



# 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, 16 JANUARY 2024**

## 1. Acknowledgement of Country

## 2. Attendance

Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr Geard, Cr Irons; Cr McMaster; Cr Owen, Cr Whelan

IN ATTENDANCE: Mr J Dryburgh (General Manager); Ms J Banks (Director Governance & Regulatory Services); Mr C Pearce-Rasmussen (Director, Asset Services); Ms G Browne (Director, Corporate Services) and Mrs J Blackwell (Acting Director, Development Services).

## 3. Applications for Leave of Absence

*Cr Owen moved, Cr Geard seconded that Cr De La Torre and Cr Murtagh be granted leave of absence.*

**CARRIED**

### VOTING RECORD

In favour	Against
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Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Owen	
Cr Whelan	

## 4. Confirmation of Minutes

### 4.1 Ordinary Council Meeting

The Minutes of the Ordinary Council Meeting held on the 19<sup>th</sup> December 2023 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the Ordinary Council Meeting held on the 19<sup>th</sup> December 2023, be confirmed.

**DECISION:**

*Cr Irons moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting held on the 19<sup>th</sup> December 2023, be confirmed.*

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
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 Owen declared an interest in Item 13.1 and Item 14.1*

*Cr Irons declared an interest in Item 14.1*

**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.

Under Council’s Public Question Time & Deputations Policy 7.4 (clause 5.10), there is no requirement for Council to minute questions without notice that are raised during public question time. However, in the interests of transparency, Council’s General Manager committed to doing so during the December 2023 Council meeting.

At the previous Council Meeting held on the 19<sup>th</sup> December 2023, Mr Andrew Bullock arrived late and after the section of the meeting for Public Question Time and Deputations had passed. Council’s Mayor facilitated a motion, which was supported, to allow Council to suspend the agenda proceeding and allow Mr Bullock to speak.

Mr Bullock made a range of statements and allegations regarding Council's management of fill from construction projects, and that of sub-contractors engaged by Council, particularly in relation to the recently tendered Andrew Street upgrades. Mr Bullock also questioned why council is not using his business for such activities.

Council tenders are all legally compliant and consistent with LGAT's best practice approach for Tasmanian Councils. They are transparent and Mr Bullock has the same rights as anyone else to submit tenders. Council tenders also include criteria aimed to try to achieve stronger environmental outcomes, including the reuse of materials where possible, which is the case in the Andrew Street project.

Contrary to Mr Bullock's claims, Council is not disposing of materials in "uncontrolled landfill". Under the tender (and of course, other relevant projects) fill must either go to Council's fill site or another site with all the relevant approvals in place. Council's site is fully approved and with assessed and supported by the EPA very recently.

Council has listened to Mr Bullock and taken his concerns seriously. Mr Bullock has had responses to his concerns in person, verbally and in writing on multiple occasions over multiple years. Mr Bullock gave some general criticisms of councillors and staff based around their level of expertise, integrity, performance and financial and environmental responsibility. These comments, and the manner in which they were delivered, were considered to be inaccurate, unreasonable and inappropriate.

*There was no requirement for public question time.*

## **7. Reports from Council**

### **7.1 Mayor's Communications**

The Mayor's communications were as follows:

- 20/12/23 Christmas drinks with the Premier (GM also in attendance)
- 21/12/23 Media Release photo with TALS & Red Cross regarding Bridgewater Youth Hub MOU
- 3/1/24 Meeting with Jane Howlett MLC
- 11/1/24 Meeting with Dr M Baldock, Jordan River Medical Centre (GM also in attendance)
- 16/1/24 Presentation of Keep Australia Beautiful Sustainable Communities Awards & Afternoon Tea
- 16/1/24 Council Meeting

### **RECOMMENDATION:**

That the Mayor's communications be received.

**DECISION:**

*Cr Irons moved, Cr Owen seconded that the Mayor's communications be received.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Owen	
Cr Whelan	

**7.2 Reports from Council Representatives**

*There were no reports from Council representatives.*

**8. Miscellaneous Correspondence**

- Submission from General Manager James Dryburgh dated 4<sup>th</sup> January 2024 regarding the River Derwent Ferry Service Masterplan.

**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 had been held since the previous Ordinary Council meeting.

A workshop was held on the 19<sup>th</sup> December 2023 at 5.00 pm to receive a briefing from Paul Jackson, CEO of the Southern Tasmania Regional Waste Authority (STRWA).

