



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.30 P.M. ON TUESDAY,
18 OCTOBER 2022**

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr C Pearce-Rasmussen (Manager Asset Services); Ms J Banks (Governance Manager); Ms G Browne (Corporate Executive) and Mr D Allingham (Manager Development Services).

1. Acknowledgement of Country

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present.

Brighton Council acknowledges the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council meeting of 20 September 2022:

Cr Curran moved, Cr De La Torre seconded that the Minutes of the Ordinary Council meeting of 20 September 2022 be confirmed.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick

Cr Geard
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

2.2 Confirmation of minutes of the Planning Authority meeting of 11 October 2022:

Cr Geard moved, Cr Owen seconded that the Minutes of the Planning Authority meeting of 11 October 2022 be confirmed.

CARRIED

VOTING RECORD

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

3. Apologies and Applications for Leave of Absence

All members were present.

4. Declaration of Interest

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

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

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

There were no declarations of interest.

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 communication were as follows:

24/09 SWN (Jobs Hub) Media Event & Morning Tea - 2 year anniversary celebration

08/10 Meals on Wheels 50th Anniversary afternoon tea -Civic Centre

11/10 Planning Authority meeting

18/10 Brighton LGA Volunteering Strategy - project planning meeting

18/10 Ordinary Council Meeting

DECISION:

Cr Owen moved, Cr Murtagh 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 Murtagh
Cr Owen
Cr Whelan

8.2 Reports from Council Representatives

Cr Geard met with the Presidents of the Brighton Show Society and Brighton Cricket Club in relation to the usage over the Brighton Show weeks.

Cr Geard as Brighton Unit Manager and Emergency management co-ordinator met with the Minister at the Brighton SES & Fire Station recently.

Cr Owen attended the Derwent Catchment project annual general meeting at Hamilton.

Cr Jeffries moved, Cr Garlick seconded that the reports be received.

CARRIED

VOTING RECORD

In favour

Against

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

8.3 Miscellaneous Correspondence

Nil.

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 no Council Workshops have been held since the last Ordinary Meeting of Council.

10. Notices of Motion

10.1 Netting - Cloak Oval and Lennox Park Children's Playground & Barbecue Area

Cr P Owen had submitted the following notice of motion.

For a number of years, I have sought the installation of suitable lightweight netting to prevent cricket balls from entering the playground area thus reducing the risk of a member of the public being injured/struck by a cricket ball.

I have witnessed cricket balls landing in the children's play area. T20 cricket aka "big bash" where the object of the batsman is to dispatch every ball over the boundary fence poses a significant risk and immediate action is needed. Netting in this case is a "must have" not optional and believe it to be a public safety issue that no longer can be ignored.

Cr Owen moves that:

That Council install suitable netting immediately or close the playground during cricket games and cricket practice sessions.

General Managers Response:

Background

This matter has been raised previously by both Cr Owen and Cr Gray. It was listed as a possible budget item during the budget deliberations for the current budget by staff earlier this year, but ultimately was not given budget priority over other matters when Councillors approved the final budget. The item remains listed for potential future budget inclusion.

In the meantime, Council has erected signage that the reserve could be subject to errant cricket balls when matches are occurring. Council has also previously erected fencing along the roadside to cover footpaths and property from errant balls.

The Risk

Regarding the risk specifically, Council has detailed and contemporary risk management processes that deal with hundreds of assets and risk scenarios. Operational risk is dealt with by considering the severity of a potential consequence against the likelihood of the event occurring. Due to the likelihood of someone being hit being extremely rare the overall risk classification is therefore lower and deemed manageable with interim controls until such time as the risk can be mitigated further or eliminated.

Since cricket has been played at Cloak Oval, Council have not received any reports from the public of anyone being hit by a cricket ball, nor any near misses of anyone in Lennox Park, the Old Beach Community centre, or the car park, to the best of our knowledge.

Risk management is prioritised in context with all potential risk associated with Council, according to likelihood of an event and consequence of an event. It is only when risk is analysed in context can the prioritisation of risk mitigation be achieved.

Risk management is an operational matter. Staff are legally responsible for risk and can be personally liable. Councillors are not personally liable. Staff identify and manage risk in accordance with accepted industry standards and establish priorities for risk expenditure, including sometimes with recommendations to Council for budget approval.

