



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 5.38 P.M. ON TUESDAY, 19 DECEMBER 2023**

1. Acknowledgement of Country

2. Attendance

Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr De La Torre, Cr Geard, Cr Irons; Cr McMaster; Cr Murtagh, Cr Owen, Cr Whelan

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr D Allingham (Director, Development Services); Mr C Pearce-Rasmussen (Director, Asset Services); Ms G Browne (Director, Corporate Services); Ms A Turvey (Manager Community Development & Engagement); Ms E Lang (Acting Director Governance & Regulatory Services)

3. Applications for Leave of Absence

All members were present.

4. Confirmation of Minutes

4.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 21st November 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on the 21st November 2023, be confirmed.

DECISION:

Cr Curran moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on the 21st November 2023, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

4.2 Planning Authority

The Minutes of the Planning Authority Meeting held on the 5th December 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Planning Authority Meeting held on the 5th December 2023, be confirmed.

DECISION:

Cr De La Torre moved, Cr Irons seconded that the Minutes of the Planning Authority Meeting held on the 5th December 2023, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

4.3 Audit Panel Minutes

The Minutes of the Audit Panel meeting held on the 20th October 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Audit Panel meeting held on the 20th October 2023, be confirmed.

DECISION:

Cr Owen moved, Cr Geard seconded that the Minutes of the Audit Panel meeting held on the 20th October 2023, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

5. Declaration of Interest

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the general manager, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

Cr Irons declared an interest in Item 13.1

The Mayor noted that he had previously declared an interest in Item 13.1 but that interest is no longer applicable.

6. Public Question Time and Deputations

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

Mrs Hertrick of Old Beach asked the following questions during Public question time at the November Ordinary Council Meeting:-

Q1 The planned walkway for north of the jetty, what point of the jetty is that walkway expected to start and go to given that this has been debated before years back?

Q2 There's been surveyors recently at the riverside behind Morrisby Road and up Blackstone Drive (bush side) and what we're wondering is what these surveyors are doing a feasibility of? Is there any information you can give us about that?

The General Manager's response to these questions is as follows:-

- *Council are currently doing the background feasibility work on the whole area from St Anns on the East Derwent Highway to the Old Beach Jetty to determine feasibility, including Fauna & Flora surveys and Aboriginal Heritage Assessments.*
- *This work will then provide sufficient information to workshop the options with Councillors and have a reasonable idea of practical issues, rough costs, and the like. The workshop with councillors should provide direction on Council's appetite to progress further development of these options, including public consultation.*
- *An initial Council workshop was held on the 5th December 2023. Council expects to conduct public consultation in early 2024.*

7. Reports from Council

7.1 Mayor's Communications

The Mayor's communications were as follows:

22/11	TasWater AGM
24/11	Tidy Towns Awards, Oatlands
5/12	Council Workshop
5/12	Brighton Council Annual General Meeting
5/12	Planning Authority Meeting
8/12	GMC Meeting
8/12	PLGC Meeting
18/12	Community Reception for Dr Chris Hughes
19/12	General Manager's Performance Review Committee
19/12	Council Workshop – STRWA Briefing
19/12	Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Geard moved, Cr Murtagh seconded that the Mayor's communications be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

7.2 Reports from Council Representatives

- Cr Geard recently attended an event in Ulverstone with the State Fire Commission as the Local Government representative.
- Cr Geard attended a talk to the Brighton School for the Seniors Group on Emergency Management.
- Cr Owen attended a Cycling South Meeting on 29th November 2023.
- Cr Owen attended end of year assemblies for Herdsmans Cove Primary School and East Derwent Primary School.
- Cr Owen accepted a Certificate of Appreciation on behalf of Council from Under One Rainbow.
- Cr Irons attended the Greater Hobart Homelessness Alliance meeting on the 7th December 2023.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

Cr De La Torre moved, Cr McMaster seconded that verbal reports from Council representatives be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Public Question Time and Deputations

Cr De La Torre moved, Cr Owen seconded that the meeting reverts back to Public Question Time to allow Mr Andrew Bullock to address Council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

The Mayor advised Mr Bullock that his five minute timeframe to address Council had expired.

Cr Owen moved, Cr De La Torre seconded that Mr Bullock be granted an additional three minutes to address Council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

As per the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager will provide a response to Mr Bullock's questions without notice on the next Council agenda.

8. Miscellaneous Correspondence

- Email from Chief Executive, Committee for Greater Hobart dated 14th December 2023 welcoming Brighton Council as an Enterprise member.

9. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015.

One (1) Council workshop has been held since the previous Ordinary Council meeting.

A workshop was held on the 5th December 2023 at 4.00 pm to discuss LGBTIQ+ inclusion matters and the Old Beach Foreshore track.

Crs Gray, Curran, De La Torre, Geard, Irons, McMaster, Murtagh, Owen and Whelan were in attendance.

10. Notices of Motion

Nil.

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 in December.

13. Council Acting as a Planning Authority

Under the provisions of the *Land Use Planning and Approvals Act 1993* and in accordance with Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, 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.

Cr Irons had declared an interest in the following item and left the meeting 6.02pm

13.1 Planning Scheme Amendment for 203 & 205 Old Beach Road, Old Beach - RZ 2023-002

Type of Report	Section 40K of <i>Land Use Planning and Approvals Act 1993</i>
File Reference:	RZ 2023-002
Requested by	JMG Engineers and Planners
Owner/s:	Mark Nolan Lisa Schimanski
Location:	203 Old Beach Road, Old Beach 205 Old Beach Road, Old Beach
Proposal:	Amend the planning scheme map to: A. Rezone the land at 203 and 205 Old Beach Road, Old Beach from Future Urban Zone to General Residential Zone, Low Density Residential Zone, Environmental Management and Open Space Zone B. Amend the Priority Vegetation Overlay from 203 and 205 Old Beach Road, Old Beach, C. Insert the Flood Prone Hazard Overlay over 203 and 205 Old Beach Road, Old Beach.
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Advertised:	21/10/20-23 – 20/11/2023
Representations:	Three (3)
Author	Jo Blackwell (Senior Planner)
Authorised:	David Allingham (Director Development Services)

1. Executive Summary

This report considers the submissions made during the exhibition period regarding a draft planning scheme amendment pursuant to s37 of the *Land Use Planning and Approvals Act 1993* (the Act) for the land at 203 and 205 Old Beach Road, Old Beach (the Site) by amending the planning scheme maps to:

- a) Rezone the land at 203 and 205 Old Beach Road, Old Beach from Future Urban Zone to General Residential Zone, Low Density Residential Zone, Environmental Management and Open Space Zone.
- b) Amend the Priority Vegetation Overlay from 203 and 205 Old Beach Road, Old Beach.
- c) Insert the Flood Prone Hazard Overlay over 203 and 205 Old Beach Road, Old Beach.