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

**10. Notices of Motion**

*There were no Notices of Motion.*

**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:

- the reason it was not possible to include the matter on the agenda, and
- 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 January.*

**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 Owen had declared an interest in the following item and left the meeting at 5.37pm.*

**13.1 Planning Scheme Amendment - Old Beach Future Urban Zone**

Type of Report:	Section 40K of <i>Land Use Planning and Approvals Act 1993</i>
Application No:	RZ 2023 -05
Owner/s:	Various
Requested by:	Brighton Council
Proposal:	<ul style="list-style-type: none"> <li>Rezone various properties from Rural Living Zone A to the Future Urban Zone</li> <li>Remove the Urban Rural Interface Specific Area Plan from various properties</li> </ul>
Author:	B White (Strategic Planner)
Authorised:	Director Development Services (D Allingham)

## 1. Purpose

The purpose of this report is for Council (Planning Authority), pursuant to section 40K of the *Land Use Planning and Approvals Act 1993* ('the Act'), to consider the representations received (s.40J) during the exhibition period (s. 40H) of draft amendment of RZ 2023 -05 to the Brighton Local Provision Schedule ('LPS') ('the draft amendment').

## 2. Background - Initiation of Draft Amendment

At its meeting of the 7<sup>th</sup> November 2023, the Council, of its own motion, initiated the draft amendment to the Brighton LPS.

The draft amendment relates to land on the eastern side of the East Derwent Highway, Old Beach, and proposes to:

- a) Rezone 95.86ha (103 properties) of land from 'Rural Living A' to Future Urban; and
- b) Remove the 'Urban Rural Interface Specific Area Plan from 103 properties of land (95.86ha).

This draft amendment is to implement the recommendations of the Old Beach Zoning Review Report, prepared by ERA Consultants ('the ERA Report'), as (partly) endorsed by the Council.<sup>1</sup>

The area which the draft amendment relates is shown in Figure 1 below as the 'subject site'.

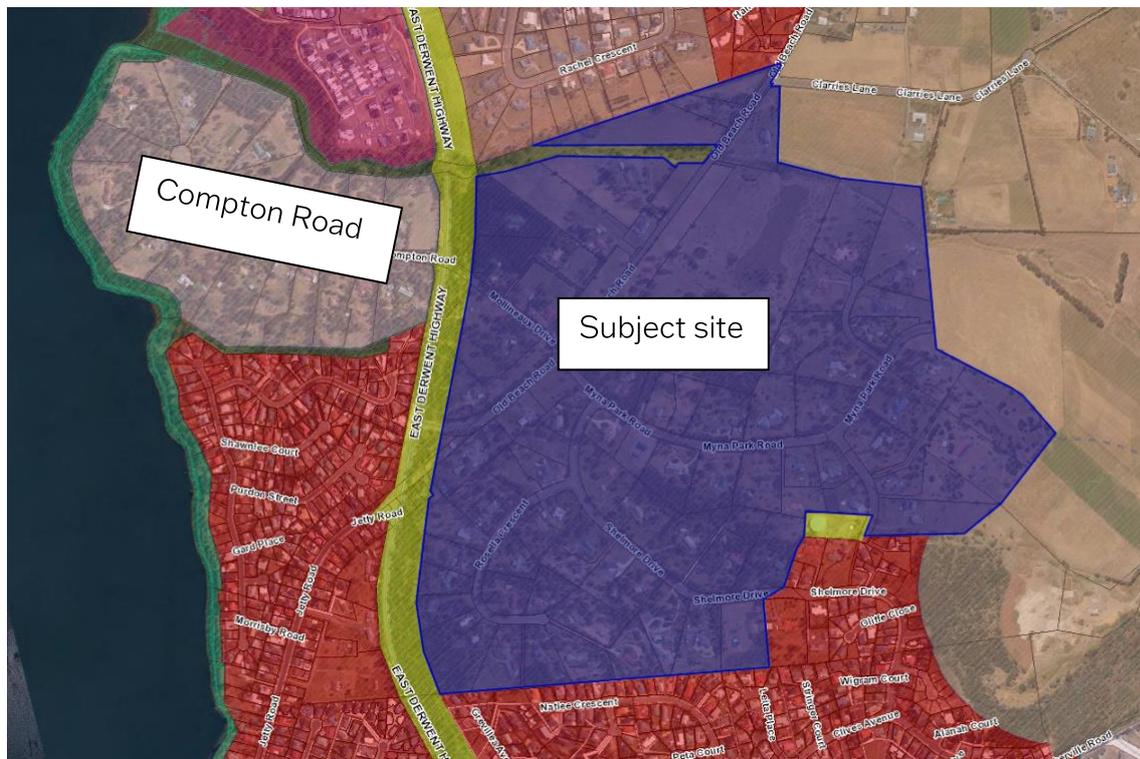


Figure 1 Subject site (Source: TheList)