Cricket Australia recommends there is a buffer distance to reduce risk, of at least 20 to 40 metres from boundaries to any other park infrastructure, such as a playground. The boundary closest to the Lennox Park playground is approximately 46 metres from the pitch and the playground is 68 metres approximately from the pitch.

RECOMMENDATION:

- Council staff to continue to monitor the risk associated with errant cricket balls. To prioritise risk mitigation in context associated with all Council risk according to likelihood of an event and consequence of an event utilising best risk management practices.
- Install further match day signage, alerting all users of the playground and/or Old Beach Community Centre that there is a cricket game being played on the day.
- Plant dense foliage trees adjacent to the playground on the Cloak Oval side.

DECISION:

Cr Owen moved, Cr Jeffries seconded that council staff present a proposed design and costing to Council as soon as possible.

CARRIED

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

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

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:

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

12. Reports from Committees

There were no Committee meetings held during October.

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.

13.1 Development Application DA 2022 / 00168 for Multiple Dwellings (2) at 32A Fouche Avenue, Old Beach

Author: Kelly Min (Planning Officer)

Authorised: David Allingham (Manager Development Services)

Applicant:	Pinnacle Drafting & Design
Subject Site:	32A Fouche Avenue, Old Beach
Proposal:	Multiple Dwellings (2)
Planning Scheme:	<i>Tasmanian Planning Scheme – Brighton</i> (the planning scheme)
Zoning:	8.0 General Residential
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
Local Provisions:	Nil
Use Class:	Residential (Permitted)
Discretions:	8.4.6 Privacy for all dwellings (P3)
Representations:	1 representation was received. The representor raised the following issue: - Concerns related to increased residential density
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine development application DA2022 / 00168.

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of LUPAA.

This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either:

- (1) adopt the recommendation, or
- (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

2. SITE ASSESSMENT

The site refers to 32A Fouche Avenue, Old Beach, which is a vacant internal lot (see Figure 1).

The lot is 865m² in size with frontage and existing access to Fouche Avenue, Old Beach.



Figure 1. An aerial image of the site (highlighted in yellow)

The site and adjoining land are zoned General Residential (see Figure 2).

