



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,
19 OCTOBER 2021**

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

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

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council Meeting of 21 September 2021.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Ordinary Council meeting of 21 September 2021, be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

- 2.2 Confirmation of minutes of the Environment, Culture and Arts Committee Meeting of 12 October 2021.

Cr Curran moved, Cr Geard seconded that the Minutes of the Environment, Culture and Arts Committee meeting of 12 October 2021, be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

- 2.3 Confirmation of minutes of the Planning Authority Meeting of 12 October 2021.

Cr Jeffries moved, Cr De La Torre seconded that the Minutes of the Planning Authority meeting of 12 October 2021, be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

3. Attendance and Apologies

Cr Owen moved, Cr Garlick seconded that Cr Murtagh and Cr Whelan be granted leave of absence.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard

Cr Gray
Cr Jeffries
Cr Owen

4. Declaration of Interest

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

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

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

Cr Gray declared an interest in Item 14.5

5. Public Question Time and Deputations

There was no requirement for public question time.

6. Transfer of Agenda Items

According to regulation 8 (4) of the *Local Government Act 1993*, agenda items must be conducted in the order in which they are set out in the agenda of that meeting, unless the council by absolute majority, or the council committee by simple majority, determines otherwise.

7. Petitions

According to regulation 57 (1) of the *Local Government Act 1993*, a person may lodge a petition with a council by presenting it to a councillor or the general manager. A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.

8. Reports from Council

8.1 Mayor's Communications

The Mayor's communications were as follows:-

20/09/2021 - Meeting with Mayor Thomas and Glenorchy GM and Brighton GM to discuss improving relationships and City Deal.

01/10/2021 - Meeting with Senator Claire Chandler – re GP Services with Deputy Mayor and Council Officers.

06/10/2021 - Meeting with Tony and Ingrid Harrison with GM and DGM.

11/10/2021 - Meeting with MHA John Tucker

12/10/2021 - Briefing re Climate Change Strategy with Deputy Mayor and staff.

Triple M – Radio Interview in regards to Cris Fitzpatrick Park Funding.

2 Citizenship Ceremonies at Council Chambers

Council Committee Meetings

Workshop on Council policies

14/10/2021 - ABC Radio 936 Interview – Leon Compton

WIN TV Interview

Meeting with Minister Guy Barnett

15/10/2021 - ABC Radio 936 Interview – Leon Compton

Mercury Interview – Rob Inglis

Seven News Interview.

Meeting with Mayors of Southern Tasmanian Councils and GM's with Director of Local Government and Minister Jaensch – Briefing on Lockdown.

16/10/2021 - Triple M interview – Brian Carlton

18/10/2021 - HO FM - Interview – John Fabris

Mercury Interview

19/10/2021 - Ordinary Council Meeting

DECISION:

Cr Geard moved, Cr De La Torre seconded that the report be received.

CARRIED

VOTING RECORD

In favour

Against

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

8.2 Reports from Council Representatives

DECISION:

There were no reports from Council representatives for this month.

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

8.4 Miscellaneous Correspondence

9. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015 it was reported that the following workshops were held:

9.1 Review of Council policies at 6.10pm on 12 October 2021.

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

10. Notices of Motion

10.1 Additional Seating along Waterfront Walking Tracks

Author - Cr Aaron De La Torre:

During the 2021 Brighton Council by-election I heard from many residents that they believed we needed additional seating along our waterfront walking tracks. Some were needing additional seating to ensure accessibility due to age, mobility, disability, or ill health, whilst others wanted further opportunities to sit and take in the wonderful scenery and wildlife within the area.

According to 2018 data held by the ABS, some 19.5% of our population have some degree of core activity limitation (from mild to severe).

Following on from my Question on Notice to the September Ordinary Council Meeting, I'm now seeking a report to Council outlining options which can be considered by Council in relation to potential locations, costings and funding options for additional seating to be incorporated into the 2022-23 budget process to ensure greater access and enjoyment of our waterfront walking tracks for many within the community.

Motion - Cr De La Torre moves that:

1. Council Officers prepare a report to Council outlining a range of potential locations, costings and funding options for additional seating to be placed along our waterfront walking tracks;

2. That such a report consider whether or not the design and construction of additional seating can be, or can partly be, part of a public art project or a schools/training program via the Trade Training Centre; and
3. That such a report be provided to Council well in advance of the 2022-23 budget process for consultation and consideration for funding in the budget.

