information regarding the intention and progress to date on the development of a Reconciliation Action Plan by Brighton Council and continues its support for this initiative.

DECISION:

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

CARRIED

VOTING RECORD

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

12.3 DONATION TEA TREE COMMUNITY ASSOCIATION:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Tea Tree Community Association have written to Council seeking support to begin to address structural problems associated with the 109 plus year old Tea Tree Hall. The Tea Tree Community Association are an incorporated not for profit community entity.

Council recently made a \$1,021 contribution to the Tea Tree Community Association as a contribution to offset building and planning fees retained by Brighton Council, associated with their recent building development.

In early March it was discovered that the original section of the Tea Tree Community Hall had moved on its foundations, resulting in the southern wall leaning out 200mm. The building is now deemed unsafe, which has compounded the problem as the association's revenue raising capacity has been compromised.

Repair costs are estimated to be in the vicinity of \$100,000. It is expected that the Tea Tree Community Association will need support with such an amount. Early discussions have explored options such as a loan from Council and State or Federal Grants.

At this stage, the Tea Tree Community Association is only seeking support for the amount of \$7,450 plus GST as a contribution of cash and in-kind towards engineering, design and plans, building surveyor and Council fees associated with preparations for the repair of the Tea Tree Hall.

Consultation:

Nil

Risk Implications:

Nil

Financial/Budget Implications:

Council has identified an \$80,000 donation available in the budget. This specific item is unbudgeted.

Strategic Plan:

Relates to our Goal 1 to Strengthen Our Communities.

Social Implications:

Council has a social responsibility to support our community.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Not applicable.

Issues:

Not applicable.

Assessment:

The Tea Tree Community Association has a good track record of contributing to the health and wellbeing of our community. The Tea Tree Community Association has previously supported events at the Tea Tree Community Hall including:

- Monthly community social Friday nights
- Tea Tree 8 Ball Club
- Weekly South East Nursing
- Commercial kitchen hire
- Weekly yoga
- Monthly Euchre tournaments
- Frequent children's birthday parties
- Annual long table dinner
- Electoral venue
- Business meeting room
- Wedding functions

The Association have lost their opportunity to raise income in several areas and can no longer hold some community events previously offered. The hall has heritage value with the community. It is a meeting place and clearly locally important. The association are an active group and typically self-funded, except they do need support relating to the building infrastructure. If the Council owned the building, then it would be responsible for all capital expenditure.

Options:

1. As per the recommendation.
2. Amend the amount of support offered.

RECOMMENDATION:

That Council contributes a donation of cash and in-kind support up to an amount of \$7,450 plus GST from the donations budget, as a contribution towards engineering, design and plans, building surveyor and Council fees associated with preparations for the repair of the Tea Tree Hall.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Whelan declared an interest and left the meeting 6.04pm

12.4 APPLICATION FOR KENNEL LICENCE – 1 ANDREA COURT, PONTVILLE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The owner of 1 Andrea Court, Pontville currently has a Kennel Licence for four (4) dogs, Staffordshire Bull Terriers and has now applied to increase the number to six (6).

The owner did speak with Council officers a couple of years ago regarding increasing the numbers, however this did not occur, and it was not until late June 2020, the owner advertised and submitted a new application without consulting staff.

The property is zoned Low density and has an area size of 0.72 hectares.

Consultation:

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

Public notification of the kennel licence application had been carried out by the owner in June 2020. No objections were received.

Risk Implications:

May set a precedent for other applicants to request multiple dogs outside of Council's Policy.

Financial/Budget Implications:

None foreseen.

Strategic Plan:

N/A

Social Implications:

N/A

Environmental or Climate Change Implications:

N/A

Economic Implications:

N/A

Other Issues:

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

The Dog Control Act incorporates the necessary authority for the ACO to act on noise complaints from excessive barking, the treatment of animals and condition of the premises.

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

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

Assessment:

Council's Policy 4.3 states that the following should apply:-

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

1.0 – 2.0 ha for 3-4 dogs

2.0 – 5.0 ha for 5-7 dogs

5.0 – 10.a ha for 8-10 dogs

Greater than 10 ha for 11-20 dogs

The area size of this property is less than 1.0ha and the applicant is seeking to have 6 dogs for breeding.

Council has not received any complaints regarding the existing dogs on this property.