Council's Planning Authority, at its meeting on 17th October 2023, agreed to initiate the proposed planning scheme amendment made by JMG Engineers and Planners under s38(2) of the *Land Use Planning and Approvals Act 1993* (the Act) and, therefore prepared and certified the draft amendment to the LPS (s40F) as meeting the LPS criteria (s34) under the Act.

The amendment application was then exhibited for a period of twenty-eight (28) days (s40H).

This is a report required by s40K to be submitted to the Commission in relation to the three (3) representations received during advertising.

It is considered that the representations to the draft amendment do not warrant any modification to the proposed amendment.

2. Legislative requirements

In accordance with s40H the planning authority must exhibit the draft amendment for twenty-eight (28) days.

Following exhibition, the planning authority must consider any representations and provide a report to the Commission. The report must include [s40K]:

(a) a copy of each representation, including any agreed to be accepted after the end of the exhibition period;

(b) the planning authority's views on the merit of each representation;

(c) a recommendation as to whether the draft amendment should be modified to take into account the representation and the effect on the LPS as a whole in implementing the recommendation; and

(d) a statement as to whether the planning authority is satisfied that the draft amendment meets the LPS criteria; and

(e) any other recommendations in relation to the draft amendment.

The planning authority has 35 days from the close of the exhibition period to forward its report to the Commission.

The Representations and Response

The draft planning scheme amendment was on public exhibition from 21st October until 20th November 2023. Three (3) submissions were received during the public exhibition period.

A summary of the concerns raised in Representation 3 has been provided to the applicant, TasWater and Department of State Growth for comment. Responses from the applicant and TasWater are included as Attachments D and E respectively.

Below is a summary of the 3 representations received during the public exhibition period, and the assessing officer’s response on the merit of each representation as required by s.40K(b) of the Act.

No.	Submission	Response on merit
Rep 1 – TasWater (Attachment A)		
1.	<p>TasWater initially advised that it does not object to the proposed amendment and has no formal comments, and does not required to be notified nor attend any subsequent hearings</p> <p>Upon receipt of a representation received during the public exhibition period, TasWater was asked to provide further comment on the submission made. TasWater’s response (Attachment E) was in the following terms:</p> <p>TasWater provides the following comments regarding sewerage servicing in the referred representation from [REDACTED] [REDACTED] dated [REDACTED] relating to the rezoning Draft Amendment RZ2023/002;</p> <p>TasWater will not support the construction of a sewage pump station within the H5 flood inundation area.</p> <ol style="list-style-type: none"> Any future development in the proposed General Residential zones will require extensions to TasWater’s existing sewerage networks. In the event any future development within any portion of the land located in the proposed General Residential zones cannot be serviced by an extension to TasWater’s gravity sewerage network the developer will be required to install a suitably sized sewage pumping 	<p>TasWater’s comments are noted.</p> <p>It is considered that, should the rezoning be approved, the applicant will be required to design any future subdivision in accordance with TasWater’s requirements.</p> <p>See responses to individual submissions below for more detailed response.</p>

	<p>station on a dedicated lot to TasWater’s satisfaction.</p> <p>2. TasWater will take into account the “reserved” capacity at the downstream Tivoli Rd SPS for the entire Tivoli Green development when determining capacity restraints on future developments and where necessary developers will be required to build additional spare capacity or provide a monetary contribution to TasWater for future emergency storage upgrades.</p>	
<p>Rep 2 – TasNetworks (Attachment B)</p>		
<p>2.</p>	<p>TasNetwork have confirmed that it does not have any issues regarding the proposed amendment</p>	<p>Noted.</p>
<p>Representation 3 (Attachment C)</p>		
<p>3.</p>	<p>Based on a permit granted on 6th May 2023 to subdivide the lot into 4 (SA2022/44), all lots were required to remain onsite disposal of stormwater and sewerage. The connection of Lots 1 and 2 to reticulated sewer and point discharge or stormwater off-site were rejected by TasWater and Brighton Council due to impact on the surrounding environment</p>	<p>The provision of new stormwater connections for Lots 1 and 2 were conditioned under SA2022/44. Due to the existing Future Urban zoning, assessment was based on the uses the site could accommodate under the current zoning. Under the approved subdivision, a single dwelling could be developed whilst not fettering future subdivision. The lots were considered large enough to manage sewer and stormwater on site.</p> <p>As noted by the Applicant (Attachment D), any further development is subject to separate assessment, should this application for rezoning be successful. Any stormwater management provided will need to provide a detention and water quality system that would ensure the stormwater leaving the site will be at pre-existing flows and at a water quality consistent with Council’s standards.</p>

<p>4.</p>	<p>The Open Space zoning located on 205 Old Beach Road was required to be transferred to Council under Permit SA2022/44. No such contribution exists adjacent to Gagebrook and Bob's Creek for 203 Old Beach Road. The construction of walking trails and large open areas for recreation as planned in the Council's endorsed open space strategy for Tivoli Green has commenced by the developer. The strategy of connecting the open space areas to the East Derwent Highway (EDH) walking and bike trail is proceeding within the current DA. Increasing access along Gagebrook and Bobs Creek to Old Beach Road as part of this rezoning would complement this strategy and the significant contribution of land and resources being invested in the area.</p> <p>The rezoning report and indicative subdivision plans by JMG offer no additional open space other than required under SA2022/44</p>	<p>The amount of open space required under SA2022/44 equated to approximately 5%, which is the contribution amount provided pursuant to s116 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> (LGBMP). Accordingly, there is no requirement to provide additional POS under SA2022/44.</p> <p>LGBMP makes provision for the purchase of open space and riparian areas. If open space, pedestrian connections, and the like are required into the future, this will be considered by Council at that time.</p> <p>Any future subdivision of the proposed general residential zoned land will require the provision of public open space, or a payment in lieu of, in accordance with ss 116 and 117 of LGBMP.</p>
<p>5.</p>	<p>The Traffic Impact Statement provided by Midson Traffic dated August 23 (TIS) significantly underestimates the number of lots within the study zone.</p>	<p>The Applicant notes that the site is intended to be linked to Lottie Mews and thus onto Riviera Drive and that the only resultant would be the Riviera Drive/East Derwent Highway junction would need to be upgraded sooner.</p> <p>Application of the Road and Railway Assets Code will require any future subdivision application to give consideration to the extended road network, especially the Riviera Drive/East Derwent Highway intersection. The Department of State Growth has the ability to require upgrades to the EDH intersection as part of any future subdivision application pursuant to Code.</p>