DECISION:

Cr De La Torre moved, Cr Geard seconded that:-

1. Council Officers prepare a report to Council outlining a range of potential locations, costings and funding options for additional seating and shading to be placed along our waterfront walking tracks;
2. That such a report consider whether or not the design and construction of additional seating and shading can be, or can partly be, part of a public art project or a schools/training program via the Trade Training Centre; and
3. That such a report be provided to Council well in advance of the 2022-23 budget process for consultation and consideration for funding in the budget.

CARRIED

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

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

11. Consideration of Supplementary Items to the Agenda

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

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

RECOMMENDATION:

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

DECISION:

There were no supplementary agenda items.

12. Reports from Committees**12.1 Environment, Culture and Arts Committee Meeting – 12 October 2021:**

The recommendations of the Environment, Culture and Arts Committee Meeting of 12 October 2021 were submitted to Council for adoption.

DECISION:

Cr De La Torre moved, Cr Jeffries seconded that the recommendations from the Environment, Culture and Arts Committee meeting held on 12th October 2021 be adopted.

CARRIED

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

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

13. Council Acting as a Planning Authority

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 13 on this agenda, inclusive of any supplementary items.

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

14. Reports from Officers

14.1 Seymour Street Master Plan 2021 - 2035:

Author: Manager Development Services (D Allingham)

Background

At the August 2020 OCM, Council accepted the Draft Seymour Street Master Plan. At the time it was felt that consultation may create unrealistic expectations in relation to timing of works in the future and that consultation should take place after Council has reviewed its 10-year plan.

The 10-year plan has now been reviewed and endorsed by Council and Council staff are seeking approval of a revised Master Plan for public consultation.

The Master Plan was revised following discussions with Football Federation Tasmania (FFT) who indicated the soccer pitches shown in the original Master Plan were not shown at an acceptable size for senior matches. To accommodate larger pitches, the site had to be reconfigured so the pitches were end to end rather than side by side. Other changes include:

- Relocation of the junior ovals;
- Relocation of the shared club room facility;
- Relocation of the new multi-use youth facility;
- Removal of the pump track;
- Larger expansion of the existing playground area;

It should be noted that the Master Plan provides a 15 year vision for the area and will need to be completed in stages.

Consultation

General Manager, Manager Development Services, Manager Asset Services, FFT.

The purpose of this report is to seek approval to consult with key stakeholders and the community.

Risk Implications

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

Council needs to be clear in its communications that this is a long term vision to manage community expectations.

Financial Implications

The Master Plan has not been costed at this stage, but it will be a multi-million dollar project to implement and will be heavily reliant on grants and other external funding.

Strategic Plan

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

S3.1: Support 30% Growth Target

S3.2: Implement Strategic Asset Management Plan (Existing and New)

S3.3: Enabling Infrastructure

S4.4: Long-term thinking & evidence-based

Social Implications

Implementation of the Master Plan will provide many health and well-being gains for the community.

Economic Implications

The Policy will provide a high quality park area and much improved soccer facility and make Brighton a better place to work, live, play and invest.

Options

1. As per the recommendation
2. Other

RECOMMENDATION:

Approve the Seymour Street Master Plan 2021 – 2035 for public consultation.

DECISION:

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

CARRIED

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

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

14.2 Amenity Policy for Industrial Zones:

Author: Manager Development Services (D Allingham)

Background

The Amenity Policy for Commercial and Industrial Areas has not been reviewed since it was adopted in 2014.

The Policy has not been widely used and generally just repeated the standards from the *Brighton Planning Scheme 2000* which provided little value.

Upon review, it became apparent that there was little need to duplicate the requirements of the planning scheme, but there was an opportunity to effectively create a new policy which could implement action 4 of the *Brighton Industrial Estate Brand & Place Strategy 2020*:

“Business frontages guidance - Develop a simple guidance document with clear recommendations for business owners to create a good front of house experience, with high amenity, clear signage, and designated visitor car park areas, with the mess moved to back of house outside of sightlines.”

The renewed Policy is relatively simple and requires developers to demonstrate compliance with the “Top 10 Tips for Good Business Frontage Presentation” (see Attachment A) when they are applying for a Planning Permit.

The Policy has been amended to only apply to Industrial Zones.

Consultation

General Manager, Manager Development Services, Councillor workshop.