Options:

1. As per the recommendation.

2. To resolve not to support the application and advise the applicant that the General Manager not issue a kennel licence.
-

RECOMMENDATION:

That in accordance with Council Policy 4.3, Council resolve to recommend to the General Manager that a kennel licence be issued pursuant to the *Dog Control Act 2000* for the keeping of up to six (6) Staffordshire bull terriers at 1 Andrea Court, Pontville and that the following conditions be included on the kennel licence:

- 1) *The Council is to be notified of any change in the breed.*
- 2) *Any change in the breed of dogs may require submission of an application for a new licence.*
- 3) *No more than 6 dogs are to be kept on this property.*
- 4) *Adequate provisions for the health, welfare and control of all dogs.*
- 5) *Compliance with all laws relating to public health, environmental protection and required plumbing and planning approvals for the kennel structures.*
- 6) *Compliance with the provisions of the Dog Control Act 2000 or any other relevant Act, including but not limited to the Animal Welfare Act 1993.*
- 7) *The condition of the premises shall not create a nuisance at any time.*
- 8) *Each dog is to be registered annually and microchipped in accordance with the Dog Control Act 2000. Council to be notified of each microchip number.*

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	

Cr Whelan rejoined the meeting 6.12pm

12.5 UNITING CHURCH FREE ACCESS TO WASTE TRANSFER STATION:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

Uniting Church is run from Tottenham Rd, Gagebrook and provides a range of support services as well as their church services to members of the local community. As part of their operations they also run a small op-shop and therefore quite often unwanted/unusable items are dumped at their venue. Due to a replacement Pastor taking many months to commence working there it has taken until now to formally request the free access.

Consultation:

Rev. Joanna Wierenga (Uniting Church), Governance Manager, Asset Services Manager, Council Services Officer.

Risk Implications:

This assistance is in line with Council's Community Grants program.

Financial/Budget Implications:

This request is a late application of the Council's Community grants program.

Strategic Plan:

S1.5 Building a resilient community.

Social Implications:

Providing this access to the Waste Transfer Station assists this organisation to continue to support those in the community who have significant needs.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Not applicable.

Other Issues:

Not applicable.

Assessment:

The Uniting Church is an integral support organisation in Gagebrook. It uses access to the WTS on a minimal basis to dispose of items that get dumped upon their premises, which is a common issue for op shops.

Options:

1. As per the recommendation.
 2. Council approves an amount other than the recommendation.
 3. Council not approve the free access.
-

RECOMMENDATION:

Council provides twelve free access vouchers for the Waste Transfer Station to the Uniting Church, Tottenham Road, Gagebrook.

DECISION:

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

CARRIED

VOTING RECORD

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

12.6 DRAFT SEYMOUR STREET MASTER PLAN:

AUTHOR: Asset Services Manager
(Mr H Macpherson)

Background:

The Ted Jeffries Memorial Park is located on the corner of Seymour Street and Racecourse Road, Brighton. The site consists of Soccer fields, playground, skate ramp, basketball half court, concrete cricket pitch and a large section of relatively unused area. As Brighton continues to grow it is important to look at the best way to utilise this area of land in the future. Council also approved in the 2020-21 budget for a dog-off lead area that is proposed in this location. Inspiring Place were engaged to develop a master plan for the area.

Consultation:

At this stage there has been no formal consultation other than with key Council Officers. There are a few smaller budget items for the area hence the development of the master plan, but as there are no current future budget items for bigger works in this area, it was felt that consultation may create unrealistic expectations in relation to timing of works in the future.

Once Council has reviewed its 10-year plan, consultation can be carried out at an appropriate time.

Risk Implications:

Master planning an area reduces the risks of a poorly designed and laid out park area.

Financial/Budget Implications:

None at this stage but significant dollars will be required to implement the whole plan if approved.

Strategic Plan:

S1.1: Understand/Improve Health and Wellbeing

S1.3: Provide Public Facilities/Amenities

S3.3: Enabling Infrastructure

Social Implications:

N/A

Environmental or Climate Change Implications:

N/A

Economic Implications:

N/A

Other Issues:

N/A

Assessment:

The proposed master plan addresses several issues in the area. It shows the location for the dog park that is in the current budget. It addresses other issues like additional area to expand the play area, improved area for school children drop-offs and parking.

Options:

1. As per the recommendation.
2. An alternative recommendation with proposed changes to the Master Plan.

RECOMMENDATION:

That the Council accept the proposed draft Seymour Street Master Plan.

DECISION:

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

CARRIED

VOTING RECORD

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

12.7 MOBILE FOOD VENDOR POLICY:

AUTHOR: Planning Officer
(Ms J Blackwell)

Purpose:

The purpose of this report is to communicate the results of the public consultation undertaken with regard to the proposed Mobile Food Vendor Policy.