<p>6.</p>	<p>The TIS nominates Riviera Drive as a residential collector road and raises issues with road pavement widths</p>	<p>Road connectivity to the site has already been accommodated in the Tivoli Green Subdivision. Riviera Drive was originally intended to be, and is likely to be used as, a through road irrespective of the rezoning. Should the rezoning place increased demand on Riviera Drive some upgrades may be required.</p>
<p>7.</p>	<p>Both the TIS and the representors independent TIA (attachment C) agree that the Riviera Drive intersection at the EDH has capacity of 450 residents prior to unacceptable wait times. This capacity has already been taken up by existing residences and approved lots under SA2021/007.</p> <p>The TIS incorrectly assesses the number of lots to be serviced and spare capacity at the intersection from Riviera Drive onto the EDH.</p>	<p>The applicant submits that, based on the TIS, that the traffic capacity of Riviera Drive is limited by the junction at EDH, to a capacity of 3330 vehicles per day, with a peak of 350 vehicles per hour with the existing junction configuration.</p> <p>Council officers advise that the TIA submitted with the rezoning did not fully address the connection of Riviera Drive to Old Beach Road and underestimated volumes from the already approved Tivoli Green subdivision. It highlights that the level of service at the Riviera Drive/East Derwent Highway will reach an unacceptable level of service at 450 lots which roughly equates to the already approved Tivoli Green subdivision. It does however point out that upgrades could be undertaken to accommodate the rezoned land including provision of a large diameter round about. A new TIA would be required as part of any future subdivision application and conditions requiring road upgrades could be imposed, as required.</p>
<p>8.</p>	<p>All subdivision in Tivoli Green is greenfield development and the developer has planned, developed and paid for the infrastructure.</p>	<p>In the absence of infrastructure contributions, the developer is required to pay for upgrades to infrastructure.</p> <p>Should TasWater, Department of State Growth and Council require future upgrades to existing infrastructure, the developer will bear the cost of these.</p>

<p>9.</p>	<p>Page 15 of the Concept Services Plan (CSP) shows two stormwater point discharges as existing, but do not exist. These connection points were not approved as part of SA2022/44. The lots are for onsite disposal of stormwater.</p>	<p>Correct. The developer will be required to address stormwater discharge as part of any future subdivision application, pending successful rezoning of the site (refer point 3 above)</p>
<p>10.</p>	<p>Proposed discharge Point 1 is located in the area to be zoned Environmental Protection and flows by open channel across title CT 181742 to Gage Brook.</p> <p>Discharge Point 2 is from proposed Lot 2 onto Lot 3 within the coastal protection area.</p> <p>The Rezoning report states in relation to State Policy for Water Quality Management 1997 that no new point source discharges are proposed therefore the application is consistent with the policy.</p>	<p>This is the key reason the planning authority recommended on site disposal for the 4-lot subdivision (2 additional lots) approved under SA 2022/44.</p> <p>Stormwater point discharge will be considered as part of any future subdivision application.</p>
<p>11.</p>	<p>This is contradictory with the CSP and the subdivision of un-serviced lots, stormwater discharge points will have to be developed.</p> <p>These discharge points will have the potential to negatively impact Bobs Creek, Gage Brook and adjoining land on title 181742/5. These sites contain threatened flora and the report provides no detail into management of these threats.</p>	<p>Council officers advise that future subdivision of the rezoned land would require new stormwater outfalls to the watercourse(s), and any development will include a requirement for stormwater treatment and management of flows so as to ensure there is no detriment to the watercourse or adjacent properties.</p>
<p>12.</p>	<p>The Plan proposes a sewer pump station (SPS) and Sewer Rising Main (SRM). No report has been provided with the application and the impact to the Tivoli Green SAP cannot be quantified. However the following items typical to the SPS have the potential to adversely impact adjacent sites:</p> <ul style="list-style-type: none"> • The location proposed for the SPS (Flussig flood map) is in the H5 Flood zone with flooding up to 2m deep during a 1% flood event; • The SPS will require an emergency bypass flow and none has been shown. This has the 	<p>As noted above TasWater will not approve a SPS within the H5 area, and the proposed location of the SPS is not supported by council officers. As such future subdivision will need to consider how sewer services can be accommodated on the site. It is noted that the lot layout provided as part of the Flussig report is indicative only, and that the SPS will need to be located in a low flood hazard area.</p> <p>The emergency bypass is a matter for TasWater, who have provided comment (see point 1 above)</p>

	<p>potential to cause significant impact on the recreational open space and stormwater treatment wetlands under construction on Tivoli Green</p>	
13.	<p>The SPS is to discharge to the TasWater Sewer Main and onto the existing SPS on Tivoli Green. Due to a decision taken by TasWater at the time of construction the capacity of the SPS was matched to the Tivoli Green SAP with no spare capacity. The developer has met all costs associated with the development of this SPS and reserve the capacity for the rapidly developing Tivoli Green. Hence any additional loading will need to investigate and identify upgrades required to this SPS.</p>	<p>See comments from TasWater noted in point 1 above.</p>
14.	<p>The JMG Bushfire Hazard Management Plan (BHMP) is the report submitted for SA2022/44 and does not directly address the rezoning application.</p> <p>The vehicle access outlined in the BHMP does not align with the vehicle access proposed in the CSP. Specifically the BHMP would involve a new crossover to Old Beach Road to proposed lots 1 and 2, whereas the subdivision access in the CSP is via Lottie Mews.</p> <p>Both the BHMP and the CSP show an access to Lot 3 which does not comply with the BHMP. The access easement is only 4m, rather than 5m wide and lacks the 7m wide passing bay</p>	<p>The applicant advises that the reports were included to show the impact of the hazards on the site and consequently on the proposed rezoning and overlays.</p> <p>Council officers advise that the permit conditions for SA 2022/44 require an amended BFHMP to address the access requirements.</p> <p>It is intended that access to any future division of land in the area proposed for general residential will be accessed from Lottie Mews and Elodie Drive.</p> <p>The officers' assessment of SA2022/44 determined that the accesses for Lots 3 and 4 (existing properties) are existing and will retain a rural nature. It was noted that both accesses will need to be upgraded to comply with bushfire standards and a condition to this effect was included in the approved permit.</p>