Risk Implications

There may be some push back on the Policy requirements because it is often thought that there is no need to have good amenity in an Industrial Area. The purpose of this Policy is to change that perception.

Financial Implications

Nil.

Strategic Plan

S1.2: Create Housing/ Employment/Play/ Education (Liveability)

S2.3: Support further development of a 'business & logistics hub'

S4.4: Long-term thinking & evidence-based

Social Implications

The Policy will hopefully result in the Industrial areas being a better place for employees.

Economic Implications

The Policy will hopefully lift the quality of the Industrial areas and make it a more attractive place to invest

Options

1. As per the recommendation
2. Other

RECOMMENDATION:

Endorse the Amenity Policy for Industrial Zones.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

14.3 Public Open Space Policy Review:

Author: Manager Development Services (D Allingham)

Background

Council's Public Open Space Policy (the "Policy"), adopted in 2012 and subsequently reviewed in 2016 and 2017, is once again due to be reviewed.

As part of the review, public open space policies of other Councils were considered. It became apparent that Brighton's Public Open Space Policy needed to be amended to be brought in line with other Councils.

Additionally, the *Brighton Interim Planning Scheme 2015* included subdivision standards that provided standards about the provision of public open space and ways. Since April 2021, Brighton Council has been operating under the Tasmanian Planning Scheme – Brighton (TPS) which has no standards about public open space and ways. The Policy needed to be updated to clarify what type of public open space Council would accept as a land contribution.

The updated Policy can be found at Attachment A and the key amendments include:

- Provided greater clarity about what quality public open space is and that Council will only accept quality public open space.
- Removed the focus on the need for public open space being triggered by residential development and made it clear that cash-in-lieu or land contribution will be required for all subdivisions in residential, commercial and industrial zones.
- Clarified what type of land will not be accepted as public open space (e.g. easements, footways, etc.)
- Clarified what standard public open space is to be developed prior to being transferred to Council.
- Clarified when a valuation must be undertaken when a cash-in-lieu contribution is being made.

Consultation

General Manager, Deputy General Manager, Manager Development Services, Manager Asset Services, Councillor workshop.

Risk Implications

The amendments to the Policy reduce the risk of Council being provided unwanted public open space.

Financial Implications

The amendments to the Policy provide a broader range of zones that Council will receive land contributions or cash-in-lieu contributions which will be a benefit to Council.

Strategic Plan

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

S3.1: Support 30% Growth Target

S4.2: Be well-governed

Social Implications

The amendments to the Policy will ensure Council receives quality open space or cash contributions for improvements to public open space which will benefit the community.

Economic Implications

Having a quality public open space network will make Brighton a better place to live, work, play and invest.

Assessment

The amendments to the Policy provide greater clarity for stakeholders and bring the Policy in to line with other Councils.

Options

1. As per the recommendation
2. Other

RECOMMENDATION:

Endorse the amended Public Open Space Policy.

DECISION:

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

CARRIED

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

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

14.4 Mobile Food Vendors Policy - Review:

Author: Senior Planner (J Blackwell)

Authorised: Manager Development Services (D Allingham)

Background

At the Ordinary Council Meeting held on 16 June 2020, Council approved a draft Mobile Food Vendor Policy to be released for community consultation. That Policy was subsequently adopted at the Ordinary Council Meeting on 18th August 2020.

The policy has been in operation for approximately twelve months. A decision was made to review the policy in light of both written and verbal comments made relating to the policy's operation.

Proposed amendments

The revised Policy, as advertised, included two changes including:

- An amendment to approved locations, relating to management of Council owned land.
- Inclusion of a single use fee (to a maximum of 3 individual permits in total).

Subsequent to public consultation, but not raised in responses received, it was identified that clarity regarding operation on State Roads was required. Clause 4.2(a) specifies that "Permits are only applicable to the locations identified in clause 7.1 of this policy". The locations nominated are council owned land only. Therefore, it is recommended that clause 9 be deleted from the amended policy to remove further ambiguity.

Prior to the review, the possibility of paying a one-off fee was also raised from a possible mobile food vendor wanting to "try-out" the area. It was considered that this was a reasonable request, and has been included in the revised Policy under review.

Consultation

An amended policy was released for public consultation between 1st August 2021 and 21st August 2021. Consultation included:

- A public notice being placed in the August edition of the Brighton Community News (BCN).
- Notification on Brighton Council's Facebook page.
- Written notification to existing mobile food vendor permit holders.
- Written notification to registered food businesses.