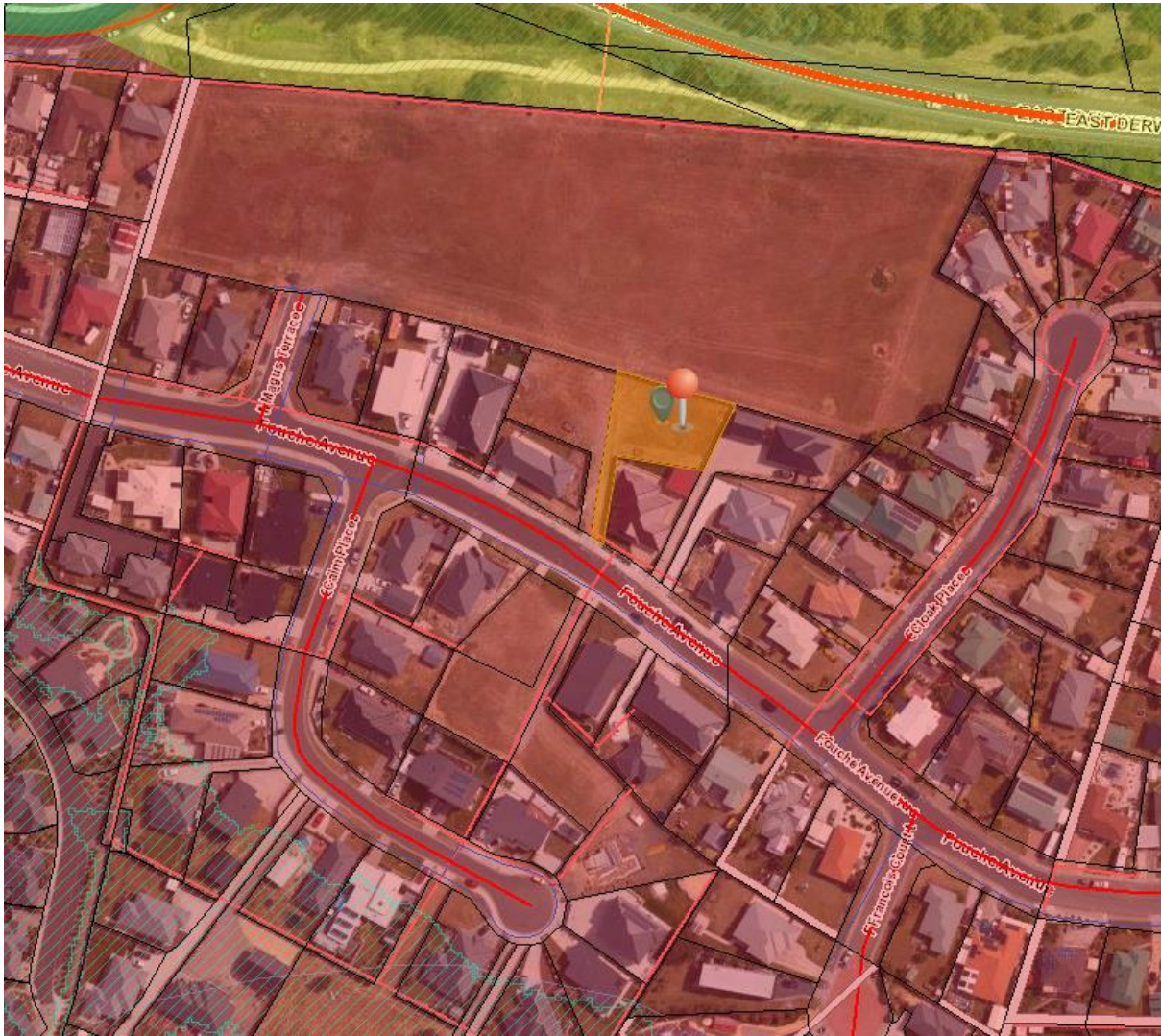


Figure 2. Zoning (General Residential Zone highlighted in red)

The site is not affected by overlays or local provisions. Yet, it is burdened by a variable width drainage easement parallel to the property's access in favour of Brighton Council. There is also a pipeline and services easement in favour of TasWater that was created over the above drainage easement.

3. PROPOSAL

The proposal seeks planning approval to develop two three-bedroom, single storey units on the site (see Figure 3).

The site is accessed by an internal driveway and includes 2 parking spaces per unit and a shared visitor space.

The proposal includes a landscape plan.