<p>17.</p>	<p>The Flussig Flood Hazard Report (FHR) is the report submitted for SA2022/44 and does not directly address the rezoning application.</p> <p>It is unclear if the flood report means to cover the existing permit or is intended for use with the future multi lot subdivision.</p> <p>Under the flood mapping the proposed SPS is under approximately 2m of water and in the H5 Flood zone</p> <p>Under the flood mapping, the indicative layout for the residential subdivision has lots 12 to 15 significantly within the flood one and within hazard zones H3-H5, whilst the report notes that “any future structures, located in the inundation area, are to be designed to resist flood forces including debris for the given flood conditions”. This seems like unnecessarily inviting risk when the flood map demonstrates inundation of up to 1.6m</p> <p>The FHR recommends that the indicative layout provides an unimpeded overland flow from the southern boundary of 205 Old Beach Road towards Gage Brook. If this overland flow path is zoned Open Space it could also provide public connection to the Tivoli Green Open Space and prove an area for stormwater treatment</p> <p>There are no calculations in the flood model regarding the impact of future subdivision and how future residential would affect flooding.</p>	<p>The reports were included to show the impact of the hazards on the site and consequently on the proposed rezoning and overlays.</p> <p>The Flood-Prone Hazard Code applies to any development of land within a flood prone hazard area, whether mapped or identified by council, based on information it has in its possession that the land is subject to risk from flood or has the potential to cause increased risk from flood.</p> <p>Council officers advise that the land affected by flooding would not be considered acceptable to Council as Public Open Space. Additionally, the flood affected land in the H3 to H5 hazard bands should not form part of residential lots. The proposed zoning map shows the flood affected land is to be zoned environmental management.</p> <p>The representation was also referred to TasWater for further comment (Attachment E).</p> <p>It is considered that future use and development can be controlled by the applicable zone and code provisions of the planning scheme, together with TasWater’s requirements relating to any proposed SPS.</p>
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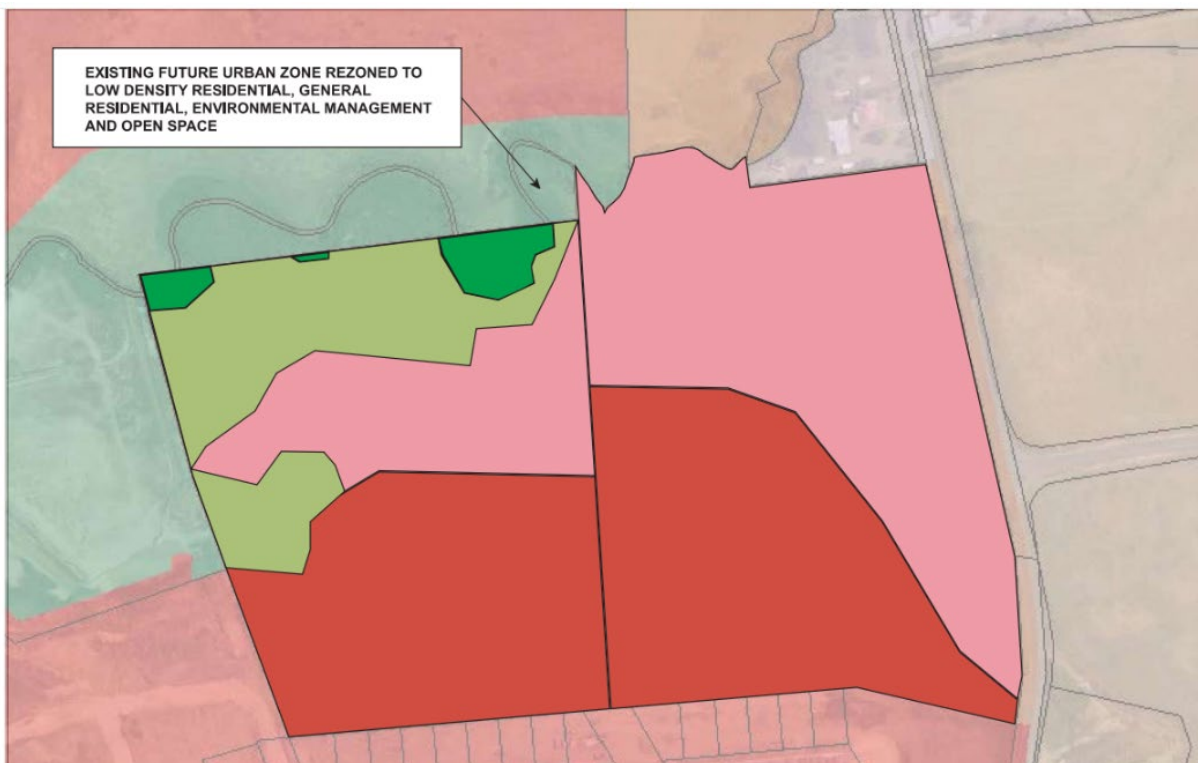
3. Assessment of proposed rezoning to EMZ / GRZ

The representor correctly identifies the risks associated with the flood hazard affecting the site. Some of the land identified to be rezoned to the General Residential zone falls within the flood affected land.

The Section 8a Guidelines note at GRZ3 that:

The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.

The zoning map in the applicant's s37 application shows the area of land identified as H3-H5 as Environmental Management, which will increase the safety and reduce the risk to people and property.



4. Assessment of proposed rezoning to GRZ against BRI-S9.0 Tivoli Green Specific Area Plan

The representation above raises the issue of whether the General Residential Zoned land should be included within the Tivoli Green Specific Area Plan (Tivoli SAP). Consideration of the proposed rezoning against the Tivoli SAP demonstrates that there are no advantages to extending the SAP across the site, as the standards within the Zone and Code provisions will provide for appropriate assessment, if the site is subdivided.

5. Modifications to the draft planning scheme amendment

As demonstrated above, based on assessment of the representations above, no modifications to the draft planning scheme amendment are required.