## 3. Public Exhibition of Draft Amendment

<sup>1</sup> The ERA report and a summary of the project can be viewed via: <https://www.brighton.tas.gov.au/planning/strategic-plans/>

In accordance with sections 40G and 40H of the Act and section 7 of the *Land Use Planning and Approvals Regulations 2014*, the draft amendment was exhibited for a period of 28 days from 15<sup>th</sup> November 2023 – 13<sup>th</sup> December 2023.

The draft amendment was exhibited in the Mercury twice and made available for viewing at the Council during this period. Council officers sent letters to all properties to be affected by the draft amendment shown in Figure 1, as well as adjoining owners.

Letters were also sent to all properties on Compton Road and adjoining owners as these properties were involved in the ERA Report project. Compton Road is shown in Figure 1. A total of 129 letters were sent out to advise people that the draft amendment had been initiated and explained how representation could be made.

Council received eleven (11) representations, with three (3) of those being from State Agencies (i.e., Department of State Growth, TasWater and TasNetworks).

#### **4. Legislative & Policy Content**

Section 40K of the Act requires that the Council provides to the Tasmanian Planning Commission a report regarding the representations received during the exhibition period of a draft amendment to the Local Provision Schedule.

Section 40K(2) of the Act requires, among other things, that the report includes Council's opinion of the merit of each of the representations and:

- i. Whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representations; and
- ii. The effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendations.

Should the Council be satisfied that the representations received do not warrant changes to the draft amendment, the draft amendment, as exhibited, will be forwarded to the TPC who will make determine it accordingly.

Those people who made a representation regarding the draft amendment would be invited to attend public hearings before the TPC pursuant to section 40L of the Act and the relevant provisions of the *Tasmanian Planning Commission Act 1997*.

#### **5. Risk & Implications**

The amendment proposes no significant risks or implications for Council. Should Council decide to forward to the draft amendment to the TPC, the next stage of rezoning the area to provide urban densities via a master planning process will need to be budgeted for, and further community engagement undertaken.

#### **6. Consideration of Representations**

Table 1 provides a summary of each of the representations received and Council Officers comment pursuant to section 40K (2). It is noted that many of the submissions received raised matters that related to the future residential subdivision and development of the site. These matters are more relevant to the next stage of rezoning to a residential zone and a future master planning project.

Table 1 Section 40K Response to Representations

Representor	Summary	Section 40K Response
<p>Department of State Growth.</p>	<p>Recommends that Council delays any significant strategic planning decisions regarding the rezoning of residential land in the Brighton municipality prior to the release of an ongoing residential supply and demand analysis being undertaken for southern Tasmania which will inform a review of the Southern Tasmanian Regional Land Use Strategy.</p>	<p>The draft amendment is to implement the findings and recommendations of the ERA Report which was a project that arose out of the Brighton Structure Plan 2018 ('BSP').</p> <p>The BSP found that the current supply of zoned land in the municipality would likely not meet demand up until 2033 and therefore recommended that Council investigate possible rezoning of land both within and outside the current UGB. Old Beach and Brighton were identified as the most sought-after locations in the municipality, with most of demand up to 2033 being expected in these suburbs.</p> <p>The BSP therefore recommended that Council investigate the capacity of two (2) precincts in Old Beach, currently zoned Rural Living, to be restructured for urban densities. Council engaged ERA to undertake this investigation which found that the two (2) precincts had minimal constraints to further development at urban densities.</p> <p>Council subsequently endorsed the ERA Report's recommendation for the subject site but not for Compton Road. ERA recommended that Council rezone the subject site to Future Urban whilst a master planning project takes place and infrastructure upgrades occur.</p> <p>Therefore, the current rezoning is implementing current strategic planning documents endorsed by Council based and is considered appropriate.</p> <p>It is also noted that the draft amendment isn't to rezone the site to a residential zone at this stage.</p> <p>The representation does not raise any matters that warrant changes to the draft amendment. Furthermore, the representation does not affect the draft amendment meeting the LPS criteria.</p>
	<p>Recommends that no rezonings occur until the East Derwent Highway Corridor Plan is completed.</p>	<p>The proposed rezoning will not occur until it is considered and approved by the TPC. Part of the process will include hearing from representors, including DSG. Should DSG wish to raise issues with the East Derwent Highway at the hearings, then the TPC will consider them at this stage.</p> <p>The ERA report was based on a traffic impact assessment ('TIA') undertaken by Peter Hubble which has been considered by DSG. The report identified that upgrades would be needed to the East Derwent Highway even when the Tivoli Green Estate is fully developed, and no further subdivision occurred within the subject site.</p>