Risk Implications

Nil.

Financial Implications

The proposed fee structure remains reasonable when considering administration costs, and similar charges for rates. It is considered that a fee of \$50 per individual permit be approved to be inserted into the Fees and Charges Schedule, which covers administrative costs involved to undertake initial assessment and referral to planning and environmental health officers for consideration.

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

Social Implications

The policy continues to create a vibrant community, increasing interaction by offering a range of food options and encouraging residents to interact with their local community in an informal manner.

There have been minimal complaints received in relation to the operation of the policy, with self-regulation at sites to be applauded.

Economic Implications

As noted in previous reports, mobile food vendors have the potential to impact on existing bricks and mortar businesses. The policy continues to mitigate this impact by only allowing food trucks to operate in designated locations and for certain periods of time.

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 policy in Brighton).

One respondent has noted an experience of economic loss during operation of a mobile food van in close proximity to his business. It must be pointed out, however, that should a food business choose to take up a tenancy within nearby premises, council is obliged to approve the permit under the zoning.

However, 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.

Mobile food vendors continue to be supported twelve months on, demonstrating that there is need for alternative food vendors within the municipality.

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.

Other Issues

Non-compliance with the policy has occurred on a small number of occasions. The non-compliance has been addressed directly with the individual vendor. Generally, the policy is operating as intended.

Assessment

As a result of the public notification period, four responses were received. Three of the four respondents reside in the Brighton Municipality, with three owning food businesses in the municipality.

Comment Received	Officer Response
Positive benefit for the community, meeting new people and need for more vans;	The positive comments in relation to various food vans are further demonstrated through the number of patrons they attract each week, with most permit holders returning to the municipality frequently
The vans provide a larger variety of foods and diversity of food experiences	
There is a negative financial effect on sales identified by a bricks and mortar business, and its inability to compete with lower overhead costs; and vans not adhering to the policy.	<p>Comments relating to loss of income are not disputed. However, the nature of economics provide for competitive markets.</p> <p>It should be noted that should a competing business choose to lease a nearby tenancy, council would be bound to approve the use, due to zoning.</p> <p>As noted above, non-compliance with the scheme, once identified to or by council have been addressed.</p>
Vehicle manoeuvring difficulties at Lennox Park, if maximum amount of food vans on site;	No complaints have been received by Council staff relating to vehicle manoeuvring difficulties during the operation of the policy.
Inability to utilise the Civic Centre location during day-time business hours.	The Civic Centre site has been restricted, both to ensure that the parking areas are not inhibited during operation of the Centre for formal functions/events, as well as to partially protect nearby food businesses. The identified site is greater than 100m from the nearby food businesses.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATIONS:

1. Amend the policy as set out in annexure "A".
2. Amend the Fees and Charges Register to include an item for single day mobile food vendor permit (maximum of 3) in the sum of \$50 per permit.

DECISION:

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

CARRIED

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

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

Cr Gray left the meeting 5.43pm

The Deputy Mayor, Cr Curran took the chair.

14.5 Residential Use in the Agriculture Zone Policy:

Author: Manager Development Services (D Allingham)

Background

Previous subdivisions of agricultural land have created numerous small lots which have led to an increase of 'lifestyle' lots in the Agriculture Zone, where the primary use of the land becomes residential and genuine agricultural use less likely.

Recently, Council commissioned a zoning review of agricultural land in West Brighton and Rosewood (Tea Tree). The Review found that these smaller lots still do have value as agricultural land, particularly horticulture (included protected cropping) not necessarily dependent on land quality. Brighton's agricultural land also has excellent access to markets, labour and transport and logistics and there are opportunities for complementary enterprises (e.g. farm-gate produce sales, cellar-doors, packhouses, cheese-making, etc.).

The community feedback from the Review was that land should be zoned Agriculture, even if that didn't look like farming in the past and people should be able to build houses on their land if they are serious about farming it.

Subsequently, Council proposed the introduction of a West Brighton Specific Area Plan ('SAP') to the Tasmanian Planning Commission ('Commission'). The SAP proposed alternative standards to the Tasmanian Planning Scheme – Brighton.

The purpose was not to facilitate conversion of agricultural land to residential use, but rather to recognise that the one size fits all approach has not worked in West Brighton due largely to the number of small lots, lower soil quality and absence of irrigation. Based on the recommendations of the Zoning Review, the draft SAP aimed to promote controlled environment agriculture and ensure that agricultural use continues if a residential use is established.