6. Conclusion

Three (3) representations were received during the public exhibition period for the 203 and 205 Old Beach Road draft planning scheme amendment, which have been considered in this report. The proposed draft planning scheme amendment still meets the LPS criteria as required by s.40K(d) of the Act, and does not require any modification (s40K (2)(c)).

4. Options:

- a) To adopt the recommendation; or
- b) To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

RECOMMENDATION:

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmania Planning Commission with a copy of this report.
- b) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of each of the 3 representations that were received during the advertising of draft amendment RZ 2023-02.
- c) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representations received during advertising do not warrant a modification to draft amendment RZ 2023-02 as detailed in this report.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Irons returned to the meeting at 6.08pm

14. Officers Reports

14.1 Safeguarding Children and Young People - Draft Policy and Complaints Handling Procedure

Author: Manager, Community Development & Engagement (A Turvey)

Authorised by: General Manager (J Dryburgh)

Background

Since 2022, Brighton Council has been monitoring the development of the Child and Youth Safe Organisations Bill which has been in development by the State Government in response to the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

On 13 June 2023, the *Child and Youth Safe Organisations Act 2023* was passed by Parliament. This new legislation imposes new requirements for councils to comply with.

Since this time Council officers have been engaging with the Department of Justice and the Local Government Association of Tasmania (LGAT) to seek further clarity on various matters regarding the implementation of the *Act*.

The Child and Youth Safe Framework consists of four (4) key elements:

- Ten (10) Child and Youth Safe Principles.
- The Reportable Conduct Scheme.
- The Independent Regulator.
- New Information Sharing Provisions.

There has been a large amount of information to work through and interpret from the *Child and Youth Safe Organisations Act 2023*. Council Officers have spent a considerable amount of time interpreting the information provided by Department of Justice, including compliance guidelines, and presentations delivered during online webinars held for all Tasmanians.

Council has been liaising on a regular basis with LGAT, who have been advocating for the State Government to provide support to councils for the implementation of policies and procedures, with the belief it is essential that councils should have a consistent approach to how we respond to these new obligations.

Effective from 1 January 2024, councils will have certain responsibilities under the *Child and Youth Safe Organisations Act 2023*, including implementation of the Child and Youth Safe Principles and participation in the Reportable Conduct Scheme.

As far as we are aware, the Independent Regulator, who is integral to the Reportable Conduct Scheme is yet to be appointed.

LGAT's advocacy is ongoing and given the likely delay in the Independent Regulator being appointed and available to support councils by 1 January 2024, is now seeking direct resourcing to support councils to develop a suite of policies and procedures to ensure councils are equipped to comply with the *Act*.

In order for councils to manage any immediate risks or concerns by 1 January 2024, it is recommended that:

1. Council adopt an Interim Safeguarding Children and Young People Policy, subject to more detailed work being undertaken in 2024 (please see attached draft Policy 7.12).
2. Develop Interim Allegation and Complaints Handling Procedures (please see Attachment 2).
3. Establish an internal Child Safe Organisation working group to begin monitoring Council's implementation of the Framework.

Brighton Council's draft policy is based on the Derwent Valley Council's (DVC) policy adopted in November 2023 by DVC.

The Allegation and Complaints Handling Procedures have been drafted using the Australian Government - National Office For Child Safety Guidelines for creating a child safe organisation and recommendations provided by Page Seager Lawyers as part of a Local Government Professionals of Tasmania Special Interest Group seminar, specifically on the implementation of the Child and Youth Safe Framework for local government in Tasmania.

Subsequent to the LG Professionals session, council officers formed a Child Safe Organisation working group for Brighton Council, which currently includes (but will not be limited to) the General Manager, Manager Community Development & Engagement, Community Development Officer, Risk and Property Management Officer, Governance and Business Improvement Officer. An action plan for the implementation of the Framework will be developed by the working group. This is expected to impact on the workload and priorities of several council officers across the organisation, particularly in the first 12 months of the *Act* coming into effect.

The Safeguarding Children and Young People Policy defines Brighton Council's commitment to creating and maintaining a Child Safe Organisation.

Implementing this policy is one of the first steps in becoming a child safe organisation. The policy alone does not mean we meet our obligations under the legislation. Significant further work is still required including reviewing and updating a number of internal policies and procedures, delivering staff and elected member training, and embedding child and youth safe practices across all aspects of the organisation.

It is proposed that a workshop is conducted with Councillors in early 2024, to brief elected members on some of the detail of the Child and Youth Safe Framework and bring everyone up to date on where implementation for our local government sector is up to.

Consultation

Department of Justice, LGAT, Page Seager Lawyers (LG Professionals), General Manager, SMT, Community Development Officer, Risk and Property Management Officer, Governance and Business Improvement Officer.

Risk Implications

Failure to comply with the *Act* risks harm to children and young people.

Organisation can be subject to a fine of up to \$70,200 for every breach, and in the case of the General Manager failing to make a report, the General Manager can be subject to a fine of up to \$23,400.

Financial Implications

Significant Council time and resources for implementation.

Indicative investigation costs based on working with an external investigator are estimated to be \$2,500-\$15,000, depending on the complexity of the investigation.

Other financial implications as per risk implications above.

Strategic Plan

Goal 1: Inspire a proud community that enjoys a comfortable life at every age.

Goal 4: Ensure a progressive, efficient and caring Council.

Social Implications

The implementation of the Child and Youth Safe Framework ensures Council's commitment to creating and maintaining a child safe organisation and community. It clearly defines Council's responsibilities to ensuring children and young people are safe within Council's physical and online environments and complaints or allegations do not go unreported or investigated.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Unknown.

Other Issues

Currently unknown.

Assessment

The safeguarding of children and young people is of the highest importance and Council is required under the law to ensure safety and wellbeing of children using its services or facilities. This policy outlines Brighton Council’s position and responsibilities toward the safeguarding of children and young people. It represents the first step in what will be an ongoing commitment to being a Child Safe Organisation.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Brighton Council:

1. Adopts the draft Interim Safeguarding Children and Young People Policy No. 7.12.
2. Adopts the draft Interim Reportable Conduct Scheme – Allegations & Complaints Handling Procedures.
3. Supports ongoing advocacy, through LGAT, for more assistance from the State Government to implement Royal Commission Recommendation 6.12, and for standardised resources for all councils to implement the *Child and Youth Safe Organisations Act 2023* in a consistent way across the State.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
------------------	----------------

- | | |
|----------------|--|
| Cr Curran | |
| Cr De La Torre | |
| Cr Geard | |
| Cr Gray | |
| Cr Irons | |
| Cr McMaster | |
| Cr Murtagh | |
| Cr Owen | |
| Cr Whelan | |

14.2 Brighton Community Food Hub - Relocation to Lennox Park, Old Beach

Author: Manager, Community Development & Engagement (A Turvey)

Authorised by: General Manager (J Dryburgh)

Background

Since March 2022, Council has supported the Brighton Community Food Hub by waiving the full amount of hire and service fees for the Brighton Civic Centre.