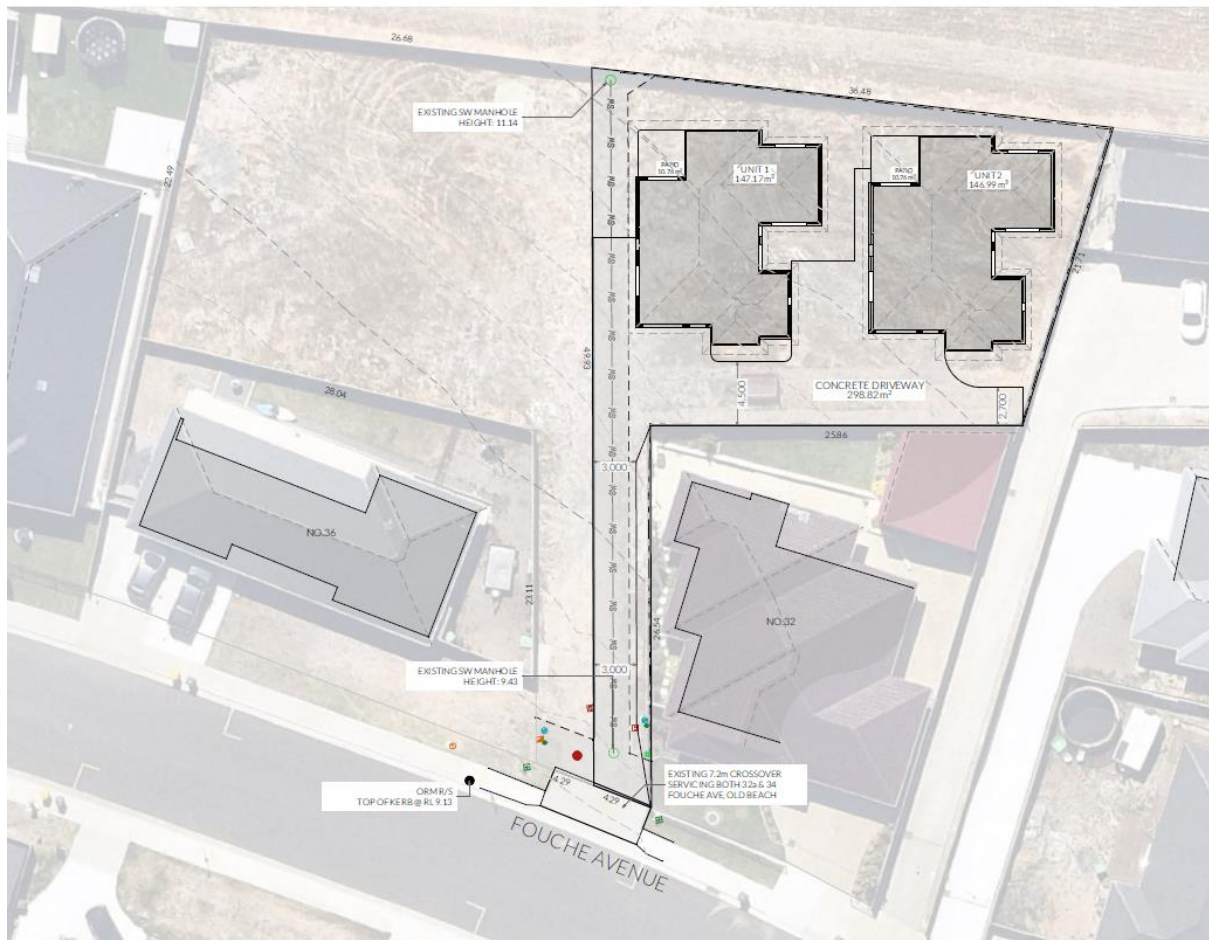


Figure 3. Location plan

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:
 - (i) a zone;
 - (ii) an area to which a specific area plan relates; or
 - (iii) an area to which a site-specific qualification applies; or
- (b) the proposed use or development is a use or development to which a relevant applies; and
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

5.6.3 Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.

5.6.4 *The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.*

Determining applications (clause 6.10.1):

6.10.1 *In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

Use Class

The Use Class is categorised as Residential (Permitted).

The proposal provides for residential use and development where full infrastructure services are available.

Compliance with Performance Criteria

The proposal meets the Scheme's relevant Acceptable Solutions with the exception of the following:

8.4.6 Privacy for all dwellings

Objective:	
That parking areas are constructed to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or (b) 1m if:	P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

- | | |
|--|--|
| <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p> | |
|--|--|

The shared driveway is proposed within 2.5m of Unit 1 and 2's bedroom 1 windows (W01 & W02). No privacy screening or obscure glazing is proposed (see Figure 4).