The Commission determined to refuse the SAP as it was not convinced that the area was unique enough to warrant it (that "the area is essentially rural in character"), and that lowering the test for conversion to residential use was not fully consistent with the *State Policy on the Protection of Agricultural Land 2009*.

Now that the SAP has been refused, the planning authority must ensure that it upholds the planning scheme in relation to assessing residential use in the agriculture zone consistently across the municipality.

This Residential Use in the Agriculture Zone Policy (the "Policy") relates to the Council's powers and responsibilities as Planning Authority in relation to Residential use on agricultural land, under the Agriculture Zone standards of the Tasmanian Planning Scheme – Brighton, particularly clause 21.3.1 P4.

Planning staff's interpretation of this clause is that the test for a residential use to be *required* as part of an agricultural use is quite difficult to meet.

The Planning Scheme provides little guidance about the type of information that should be provided to demonstrate that residential use is required as part of an agricultural use. This Policy provides clear requirements for residential use in the Agriculture Zone so that the land set aside for agricultural use is used for the intended purpose and the requirements of the Planning Scheme are upheld.

Clearer guidelines that assist the Planning Authority to make appropriate discretionary decisions will also increase community confidence in the system.

The key features of the Policy include that if a residential use is required as part of an agricultural use an applicant must:

- Demonstrate that they are operating an agricultural business;
- Provide a Farm Management Plan that clearly outlines how the business will be operated and why a residential use is necessary.

- Show that the size and design of a dwelling must be commensurate with the functional requirements of the agricultural use and does not fetter agricultural use on adjoining land.

The Policy also includes details about how Council can ensure that the agricultural use is ongoing and that adjoining agricultural uses continue to have the “right-to-farm”.

It is intended that the Policy goes out for public consultation before it is endorsed.

Consultation

General Manager, Manager Development Services, Senior Planner, Councillor workshop.

The recommendation of this report is that the Policy is endorsed for 28 days public consultation.

Risk Implications

There remains a risk that an approved residential use approved under this Policy could be appealed and overturned by the Resource Management and Planning Appeal Tribunal (RMPAT). However, this is the case for any discretionary planning application and planning staff are confident that compliance with the Policy will ensure that the relevant standards in the planning scheme have been adequately addressed.

Financial Implications

Nil

Strategic Plan

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

S2.1: A focus on Agriculture /Horticulture/ Aquaculture – (Food)

S4.2: Be well-governed

Social Implications

There may be some property owners that believe the requirements of the Policy are too strict. However, planning staff are of the opinion that the information required by the Policy is what is needed to adequately assess an application for residential use.

There are also likely to be property owners that think the Policy doesn't go far enough to provides protection to agricultural land.

The Policy attempts to provide a reasonable compromise between opposing views and uphold the Planning Scheme.

Economic Implications

The Policy aims to ensure that land in the Agriculture Zone is used for just that; agriculture. This has the potential to increase agricultural production in the municipality.

Assessment

Council has been grappling with how to assess residential use in the Agriculture Zone for many years and has been somewhat inconsistent in its decision making.

Council has recognised that the “one size fits all” requirements in the planning scheme may not work across the whole Agriculture Zone and tried a different approach through the West Brighton and Rosewood Zoning Review and the subsequent West Brighton SAP. Unfortunately these attempts were not successful.

This Policy attempts to strike a balance between upholding the requirements of the Planning Scheme, learnings from the Zoning Review and the desires of the community.

Options

1. As per the recommendation
2. Other

RECOMMENDATIONS:

1. Approve the Residential Use in the Agriculture Zone Policy for 28 days public consultation; and
2. That a further report be provided to Council following the consultation period summarising the feedback and any proposed amendments to the Residential Use in the Agriculture Zone Policy.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Jeffries
Cr Owen

Cr Gray returned to the meeting at 5.51pm and resumed the chair

14.6 Request For Kennel Licence - 78 Cartwright Street, Brighton:

Author: Governance Manager (J Banks)

Background

The occupier of 78 Cartwright Street, Brighton has applied for a Kennel Licence for six (6) various breed dogs i.e. 1 Pomeranian, 4 Shih tzu and 1 Maltese; outside the scope of Council's Policy.

Officers have been working with the occupier for some time to ensure Legislative requirements are adhered.