In July 2023, Council extended the waiving of hire and service fees for the use of the Civic Centre Main Hall and Theatrette (every second Wednesday and Thursday) for the 2023/2024 financial year.

At this time, Council also committed to work with the Brighton Community Food Hub in sourcing alternative premises that would provide a dedicated shop front and storage space on a more permanent basis for what has become an essential community service within our municipality.

The Brighton Community Food Hub provides access for individuals and families to affordable food items on a fortnightly basis. The group is a not-for-profit incorporated association and is currently assisting more than 170 individuals and families in Brighton and surrounding areas, which equates to approximately 700 people each fortnight.

Foodbank's *2023 Hunger Report* undertaken by Second Bite paints a bleak picture of food security in Australia. The number of Australians experiencing food insecurity has risen from 20 percent to 36 percent in just one year. This equates to one in three people or about 383,000 households in Australia doing it tough.

Council officers investigated several options over the past five months in consultation with the Food Hub. It became evident that the 'Scout Hut' near the Old Beach Community Hall at Lennox Park was the only suitable solution at this point in time within the Brighton Municipality.

Once it was ascertained in conjunction with Council's Development Services team that the proposed use of the 'Scout Hut' is not prohibited and that the Food Hub executive committee were satisfied with this option, Council officers met with a representative of the Old Beach Scout Group to discuss options. The 'Scout Hut' is currently only used for 4-5 Joey Scouts on a Wednesday evening, with all other Scout activities taking place in the main Old Beach Community Hall. The Old Beach Scout Group has very graciously agreed to give up the 'Scout Hut' for the Brighton Community Food Hub to utilise as a permanent home and we sincerely thank the Old Beach Scout Group for their understanding.

In addition, the Food Hub has received a donation of a refurbished container from McConnell Dowell, to be used for storage purposes on site at Lennox Park. McConnell Dowell teamed up with the Bridgewater Trade Training Centre, JRLFSS, and Build Up Tassie, to help a group of 15 local female students gain exposure to building trades.

It was called the “GET” Program – Gender Equity in Trades. McConnell Dowell did this by purchasing a 20ft container that the girls fitted out over a period of about 24 weeks, under the guidance of a Build Up Tassie supervisor at the Trade Training Centre in Bridgewater. The only caveat in gifting this container to the Brighton Community Food Hub, is that McConnell Dowell and project partners are able to place their logos on one of the exterior walls of the container, together with a plaque of some type that includes a short summary of what the GET Program was all about.

The Brighton Community Food Hub is extremely excited about the opportunity to move into a more permanent venue, with onsite storage and shop style shelving. The Food Hub have secured a builder/carpenter who will do some minor upgrades/refurbishment of the hut early in the new year, at a cost to the Food Hub, to make it more fit for purpose. Food Hub will naturally work with Council to ensure these works are carried out in a way that meets required standards.

Development Services is currently working with the Food Hub to prepare a Development Application for the onsite container and use of the hut.

It is proposed that the Brighton Community Food Hub will sign a formal lease agreement for the use of the ‘Scout Hut’ at Lennox Park, to give the Food Hub some certainty for future operations.

Consultation

Brighton Community Food Hub, Old Beach Scout Group, Senior Management Team, Senior Planner, Manager Community Development and Engagement, Community Development Officer, Admin & Facilities Management Officer, Executive Officer Risk & Property Management.

Risk Implications

Possible increase in vandalism around Council assets.

Increased traffic movements may hasten deterioration of the Old Beach Community Hall car park.

Currently no fire detection and management system is installed in the ‘Scout Hut’ but Council is in the process of rectifying this and these works will be complete by end of January 2024.

Financial Implications

Based on a recent valuation, the total market rent per annum would be \$3,300 (\$63.46 per week) for the Scout Hut at Old Beach, if it were to be leased exclusively to one user.

Cost of preparing and advertising a Development Application.

Cost of preparing lease agreement.

Cost of removal and disposal of rubbish will also need to be considered depending on the final lease agreement arrangements.

Strategic Plan

Goal 1: Inspire a proud community that enjoys a comfortable life at every age.

Goal 4: Ensure a progressive, efficient and caring Council.

Social Implications

The Brighton Community Food Hub is an important initiative that is providing people within our municipality access to food at a cheaper price in an environment where the cost of living continues to rise. The increase in the use of this service shows that the community is experiencing food poverty, but they also may use this program to engage with others on a social level. It may be the only social interaction that they have on a fortnightly basis. Council has a social responsibility to continue to support this initiative and facilitate finding a more permanent location for the operations, that alleviate the burden on volunteers physically moving a large amount of stock in and out of the Brighton Civic Centre on a fortnightly basis.

Environmental or Climate Change Implications

There are no climate change implications. However, the tenant will be encouraged to engage in activities that promote and establish sustainable measures and waste management behaviours around the operations of the Brighton Community Food Hub.

Economic Implications

Not applicable.

Other Issues

The relocation of the Brighton Community Food Hub from operating fortnightly at the Brighton Civic Centre to this site at Old Beach, frees the Civic Centre up for other bookings in the Main Hall and Theatrette, especially with the temporary relocation of Tasmania Police into the Civic Centre in April 2024.

Assessment

Council have demonstrated their support for this program since its inception in March 2022 by waiving the hall hire fees through this time. The initiative provides genuine relief to those who access the program without the barriers that emergency relief programs may. It also allows people to maintain some dignity in being able to provide for their families by not having handouts but being able to pay a nominal fee for the hampers and additional produce available.

The relocation of the Brighton Community Food Hub into the 'Scout Hut' at Old Beach has many benefits for the longevity of the service, including more regular and consistent opening times (TBC), onsite storage and access to stock and with the absence of any other suitable venues being identified, this site offers the opportunity for the Food Hub to maintain its operations within the Brighton Municipality and servicing our communities.