Representor	Summary	Section 40K Response
		<p>The Future Urban zone is a zone within the Tasmanian Planning Scheme to be applied to land within the UGB which is intended for future urban use and development where infrastructure capacity may not be yet available and/or where further structure or master planning is required before a rezoning can occur.</p> <p>It is Council officer's submission that this is the situation with the site regarding the East Derwent Highway upgrades.</p> <p>The representation does not raise any matters that warrant changes to the draft amendment.</p> <p>The representation does not affect the draft amendment meeting the LPS criteria.</p>
	<p>Recommends that any future residential development be designed to support access to public transport and provide for active transport networks.</p>	<p>Comment noted; however, no residential development forms part of the draft amendment. DSG would be involved in a future master planning process to rezone the land for urban densities.</p> <p>The representation does not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.</p>
<p>TasWater</p>	<p>TasWater have no comments on the draft amendment and do not wish to be present at hearings.</p>	<p>Comment noted.</p>
<p>TasNetworks</p>	<p>No issues from TasNetworks regarding the draft amendment.</p>	<p>Comment noted.</p>
<p>1, 2, 3, 4, 5, 7, 8.</p>	<p>Issues regarding losing rural idyll and loss of character due to rezoning and subdividing into smaller lots.</p>	<p>It is considered that the future master planning project can, based on expert reports, create a future planning framework within the subject site which can balance creating additional lots whilst maintaining those key elements that people desire about living in the area.</p> <p>The site is located within the Greater Hobart Urban Growth Boundary within the Southern Tasmanian Regional Land Use Strategy ('STRLUS'). The UGB, according to the STRLUS, is where the 20-year supply of residential land in the region should occur and which has been mapped:</p> <p style="text-align: center;"><i>on the basis of known constraints, values and opportunities including infrastructure</i></p>

Representor	Summary	Section 40K Response
		<p><i>capacity, environmental, landscape and heritage values and land hazards (p. 92).</i></p> <p>Therefore, STRLUS has identified this land as being suitable for future development by virtue of it being included in the UGB. Furthermore, the BSP has recommended the land be investigated for future growth so as Council can continue to maintain a sustainable level of housing supply in a sought-after location.</p> <p>The current rezoning is to start the process of a precinct structure plan/ master planning process of currently underutilised rural living zoned land within the UGB, which has been identified in strategic planning documents endorsed by the Council and has been found to have minimal constraints for future residential development.</p> <p>This position of master planning land within the UGB is supported by STRLUS (p.91):</p> <p><i>precinct structure plans will be required to be completed and relevant aspects incorporated into planning schemes through the Specific Area Plan mechanism, and the rezoning process (under the Land Use Planning and Approvals Act 1993) will then be triggered.</i></p> <p>The representations do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.</p>
<p>1, 2, 3, 4,</p>	<p>Concerns that Council has not adequately considered visual impacts in making its decision on the draft amendment.</p>	<p>The ERA considered visual impacts in its analysis of whether the site had the capacity to accommodate future residential growth.</p> <p>ERA opined that the subject site does not have significant scenic values.</p> <p>ERA recommended that prior to any future residential rezoning that further studies are undertaken which will be inputs into a future masterplan for the area. One of those studies is for a landscape and visual impact assessment.</p> <p>The representations do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.</p>
<p>3, 4, 5</p>	<ul style="list-style-type: none"> <li>• Concerns that not all residents supported the future rezoning, and that the consultation methodology was inadequate.</li> <li>• Concerns the report was based on an already preferred outcome.</li> </ul>	<p>ERA undertook consultation in accordance with their preferred approach which was considered appropriate.</p>