Background:

At the Ordinary Council Meeting held on 16 June 2020, Council approved the draft Mobile Food Vendor Policy to be released for community consultation. Public consultation was undertaken from 3rd July 2020 to 24th July 2020 inclusive, with all registered food businesses serving dine-in or takeaway foods (including registered mobile food businesses) being contacted.

A total of 42 registered food businesses were written to directly and provided with a copy of a fact sheet outlining the relevant points of the proposed policy, information on how to view the policy in full and how to comment on the proposed policy. Six of the 42 (14%) businesses contacted directly have provided comment.

Further consultation was undertaken via the “Have Your Say” portal on the Brighton Council webpage. Public consultation was also undertaken via Council’s Facebook page. The “Have your Say” portal received a total of 69 responses, and a further 30 comments were made on Council’s Facebook page.

Responses received were mainly from residents of Old Beach (46%) and Brighton (30%). The remaining responses included Pontville (4%), Bridgewater (2%) and Herdsman’s Cove, Gagebrook and Honeywood (1.5%) each. 11.6% of responses were received from those who lived outside the Brighton Municipality.

The overwhelming majority of the comments (95%) were in support of the draft policy. 24% of the positive comments welcomed the opportunity for a greater variety of fare.

There were several comments in support that suggested the draft policy was well thought out, not too onerous and the permit fees should be priced competitively.

Whilst not directly relevant to the draft policy, requests for a “Street Eats” type event were also made by respondents, either with or without a supporting market/night market.

Some respondents suggested food trucks were a desirable alternative to travelling outside of the Brighton Municipality to purchase a greater variety of takeaway food.

Others raised issues in relation to ensuring food licensing fees are similar to Council charges imposed on fixed businesses, and also traffic management. Fees incurred by mobile food vendors is addressed in Economic Implications, below. Traffic management is addressed within the draft policy.

5% of all respondents do not support the draft policy. According to the data supplied in the responses, all of those who oppose the draft policy are business owners who own or operate ‘bricks and mortar’ food premises. The key themes from the negative responses related to loss of trade to existing food businesses and the unfair operational advantage that mobile vendors had over bricks and mortar food premises, with lower overheads and ability to trade in peak times only. There was also concern that mobile food vendors did not employ local people, therefore threatening local employment opportunities.

Some of the respondents believed that the mobile food vendors operating in the municipality would threaten the viability of their business and force them to close.

Two of the business operators indicated that mobile food vendors are better suited to markets, festivals and other events.

In relation to trading in proximity to an existing food business, one comment was received suggesting that the distance be expanded to 500m from an existing food premise.

Risk Implications:

Council is aware that mobile food vendors have recently been operating in the municipality.

Instead of having an ad-hoc approach to mobile food vendors, should the draft policy be adopted, it will provide a framework that ensures a level playing field for all mobile food vendors who choose to operate within the municipality and sets out specific permitted locations to operate within, as well as the roles and responsibilities of vendors. The draft policy attempts to encourage a wider selection of food options for the municipality, whilst limiting any impact that mobile food vendors may have on existing food and beverage businesses and residential amenity.

The absence of a formal Mobile Food Vendor Policy will likely result in mobile food vendors operating in other local government areas, despite many responses received from the consultation indicating that mobile food vendors are popular and desired in the municipality.

The absence of a formal Mobile Food Vendor policy will likely result in mobile food vendors operating within the municipality, either without the requisite permits, or in inappropriate locations. This will create an enforcement issue for Council to pursue, and will likely have a greater impact on existing businesses and residential amenity.

Financial/Budget Implications:

A proposed fee structure was outlined in the officer's report to council at the Ordinary Council Meeting held on 16th June 2020. It is proposed that those fees are suitable, having been calculated by considering administration costs, similar charges for rates, and the applicable fee schedule at similar sized councils in Southern Tasmania.

Strategic Plan:

The draft policy is consistent with the following Brighton Council strategies:

- S1.1: Understand/Improve Health and Wellbeing
- S1.2: Create Housing/ Employment/Play/ Education (Liveability)
- S1.3: Provide Public Facilities/Amenities
- S1.4: Support Connected Communities
- S1.5: Build a resilient community and environmentally sustainable future
- S2.1: A focus on Agriculture /Horticulture/ Aquaculture - (Food)
- S3.1: Support 30% Growth Target
- S4.2: Be well-governed

Social Implications:

Mobile food vendors often add to the vibrancy of a community by offering a range of food options and getting people to experience their local community in a different way, and this has been evidenced in the comments made regarding the proposed policy.