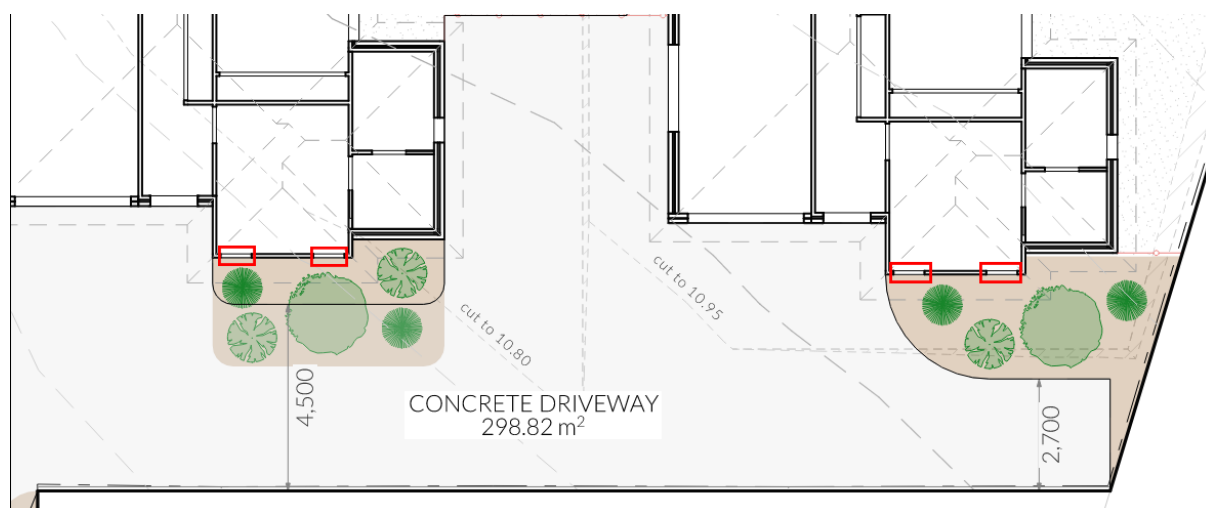


Figure 4. Location of windows (bounded in red)

Although the windows W01 and W02 for each unit are separated from the shared driveway by at least 1m, they are not separated by a screen 1.7m (min) high in order to satisfy A3(b)(i), nor do the windows have a sill height greater than 1.7m, or obscure glazing (A3(b)(ii)).

Therefore, the acceptable solution is not satisfied and assessment against the performance criteria is relied upon.

The proposal plans show landscaping adjacent to Bedroom 1 of each unit, however the form of landscaping has not been specified. Whilst landscaping can mitigate the privacy shortfall, it is recommended that a condition be included on an eventual planning permit requiring privacy screens or obscure glazing to be installed prior to issue of building approval for the units.

Accordingly, the proposal can satisfy the Performance Criteria in clause 8.4.6 P3, with conditions.

5. Referrals

Council's Development Engineer

Council's Development Engineer was consulted regarding this proposal. The officer considered that the proposal can satisfy the applicable standards of the Parking and Sustainable Transport Code and the Road and Railway Assets Code, and that the proposal will not generate stormwater issues provided that the stormwater-related conditions on any planning permit issued be observed. Comments have been incorporated into the officer's report, where necessary.

TasWater

The application was referred to TasWater, and TasWater has issued a Submission to Planning Authority Notice (SPAN) Reference No. TWDA 2022/01093-BTN, dated 14/07/2022. A copy of the SPAN will be attached to any planning permit issued.

6. Representations

One representation was received during the statutory public exhibition period between 14 and 29 September 2022.

The representor's concern is summarised below, and planning response to this concern is provided:

Representors' concerns	Planning Response
Concerns related to increased residential density. The representor indicated that they would not object to the proposal if it were for developing a single dwelling on the site.	The site is zoned General Residential. In this zone, multiple dwellings are permitted. The proposal accords with the density requirements of Clause 8.4.1 A1 of the planning scheme (i.e., each unit has a site area greater than 325m ²).

7. Conclusion

The proposal satisfies all relevant provisions of the Planning Scheme. Thus, it is recommended for approval with conditions.

8. Recommendations

That:

- A. Pursuant to the *Tasmanian Planning Scheme – Brighton*, Council approves application DA 2022 / 00168 for Multiple Dwellings (2) at 32A Fouche Avenue, Old Beach, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Where a conflict between the application for planning approval, endorsed drawings and conditions of this permit, the latter prevails.
- (3) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

Easements

- (4) Before the use commences, the sealed plan for each site must be amended to create reciprocal rights of carriageway along any portions of the driveway shared by the properties at 32A and 34 Fouche Avenue. The cost of creating this easement shall be at the developer's full cost.

Amenity

- (5) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.

Landscaping

- (6) Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Manager Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Manager Development Services within 30 days of planting.
- (7) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Privacy

- (8) Prior to issue of building consents pursuant to the Building Act 2016, the applicant must submit amended plans for the approval of the Manager Development Services. The amended plans must show either:
 - a. privacy screens adjacent to Windows W01 and W02 for units 1 and 2 to a height of 1.7m above the shared driveway's floor level or
 - b. obscure glazing to Windows W01 and W02 for units 1 and 2.

Once approved, the amended plans will form part of the permit.