Options

1. As per the recommendation.
 2. Other.
-

RECOMMENDATION:

That Brighton Council:

1. Prepare a lease agreement to lease the 'Scout Hut' exclusively to the Brighton Community Food Hub Inc. for a period of 2 years at the rate of \$63.46 per week, with the Food Hub having first offer to extend the lease at the end of the 2 year period.
2. Waive the Development Application fees for the development and use of the Lennox Park site for the Brighton Community Food Hub Inc. (includes placement of refurbished storage container on site).
3. Formally request the Old Beach Scout Group vacate the 'Scout Hut' at Lennox Park Old Beach by Monday 15 January 2024, with the Brighton Community Food Hub to sign lease and take-up tenancy by Wednesday 31 January 2024.
4. Offer the Old Beach Scout Group additional access to the Old Beach Community Hall as required to meet their needs and that the Old Beach Scout Group are given first offer to resume use of the 'Scout Hut' should the Brighton Community Food Hub vacate the site and relinquish their lease at any stage.

DECISION:

Cr Irons moved, Cr De La Torre seconded that Brighton Council:

1. *Prepare a lease agreement to lease the 'Scout Hut' exclusively to the Brighton Community Food Hub Inc. for a period of 2 years (fees waived for 2 years) and with the Food Hub having first offer to extend the lease at the end of the 2 year period (fees to be reviewed at end of 2 year period); and that the waived fees be recorded in Council's Annual Report as a donation in accordance with Section 77 of the Local Government Act 1993.*
2. *Waive the Development Application fees for the development and use of the Lennox Park site for the Brighton Community Food Hub Inc. (includes placement of refurbished storage container on site).*
3. *Formally request the Old Beach Scout Group vacate the 'Scout Hut' at Lennox Park Old Beach by Monday 15 January 2024, with the Brighton Community Food Hub to sign lease and take-up tenancy by Wednesday 31 January 2024.*

4. *Offer the Old Beach Scout Group additional access to the Old Beach Community Hall as required to meet their needs and that the Old Beach Scout Group are given first offer to resume use of the 'Scout Hut' should the Brighton Community Food Hub vacate the site and relinquish their lease at any stage.*

CARRIED

VOTING RECORD

In favour	Against
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Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr De La Torre moved, Cr Irons seconded that the meeting be adjourned at 6.24pm for ten minutes to receive a supplementary report relating to Item 14.3.

CARRIED

VOTING RECORD

In favour	Against
------------------	----------------

Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

14.3 Bridgewater Youth Community Hub - Draft Memorandum of Understanding with Tasmanian Aboriginal Legal Service (TALS) & Australian Red Cross (ARC)

Author: Manager, Community Development & Engagement (A Turvey)

Authorised by: General Manager (J Dryburgh)

Background

At the July 2023 Ordinary Meeting of Council, Council agreed to progress the Bridgewater Youth Community Hub in partnership with the Tasmanian Aboriginal Legal Service (TALS).

It was agreed that a Memorandum of Understanding (MOU) between Brighton Council and TALS would be established to progress the project and this would be brought back to Council to be endorsed.

Since this time, a new CEO has been appointed to TALS and several meetings have taken place with Council Officers to progress and develop the draft MOU.

The TALS board have agreed to fund a Project Officer who will drive the project in terms of assisting with establishing the steering committee of stakeholders, scoping the project and working in partnership with Council on the site assessment phase. This scoping work will put Council in an ideal position to apply for large infrastructure grants to construct this purpose built youth hub facility in Bridgewater.

The dedicated Project Officer position will be funded by TALS, with an anticipated start date end of January 2024 as a fixed term, part time role (18 hours per week) until approximately March 2025.

As part of the discussions with TALS around the MOU, it was agreed upon TALS suggestion, that the Australian Red Cross could play a significant role as a formal partner in the project. Red Cross has a very valuable place based community development role in our communities and are committed to working on the ground, building relationships of trust and leveraging the strengths that our community members have, including supporting and working closely with our BYAG. In addition, the Red Cross bring a range of additional experience and expertise to the table, including grant writing skills, asset based community development and experience in justice and human rights.

Red Cross have agreed to join the MOU as a partner in the project with a significant community connection and consultation role in conjunction with Brighton Council.

The Draft Bridgewater Youth Community Hub MOU to effectively move this project towards construction and establishment of the Youth Hub in Bridgewater, is provided here for Council's review and consideration.

This is not a legal document but outlines the partnership's way of working, including communication, information sharing, consultation processes and decision making.

Consultation

TALS, Red Cross, Senior Management Team, Community Development Officer.

Risk Implications

Any community throughout the world, which has a high concentration of social housing, poverty, intergenerational trauma, mental illness, lack of social infrastructure and schools struggling with attendance/disruptive behaviour, will unfortunately suffer a perceived stigma of being unsafe and having limited liveability. The cost of not doing anything about youth justice, health and wellbeing, is far greater than being proactive and tackling it together as a community, with local government taking a leadership role in partnership with other committed stakeholders.

Financial Implications

Unknown at this stage.

Strategic Plan

Goal 1: Inspire a proud community that enjoys a comfortable life at every age.

Goal 3: Manage infrastructure and growth effectively.

Goal 4: Ensure a progressive, efficient and caring Council.

Social Implications

This project has the potential to be a significant social infrastructure investment to address current and future social needs, specifically for youth aged 12-25 years in our region.

It will strengthen the collaboration between a full range of youth services, stakeholders (including BYAG) and different levels of government, by bringing everyone together in one location or precinct.

The project demonstrates local government collaborating with and investing at a local level to make a significant difference to the health and well-being outcomes and day to day lives of youth in our area. A place-based solution rather than a 'cookie cutter' approach brought in by 'others'.

This will be a Hub for all youth. Although TALS as a key stakeholder, has a primary interest in Tasmanian Aboriginal youth justice, it is strongly acknowledged this will service our entire community and no young person will be excluded.

It will be a safe space for young people to meet, visit, connect and seek support services.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Unknown.

Other Issues

Currently unknown.