Notably, several respondents enjoy that they do not have to travel outside the municipality for a greater variety of food. This is particularly pertinent if COVID-19 restrictions return.

The policy attempts to manage any negative impacts by setting out the roles and responsibilities of the vendor within the policy.

Economic Implications:

Mobile food vendors have the potential to impact on existing bricks and mortar businesses. The policy mitigates this impact by only allowing food trucks to operate in designated locations and for certain periods of time. Proposed hours of operation have been restricted to ensure that local businesses are protected throughout their business hours.

Mobile food vendors are required to pay a licence fee for each of the municipalities in which they operate, together with mobile food vendor registration costs, vehicle registration costs, and insurances. It is considered that the overheads arising from the operation of a mobile food business across several municipalities would result in a greater cost imposition than that of council rates.

Mobile food vendors have a reduced opportunity to recoup overheads, with restricted trading hours being applied (i.e. max. 12 hours per week under the draft policy).

Whilst, in the short term following the introduction of mobile food vendors, economic loss is possible for existing food business owners, research undertaken internationally across the past decade demonstrates that mobile food premises also create economic opportunities for bricks and mortar premises through increased foot traffic, and often provide a stepping stone for mobile food businesses to expand into bricks and mortar locations. In some instances, the increased competition amongst businesses is shown to drive innovation, improve standards and create more efficient processes.

The consultation also shows how much the community enjoy having the food vans in their local areas which in turn improves the liveability of an area, and which can potentially stimulate growth and investment.

Conclusion:

The community consultation has demonstrated that the Brighton community overwhelmingly supports the introduction of the draft policy, with 95% of respondents in support of the draft Mobile Food Vendor Policy. The respondents suggested that the current food offerings across the municipality were limited and the mobile food vendors would bring a greater variety to the municipality and reduce the need to travel outside the Brighton area for food options.

Only 14% of food and beverage operators responded to the targeted consultation. Those who responded (5% of all responses received) all objected to the policy on grounds of possible economic loss and incomparable operational overheads.

The draft Mobile Food Vendor Policy provides a clear framework for operating a mobile food business within the Brighton Municipality, which attempts to mitigate the impacts on residential amenity and existing businesses.

The draft Mobile Food Vendor Policy has the support of the community and is recommended to be adopted. If concerns remain about the Policy, a 12-month trial period, with a subsequent review, could be an alternative option.

Other Issues:

Nil.

Options:

1. As per the recommendation.
2. Adopt the Policy for a 12-month trial period and then review.
3. Amend the policy.
4. Other.

RECOMMENDATION:

1. That the draft Mobile Food Vendor Policy be adopted.
2. That the fees and charges schedule be amended to reflect licence fees.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Geard declared an interest and left the meeting 6.35pm

12.8 EMERGENCY MANAGEMENT:

AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

In accordance with the *Tasmanian Emergency Management Act 2006*, Council must nominate a Municipal Coordinator and Deputy Municipal Coordinator to undertake emergency management functions and to liaise with State Emergency Services at the local, regional and State levels, as well other stakeholders during the prevention, preparedness, response and recovery phase of Emergency Management.

Consultation:

Municipal Coordinator, Deputy Municipal Coordinator, General Manager

Risk Implications:

N/A

Financial Implications:

N/A

Other Issues:

Appointments are usually for a 3 or 5 year period at the discretion of Council. Once nominations are received they need to be forwarded to the Minister for Police and Emergency Management for approval and appointment.

Assessment:

The existing Municipal Coordinator and Deputy Municipal Coordinator are Peter Geard and Heath Macpherson respectively.

Options:

1. As per the recommendation
 2. Nominate someone else for the position of Municipal Coordinator and Deputy Municipal Coordinator or specify a different time period.
-

RECOMMENDATION:

That Council nominate Peter Geard for the position of Municipal Coordinator and Heath Macpherson for the position of Deputy Municipal Coordinator; both for a period of five years.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Geard rejoined the meeting 6.36pm

Cr Whelan moved, Cr Curran seconded that Council resolve into closed council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
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.

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

13.1 WASTE MANAGEMENT INTO THE FUTURE:

13.2 FINANCIAL SUPPORT:

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

CARRIED

VOTING RECORD

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

14. QUESTIONS ON NOTICE:

There were no Questions on Notice.

The meeting closed 7.05pm

Confirmed: _____
(Mayor)

Date: _____
15th September 2020