Private Open Space

- (9) Before the use commences, the private open space for all units must be formed or constructed to the satisfaction of the Council's Manager Development Services.

Services

- (10) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

TasWater

- (11) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA2022/01093-BTN dated 14/07/2022, as attached to this permit.

Parking and Access

- (12) At least five (5) car parking spaces must be provided on the land at all times for the use of the development, including at least two (2) car parking spaces per dwelling and one (1) designated for visitor parking, in accordance with Australian Standard AS 2890.1- Parking Facilities Part 1: Off-Street Car Parking.
- (13) Parking spaces and circulation ways are to be delineated, signed, and unit assigned in accordance with the approved plans and to the satisfaction of Council's Municipal Engineer.
- (14) Unless approved otherwise by Council's Municipal Engineer all parking, access ways, maneuvering and circulation spaces must be provided in accordance the endorsed drawings and the Australian Standard AS 2890 - Parking facilities, Parts 1-6, and include all of the following:
 - (a) be constructed with a durable all-weather pavement;
 - (b) be drained to the public stormwater system;
 - (c) be surfaced by a spray seal, asphalt, concrete, pavers, or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (e) provide for vehicles to enter and exit the site in a forward direction;
 - (f) have car parking space vertical clearances of not less than 2.1m above the parking surface level; and
 - (g) have car parking spaces delineated by line marking or other clear physical means.

Access to Public Road

- (15) The existing concrete apron is to be preserved and form the access to the development. During construction it is to be protected from damage, cracking or marking.
- (16) A road opening permit is to be applied for, fee paid and permit issued for any works in the road reservation needing to be undertaken.

Stormwater

- (17) Stormwater drainage from the proposed development must drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Soil and Water Management

- (18) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- (19) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Construction Amenity

- (20) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- (21) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, wastewater, waste products, grit or otherwise.
 - (b) The transportation of materials, goods, and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.

- (d) Appearance of any building works or materials.
- (22) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.
- (23) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (24) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. Please contact your private building surveyor to ascertain what approvals (if any) are required under the *Building Act 2016*.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

14. Reports from Officers

14.1 Big hART Progress Report

Author: Community Development Officer (B Szlezak)

Background

In September 2022 Council provided \$30K to Big hART through the Community Initiatives budget to continue their work with students at Jordan River Services Learning Federation Senior School.

The funding provided to Big hART from Brighton Council enabled them to build on the relationships and skill development workshops they have initiated with young people in the municipality. Big hART identified two projects that this funding would contribute towards including STEM workshops and Squid Theory Project connection.

A Progress Report from Big hART for the September 2022 period is attached for Councillors information.

Consultation

Jordan River Services Learning Federation Seniors School.

Risk Implications

Nil.

Financial Implications

Nil.

Strategic Plan

Goal 1: Strengthen our Communities

S1.1: Understand/ Improve Health and Wellbeing.

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

S1.4: Support Connected Communities.

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

Goal 2: Create 2-3 hubs for our Connector Satellite City

S2.2: Education/Capability Build

Goal 4: Ensure a Stable Organisation

S4.3: A shaping agenda facilitated through strong engagements.

Social Implications

Brighton Council has identified through its Public Art Strategy that it wants to improve its support of community initiatives and social capital through an arts and culture lens.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

RECOMMENDATION:

It is recommended that Brighton Council receive the Progress Report from Big hART for the September 2022 period.

DECISION:

Cr Whelan moved, Cr Curran 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 Murtagh	
Cr Owen	
Cr Whelan	

14.2 Centacare Evolve - Refund of Fees - Charity House, Fisher Drive, Herdsmans Cove

Author: Governance Manager (J Banks)

Background

Centacare Evolve Housing in conjunction with St Joseph Affordable Homes are constructing a Charity House in Fisher Drive, Herdsmans Cove. The land the Charity House is being constructed on was gifted to Centacare Evolve by the State Government.

St Joseph Affordable Homes is an innovative Catholic building and construction social enterprise, its purpose is to improve life and employment outcomes for young Tasmanians. An initiative of the Archdiocese of Hobart, St Joseph Affordable Homes is delivering a training and employment program, including an in-house apprenticeship scheme for young people. The extensive social and affordable housing building programs of Catholic Care Tasmania and Centacare Evolve Housing are the building and construction projects for St Joseph Affordable Homes. Their aim is to build over 400 homes in Southern Tasmania in the next two years which will enable us to employ 20 young people, across a range of trades.