The property is zoned Rural Living and has an area size of 0.5 hectare. The area and number of dogs is not consistent with Council's Policy.

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

1.0 - 2.0ha for 3-4 dogs

2.0 - 5.0ha for 5-7 dogs

5.0 - 10.0 ha for 8-10 dogs

Greater than 10ha for 11-20 dogs.

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

Consultation

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

Public notification of the kennel licence application had been carried out by the owner on 13th September 2021. No objections were received.

Risk Implications

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

Financial Implications

Nil

Strategic Plan

N/A

Social Implications

Nil

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

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

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

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

Assessment

There are currently six (6) dogs registered at this address.

In accordance with Council's Policy 4.3- Kennel Licences - *Dog Control Act 2000* - Delegation to the Governance Manager; this application is outside of the scope of this delegated authority due to the requested number of dogs in this application i.e. 6.

Under the (DCA), any person residing or owning land within 200 metres of the boundary of the premises to which a licence relates may object to the general manager against the granting of the licence within 14 days after a notice is published. No objections were received.

Council's Animal Control Officer (ACO) has inspected the property and is satisfied that the property meets all requirements in relation to appropriate enclosures, welfare and housing for these dogs.

Options

1. As per the recommendation.
2. That Council not approve the kennel licence at 78 Cartwright Street, Brighton.

RECOMMENDATION:

That in accordance with Council Policy 4.3, Council resolves to recommend to the General Manager that a kennel licence be issued pursuant to the *Dog Control Act 2000* for the keeping of only six (6) various breed dogs at 78 Cartwright Street, Brighton and that the following conditions be included on the kennel licence:

1. The Council is to be notified of any change in the breed.
2. Any change in the breed of dogs may require submission of an application for a new licence.
3. No more than 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 any kennel structures; if required.
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.
9. The annual Kennel Licence fee to be paid by 31 July each year.

DECISION:

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

CARRIED

VOTING RECORD**In favour**

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

Against

14.7 Waste Education Program - Brighton Schools:

Author: Asset Services Manager (H Macpherson)

Background

The introduction of the FOGO service represents the biggest change to kerbside waste collection since kerbside comingled recycling was introduced 10+ years ago. It involves significant behaviour change for every Brighton resident – the daily separation and storage of putrescible food waste every time it's generated (up to six times a day) and the requirement to put wheelie bins out weekly instead of fortnightly (alternating FOGO one week, waste/recycling the following week).

Household organic waste disposal, for anyone not home-composting or feeding animals, is a very 'automatic' behaviour. It is a **habit**, performed with high repetition, in a familiar context, with little cognitive evaluation, and is defined in behavioural science as follows:

*"Habits are **cue–response** associations in memory that are acquired slowly through repetition of an action in a stable circumstance" [1]*

There are three 'pillars' of habit:

1. Repetition,
2. Automaticity, and
3. Context-Cued.

When a behaviour is performed habitually, the behaviour is delegated from 'willpower' (intentional, motivated) to the *behavioural environment* (cues) [2].

Influencing garden waste disposal habits is fairly straight-forward - the environmental cue (context) is an appropriately sized FOGO bin, preferably within sight of the outdoor activity. To support their behaviour change, gardeners/composters still need reminding of the benefits of using their FOGO bin for weeds/diseased plants and the cost savings from avoiding waste-transfer station drop-offs.

However food waste disposal habits are much harder to change due to their high frequency and automaticity. The desired behaviour (put food waste into FOGO bins) needs a significant and sustained behaviour change strategy to raise it above an 'automatic' activity. Unfortunately, research has highlighted repeatedly that providing environmental information alone isn't effective in creating more sustainable behaviours [3] [4] [5] [6], unless personal environmental values are already high [7].

One of the most effective ways to ensure a sustainable behaviour is to ingrain it at the start of the behaviour [2]. In the context of personal waste management, this means start young.

By providing waste education in Brighton schools it will encourage and reinforce better waste behaviours and knowledge-exchange at home, in addition to develop sustainable life-time habits.