Assessment

It seems the optimum time to consider a collaborative approach to developing a place based approach to meeting youth needs and services (12-25 year age group), with this opportunity having be presented to Council by TALS, who are very willing and able to work with Council and the community to co-create the best possible outcomes from the development of a Bridgewater Youth Community Hub.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Brighton Council:

1. Endorses the Bridgewater Youth Community Hub - DRAFT Memorandum of Understanding with Tasmanian Aboriginal Legal Service (TALS) and Australian Red Cross (ARC), as presented.
2. Authorises the General Manager to sign the MOU on behalf of Brighton Council.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
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- | | |
|----------------|--|
| Cr Curran | |
| Cr De La Torre | |
| Cr Geard | |
| Cr Gray | |
| Cr Irons | |
| Cr McMaster | |
| Cr Murtagh | |
| Cr Owen | |
| Cr Whelan | |

14.4 Review of Brighton Council Community Awards - Award Categories

Author: Community Development Officer (K Murphy)

Authorised by: Manager, Community Development & Engagement (A Turvey)

Background

At the August 2023 Ordinary Council Meeting, it was agreed by Council to change the name and date of the Brighton Council Australia Day Citizen of the Year Awards to Brighton Council Community Awards, to be held during National Volunteer Week, which is currently held in May of each year.

As part of this change, the Community Development & Engagement team have investigated what other councils across Tasmania do in terms of community award categories, to see what is commonly in place for council community awards.

Based on this review, the Brighton Council Community Award categories for Council's consideration are fairly consistent with what has previously been included within our awards but slightly expanding the event category to include a 'Community Initiative' rather than just an event.

- Citizen of the Year
- Young Citizen of the Year (up to 25 years at 31 May of each year)
- Community Initiative/Event of the Year

As part of this process, these three categories were presented to a Brighton Alive meeting to gauge some feedback from community members and service providers, who work within our communities.

Essentially, the 'Volunteer of the Year' category has been removed, as experience tells us that these three (3) categories are almost always awarded to volunteers within our community.

At the Brighton Alive meeting it was stated that having the community awards held as part of National Volunteer Week rather than the Brighton Council Australia Day Citizen of the Year Awards, will support the community to put forward more community members and have the awards as a truly inclusive celebration of individuals and groups doing outstanding work.

Consultation

SMT, Manager Community Development & Engagement, Brighton Alive -community and service providers.

Risk Implications

Nil.

Financial Implications

Not Applicable.

Strategic Plan

Goal 1: Inspire a proud community that enjoys a comfortable life at every age- 1.1, 1.4.

Goal 4: Ensure a progressive, efficient, and caring Council- 4.3

Social Implications

As mentioned by Brighton Alive members this will lead to increased civic engagement and a stronger sense of inclusivity and belonging.

Renaming the awards would reflect a growing emphasis on inclusivity, diversity, and acknowledging the contributions of all Australians, irrespective of their background.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

Nil.

Options

1. As per the recommendation.
2. Do not accept the recommendation.
3. Other.

RECOMMENDATION:

That Brighton Council resolves to adopt the following three (3) categories for the Brighton Council Community Awards to be held in May 2024 as part of National Volunteer Week.

- Citizen of the Year
- Young Citizen of the Year (up to 25 years at 31 May of each year)
- Community Initiative/Event of the Year

DECISION:

Cr Geard moved, Cr De La Torre seconded that Council resolves to adopt the following three (3) categories for the Brighton Council Community Awards to be held in May 2024 as part of National Volunteer Week.

- Volunteer Citizen of the Year;*
- Young Volunteer Citizen of the Year (up to 25 years at 31 May of each year)*
- Community Initiative/Event of the Year*

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

14.5 Review - Policy 7.11 - Audio Recordings of Council Meetings

Author: General Manager (J Dryburgh)

Background:

The Audio Recordings of Council and Planning Authority meetings Policy 7.11 was initially adopted by Council in May 2021. In line with Council's policy framework, this policy was reviewed after the Council elections in January 2023.

A motion submitted by Cr De La Torre was passed at the Ordinary Council Meeting held on the 21st November 2023 requesting that all open (or open sections of) Committee meetings of Council (in addition to Council Meetings and Planning Authority meetings) also be covered under this policy.

This motion included the provision that these recordings are to be made accessible to the public in the same manner as existing recordings, providing a more transparent and accountable record of Council's decision making processes.

The Audio Recordings Policy 7.11 has subsequently been amended to include these committees; which includes the following meetings within the scope of the policy:

- Ordinary Meetings of Council;
- Special Meetings of Council;
- Annual General Meetings of Council;
- Planning Authority Meetings;
- Finance Committee Meetings;
- Community Development Committee Meetings;
- Waste Management Committee Meetings;
- Parks and Recreation Committee Meetings; and
- Environment and Climate Committee Meetings.

Audio recordings of meetings as per the *Local Government (Meeting Procedures) Regulations 2015* states:

33. *Audio recordings of meetings*

- 1) *A council may determine that an audio recording is to be made of any meeting or part of a meeting.*
- 2) *If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –*
 - (a) *retained by the council for at least 6 months; and*
 - (b) *made available free of charge for listening on written request by any person.*
- 3) *If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording*

and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.

- 4) *A council may determine any other procedures relating to the audio recording*

Consultation:

General Manager; Senior Management Team

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

N/A

Assessment:

N/A

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That the revised 'Audio Recordings of Council and Committee Meetings' Policy 7.11 be endorsed.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

15. Questions on Notice

There were no Questions on Notice for the December meeting.

16. Closed Meeting

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

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*.

RECOMMENDATION:

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, Council moves into Closed Session and the meeting be closed to members of the public to deal with the following items:

Item:	Closed under:
16.1 - Andrew Street Drainage Upgrade & Streetscape Stage 1 Tender	Section 15(2)(d)

DECISION:

Cr Curran moved, Cr Whelan seconded that in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015, Council moves into Closed Session and the meeting be closed to members of the public to deal with the following item.

Item 16.1 – Andrew Street Drainage Upgrade & Streetscape Stage 1 Tender be Closed Under Section 15(2)(d)

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

16.1 Andrew Street Drainage Upgrade and Streetscape Stage 1 Tender

Authorisation to Move Out of Closed Session & Release of Information to the Public

DECISION:

Cr Curran moved, Cr Geard seconded that Council resolves to formally move out of Closed Session and report that it has determined the following:

Item:	Matter:	Outcome:
16.1	Andrew Street Drainage Upgrade & Streetscape Stage 1 Tender	Notify successful/unsuccessful tenderers

CARRIED

VOTING RECORD

In favour	Against
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Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Meeting closed: 7.05 pm

Confirmed: _____
(Mayor)

Date: 16 January 2024