The proceeds of the sale of the Charity House in Herdsmans Cove will be used to Build Up Tassie. Build Up Tassie (BUT) is a unique pre-employment program developed and run by Centacare Evolve to support young and vulnerable job seekers to gain meaningful employment in the building industry. BUT works with construction partners, including St Joseph Affordable Homes to provide one-on-one coaching to participants before employment, once they are employed and for the duration of their apprenticeship/traineeship. BUT does not charge participants any fees and the sale of the Charity House will help fund 50 participants through the program.

Centacare Evolve are requesting a refund of all Council fees paid to date, their plan for this Charity House is not to have spent any money during the construction of this Charity House.

Consultation

Building Services Officer, General Manager, Executive General Manager (Centacare Evolve Housing).

Risk Implications

May set a precedent for other charities to seek reimbursement or remittance of Council fees.

Financial Implications

The following fees have been paid since 2018:-

Building fees:

\$750 – Paid 9/11/2018

- \$150 – Notifiable assessment fee
- \$200 – Building Administration fee – State Government
- \$400 – BCITB Training Levy – State Government

The \$600 mandatory State Government fees is received by Councils and then paid directly to the State Government (this is not a Council fee).

\$200 – Variation/Amendment fee - Paid 9/9/2022

Plumbing fees:

\$683 – Paid 9/11/2018

- \$203 – Plumbing assessment fee
- \$332 – x4 inspections @\$83 per inspection
- \$148 – Completion

\$200 – Extension of time (1st year) - Paid 4/8/2022

\$200 – Variation/Amendment fee - Paid 15/9/2022

Total of fees received by Council = \$2,033 (this includes the \$600 mandatory State Government fee Council collects on behalf of the Government which has already paid to State Government).

Strategic Plan

Goal 1: Strengthen our Communities

S1:2 – Create housing/employment/play/education (liveability)

Social Implications

N/A

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

N/A

Assessment

St Joseph Affordable Homes is a not-for-profit building and construction social enterprise, with a dual purpose of providing substantial employment opportunities for young and vulnerable Tasmanians and to alleviate homelessness.

The Charity house when sold will provide much needed funding to support those participants through the Build up Tassie initiative.

Options

1. As per the recommendation
 2. Reimburse only Council fees i.e. \$1,433 (excludes the State Government mandatory fee already paid)
 3. Not refund any fees.
-

RECOMMENDATION:

That Council refund the total of \$2,033 fees (which includes the mandatory State Government collected fee and paid to State Government) to Centacare Evolve Housing for the Charity house in Fisher Drive, Herdsmans Cove.

That the \$2,033 be recorded as a donation in Council's Annual Report.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

14.3 Sustainable Living Tasmania - Event Proposal

Author: Climate Resilience Officer (A Johnson)

Authorised: Manager Development Services (D Allingham)

Background

Sustainable Living Tasmania (SLT) with MONA's Material Institute are proposing to host "The Big Weekend of Sustainable Living Ideas" at the Brighton Civic Centre and the Botanical Institute (Eddington St) on 25-26 March. The event will celebrate SLT turning 50 years old and aims to attract people from Brighton community, but also Greater Hobart and across the State. Previously SLT held a sustainability expo on the Hobart waterfront that attracted more than 10,000 people.

The event aims to connect the community with products, services, and opportunities to enjoy sustainable living, the provision of practical energy saving information and the operation of valuable community programs such as "Get Bill Smart". The event will connect sustainability businesses, community groups and members of the public.

SLT proposes Brighton Council match indirect and direct funding for a sustainable living event and is seeking the following:

- waive the hire fees for the Civic Centre (four days @\$794 per day hire costs) ; and
- \$10,000 towards the event itself.

This would amount to a 20% contribution from Brighton Council to the total event cost of \$60,000. SLT's contribution will include the not-for-profits contribution of skilled practitioners from the board and operations staff, as well as engaging an events manager for 9 months preceding the event. Sponsorship from businesses will also be sought. The attachment has further details on the event proposal.