Representor	Summary	Section 40K Response
		<p>Not every town planning decision made by a planning authority will have full support from the community. This is a key aspect of town planning, where various factors need to be weighed up in making decisions on preferred future land use.</p> <p>In this instance, the Council has initiated the draft amendment for the site to be rezoned to Future Urban based on expert independent advice from a town planning consultant and strategic planning documents it has previously endorsed.</p> <p>It is Council Officers' view that urban consolidation within the UGB is a far more sustainable town planning outcome than leap frogging rural living areas on the urban fringe and impeding agricultural land and relying on more marginal and constrained land for residential uses.</p> <p>The representations do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.</p>
1, 2, 3,	Concerns with traffic, future roads, and other physical infrastructure.	<p>The Future Urban Zone is a zone to be applied to land within the UGB identified for future growth where infrastructure may not yet be available or where future master planning is required.</p> <p>TasWater and TasNetworks have identified the land can be serviced subject to upgrades and DSG have signalled their intent of undertaking upgrades to the East Derwent Highway. Future master planning is required due to the unique nature of the land already been developed with single dwellings.</p> <p>Therefore, the FUZ is considered appropriate for the land and infrastructure can be managed as part of the future master planning/ precinct structure planning process.</p> <p>The representations do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.</p>
1, 2, 3, 5	<ul style="list-style-type: none"> <li>• Issues with clearance of vegetation and impacts on climate change and wildlife.</li> <li>• Concerns that rezoning the subject site will result in a loss of a green belt.</li> </ul>	<p>Only part of the site is subject to overlays in the LPS which regulates impacts on natural values.</p> <p>ERA recommended that prior to any future residential rezoning that further studies are undertaken which will be inputs into a future masterplan for the area. One of those studies is for a comprehensive natural values assessment which can be used to guide the future masterplan.</p>

Representor	Summary	Section 40K Response
		<p>It is considered that by virtue of the land being within the UGB that it has been identified as being suitable for 'urban' uses.</p> <p>The representations do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.</p>
6	Support for draft amendment	Noted.

## 7. Conclusion

The representations received do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.

On this basis, it is recommended that Council, pursuant to section 40K of the Act, provides to the TPC this report and the representations so the draft amendment can be determined accordingly.

## 8. 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 to:

- a) Pursuant to Section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide this report and the representations provided as attachment A regarding draft amendment RZ 2023/ 005 to the Tasmanian Planning Commission.
- b) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that eleven (11) representations were received during the exhibition of draft amendment RZ 2023/ 005 that related to the draft amendment.
- c) Pursuant to section 40K(2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of the representations that were received during the advertising of draft amendment RZ 2023/ 005.
- d) 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 modifications to draft amendment RZ 2023/ 005 as detailed in this report.
- e) Pursuant to section 40(K)(2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the planning authority is satisfied that the draft amendment of the LPS meets the LPS Criteria.

## **DECISION:**

*Cr Curran moved, Cr Whelan seconded that this item be deferred and that this matter be discussed in a workshop.*

**CARRIED**

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr Whelan	

Cr Owen rejoined the meeting at 5.40pm

**13.2 Combined Permit and Amendment Application: Planning Scheme Amendment Application - 27 Scott Road, Bridgewater - Section 40K Report**

Author: K Tran (Planning Officer)

Authorised by: J Blackwell (Acting Director Development Services)

File Reference:	RZ 2023 - 03
Applicant:	Brighton Council
Owner:	Director of Housing
Location:	27 Scott Road, Bridgewater
Zoning:	Open Space
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Advertised:	4 <sup>th</sup> November 2023 to 2 <sup>nd</sup> December 2023
Representations:	One

**1. Executive Summary**

The report considers the exhibition period regarding a combined permit and amendment application to:

- Rezone land of 27 Scott Road, Bridgewater (C/T 6706/983 & C/T 10085/1) from Open Space to Inner Residential;

The application was made by Council Officers pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act').

Council's Planning Authority, at its meeting of the 3<sup>rd</sup> October 2023 agreed to the proposed planning scheme amendment made by Brighton Council (S.40(b)) and therefore prepared and certified the draft amendment to the LPS (s. 40F) as meeting the LPS criteria (s. 34) under the Act.

The amendment application was then exhibited for a period of twenty-eight (28) days (s40H). One representation was received during the period of public exhibition.

This is a report required by section 40K of the Act to be submitted to the Commission in relation to the representations received during advertising.

## 2. The Representations and Response

One submission was received during the public exhibition period from TasWater. TasWater (as per the Submission to Planning Authority Notice at attachment A) has advised that it “does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.” Accordingly, no modifications to the draft planning scheme amendment are required as a result of TasWater’s submission.

## 3. Conclusion

It is recommended that this report be forwarded to the Tasmanian Planning Commission for determination.