- [1] Verplanken, B. (Ed.). (2018). *The Psychology of Habit (1st ed.)*. Cham, Switzerland: Springer. Retrieved from https://doi.org/10.1007/978-3-319-97529-0_11
- [2] Verplanken B. (2014, March 20). *If you don't understand habits, how can you hope to change them?* BehaviourWorks Australia presentation. Retrieved from https://www.youtube.com/watch?v=_nTpp_VrJvE&t=2487s
- [3] Midden CYH, Staats HJ, Wit AP (1996) *Communicating the greenhouse effect to the public: Evaluation of a mass media campaign from a social dilemma perspective*. Journal of Environmental Management 46(2): 189-203. doi:10.1006/jema.1996.0015.
- [4] Christiano, A., Neimand, A. (2017). *Stop Raising Awareness Already*. Stanford Social Innovation Review. Retrieved from https://ssir.org/articles/entry/stop_raising_awareness_already
- [5] Geller ES (1992) *It takes more than information to save energy*. American Psychology 47(6): 814-815. doi:10.1037/0003-066X.47.6.814.
- [6] Schultz PW (1999) *Changing behavior with normative feedback interventions: A field experiment on curbside recycling*. Basic Applied Social Psychology 21(1): 25-36. doi:10.1207/15324839951036533.
- [7] Bolderdijk JW, Gorsira M, Keizer K, Steg L (2013) *Values Determine the (In)Effectiveness of Informational Interventions in Promoting Pro-Environmental Behavior*. PLoS ONE 8(12): e83911. doi:10.1371/journal.pone.0083911

Consultation

Deputy General Manager, Manager Asset Services, Climate Resilience Officer, Executive Officer (Governance), JustWaste Consulting (Ms Gwen Harper).

Risk Implications

A short-lived FOGO education campaign in schools may not greatly impact household food waste behaviour, as children, in particular younger children, are not often involved in food preparation (the source of unavoidable food waste).

Financial Implications

This year's education program will be taken from the FOGO rollout budget. It is intended to add a new item for Waste Education in future budgets. It is proposed to provide a FOGO and recycling service to all schools in the Brighton Municipality to help with the education program that would form part of this budget.

Strategic Plan

S1.1: Understand/Improve Health and Wellbeing

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

S2.1: A focus on Agriculture /Horticulture/ Aquaculture – (Food)

Social Implications

Influence behaviour in the community through the influence of school children in the family household and creating discussion around waste management behaviours in the community more generally.

Environmental or Climate Change Implications

Waste education can have significant environmental and climate change implications, including reducing waste to landfill and reduced greenhouse gas emissions.

Economic Implications

Improving waste education can have long term financial benefits for the Council and the community by reducing waste levy costs and the amount of materials going to landfill.

Other Issues

None.

Assessment

Brighton schools are to be given the opportunity to participate in a 'waste-wise schools program' that offers a range of classroom activities and subsidised waste services in exchange for them adopting a range of FOGO, recycling and waste minimisation activities. The program will have three levels of participation 1. Waste-Aware, 2. Waste-Beware, 3. Waste-Wise; full scope to include:

1. **Council Officers run classroom presentations**
 - EPA / Curriculum aligned
 - What is 'waste'?
 - 'Food Waste and FOGO'
2. **School Waste Audits**
 - Whole school awareness.
 - Classroom or 'green team' participation.
 - Sets baseline for waste reduction targets.
3. **Student 'Green Teams' support**
 - Special visits / info sessions / competitions / goodies e.g. stickers/badges.
 - Helps collect recyclables in schools.
 - Best performers = recognition via a Council awards program.
4. **'Waste-Wise' Recognition program**
 - Checklist of activities = level of recognition.
 - Participation in at least one national schools-focused waste reduction event / year.
 - Annual improvements = free waste equipment.

This behaviour change strategy to be supported by attending school/community fairs and events to increase the visibility of Brighton's Waste Services, including FOGO bins and caddies (FOGO caddies are the 'environmental cue' needed to disrupt food waste habitual behaviour). A 'Brighton Council Waste Services' information stand to focus on demonstrations/games focused on food waste avoidance e.g. meal planning tip sheet, food scrap/leftover recipes and ideas, as well as FOGO 'best practice' tips. This raises awareness of the problem of food waste, a necessary step to frame the purpose of FOGO.

Options

1. As per the recommendation.
2. Do not support the schools program.

RECOMMENDATION:

Brighton Council support the proposed schools program.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

15. Closed Meeting

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

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

There were no matters to be dealt with in closed session for the October Ordinary Council Meeting.

16. Questions on Notice

There were no 'Questions on Notice' for the October Ordinary Council Meeting.

The meeting closed 5.56pm

Confirmed:

(Mayor)

Date:

_____ 16th November, 2021