The Proposal has strategic ties with Brighton Council's climate change resilience program and will bring many other benefits, such as:

- Linking industrial and commercial businesses within the community and building a local sustainability network and a circular economy;
- Showcasing the Civic Centre as a professional hire facility;
- Contributing to Brighton municipality's image of a positive, happening, and liveable place for people with a diverse range of interests;
- Building on the Brighton Council sustainability in schools' program, inviting school kids to be part of proceedings.

Consultation

The Deputy General Manager, Asset Services Manager, Community Development Officer and Corporate Services Manager have been consulted.

Risk Implications

Risks are low from waiving the Civic Centre hire fees.

Contributing to any larger community event has associated risks of low attendance and reputational damage as a result, however, the low risk of this happening can be managed through strong promotion and a well-designed and run event.

Financial Implications

The total financial request to Brighton Council is for \$10,000, plus waiving fees for hire of the Civic Centre for four days (valued @ \$3,176). There are funds available for this proposal from the Climate Resilience budget.

Strategic Plan

The recommendations further the following strategies from Council's strategic plan:

- S1.1: Understand/Improve Health and Wellbeing
- S1.5: Build a resilient community and environmentally sustainable future
- S4.1: Ensure Financial & Risk Sustainability
- S4.2: Be well-governed
- S4.4: Long-term thinking & evidence-based

Social Implications

The proposal benefits Brighton Council as it will increase community health and wellbeing as well as highlight to local and wider businesses and community members that Brighton Council is an attractive place to live, work and play.

Environmental or Climate Change Implications

The action also relates to the Brighton Council *Climate Change Resilience Strategy 2019*:

- To promote innovation and generate opportunities
- Working with the community – Council will integrate climate change issues into relevant community engagement activities
- Infrastructure, hazards and risk management – Council needs to engage with

Economic Implications

Nil

Other Issues

Nil

Assessment

Nil

Options

1. As per the recommendation.
2. Do not support the Sustainable Living Tasmania event proposal;

RECOMMENDATION:

1. Endorse the Sustainable Living Tasmania event proposal; and
2. Waive the hire fee of \$3,176 for the hire of the Civic Centre; this to be recorded as a donation in Council's Annual Report.

DECISION:

Cr Owen moved, Cr Whelan 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 Murtagh
Cr Owen
Cr Whelan

15. Questions on Notice

The following Questions on Notice were submitted by Cr A De La Torre.

In recent times there has been considerable public discussion in relation to the ongoing housing crisis and the effect of conversion of long-term rentals to short stay accommodation on Airbnb or Stayz, for instance, in a number of the state's municipalities.

The vast majority of short stay accommodation in the municipality should be regulated by the *Short Stay Accommodation Act 2019*.

As such, could the General Manager please advise:

1. how many properties within the municipality have been granted planning approval to be used as short stay accommodation;
2. whether the number of short stay accommodation providers in our municipality has been increasing or decreasing in recent years; and
3. whether there is any evidence to suggest that other properties are being utilised as short stay accommodation without the permits required under the Act?

General Manager's Response:

For the purposes of some background, the Consumer, Building and Occupational Services (CBOS) provide Council annually with a list of short stay accommodation providers in our area, provided under the *Short Stay Accommodation Act*. Council officers then check all of these to ensure they are legitimate and with appropriate permits in place. In the last reporting year, two were investigated due to potential non-compliance, both of which are no longer operating.

In direct response to Cr De La Torre's questions:

1. 15 properties have been granted planning approval to be used as short stay accommodation. It is worth noting that only about half of these are in residential areas. The other half are purpose-built units for visitor accommodation on rural properties, where no additional dwellings would be allowed.
2. The number of short stay accommodation providers has increased by two per year for the past couple of years.
3. The annual list sent to Council by CBOS sometimes identifies one or two listings that Council officers were unaware of. These are followed up to ensure compliance. There are currently no listings on AirBnB or a similar platform that do not have appropriate permits. Council officers check this routinely.

As such, it is reasonable to conclude there is no strong evidence this is a significant issue in Brighton. Council officers will continue to monitor the situation.

The meeting closed at 6.00pm.

Confirmed:

(Mayor)

Date:

15 November 2022