### Options:

1. To adopt the recommendation; or
2. 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 to:

- a) Pursuant to Section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide this report and the representations provided as attachment A regarding draft amendment RZ 2023/ 003 to the Tasmanian Planning Commission.
- b) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one (1) representation was received during the exhibition of draft amendment RZ 2023/ 003 that related to the draft amendment.
- c) Pursuant to section 40K(2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of the representation that was received during the advertising of draft amendment RZ 2023/ 003.
- d) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that the representation received during advertising does not warrant modification to draft amendment RZ 2023/ 003 as detailed in this report.
- e) Pursuant to section 40(K)(2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the planning authority is satisfied that the draft amendment of the LPS meets the LPS Criteria.

### **DECISION:**

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

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr Owen	
Cr Whelan	

**14. Officers Reports**

*Cr Irons and Cr Owen had declared an Interest in the following items and left the meeting at 5.42pm*

**14.1 Sponsoring Landcare Group Memberships and Insurance for 2024**

**Author:** Manager, Community Development and Engagement (A Turvey)  
**Authorised by:** General Manager (J Dryburgh)

**Background**

Council has received a request from Landcare Tasmania for Council to once again financially support the two Landcare Tasmania community groups that operate in our municipality by paying the annual Landcare membership fee (\$40 per group) and insurance (approximately \$237 per group based on 2023 insurance costs).

Brighton Council has been supporting both the Bridgewater Foreshore Landcare Group and the Friends of Old Beach Foreshore Group with these costs in previous years and Landcare Tasmania expects the insurance costs to remain similar in 2024 to those in 2023.

**Consultation**

Director Corporate Services, and Landcare Tasmania

**Risk Implications**

Nil.

**Financial Implications**

An amount of approximately \$560 from the community grants budget.

**Strategic Plan**

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

Goal 2: Ensure a sustainable environment.

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

### Social Implications

Providing support for volunteer community members to feel empowered to improve and manage the natural environment and natural assets in the place where they live and bring community members and neighbours together in a shared interest and cause.

### Environmental or Climate Change Implications

Our local Landcare groups are a highly valuable asset in our community to help manage our natural resources with weed management working bees, foreshore clean-ups and tree planting, just to name a few.

### Economic Implications

Not Applicable.

### Other Issues

Nil.

### Assessment

Councils financial support in the form of membership and insurance costs for the two Landcare Tasmania groups operating in the Brighton Council area ensures volunteers are able to network, build their skills in natural resource management and assist Council in its NRM management.

### Options

1. As per the recommendation.
2. Do not approve the recommendation.

### **RECOMMENDATION:**

That Council approves the payment of the membership fees and insurance costs for 2024 to Landcare Tasmania for the Bridgewater Foreshore Landcare Group and Friends of Old Beach Foreshore Group, valued at approximately \$560 and to be funded from the community small grants and donations budget and recorded as a donation in the Annual Report.

### **DECISION:**

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

**CARRIED**

#### VOTING RECORD

In favour	Against
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Cr Curran	
Cr Geard	
Cr Gray	
Cr McMaster	
Cr Whelan	

Cr Irons and Cr Owen rejoined the meeting 5.43pm

## 14.2 Delegation - Use of Common Seal

Author: Director Governance & Regulatory Services (J Banks)

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### Background

The purpose of this report is to create a new delegation for the use of the Common Seal.

Section 19 of the *Local Government Act 1993*, states that each Council is to have a common seal and that this is to be used as authorised by Council and be attested by those persons authorised by Council.

Currently there is no delegation and Council's common seal has exclusively been managed by the General Manager or Acting General Manager where appointed.

If the General Manager is absent from the Council office e.g. at training, conferences or illness for any length of time and no Director has been appointed as Acting General Manager there have been instances where documents have urgently required the Common Seal and signature of the General Manager; these occasions have potentially held up developments, grant deeds and leases.

### Consultation

General Manager, Hobart City Council

### Risk Implications

May cause unnecessary delays in sealing and signing important documents.

### Financial Implications

Nil.

### Strategic Plan

Goal 4:

4.2 Be well-governed, providing quality service and accountability to our community.

### Social Implications

Nil.

### Environmental or Climate Change Implications

Nil.

### Economic Implications

Nil.

**Other Issues**

There have been instances where Stratum plans and the execution of grant deeds have had to be help up due to the absence of General Manager who was the only employee under the Act to use the Common Seal.

**Assessment**

Pursuant to Section 19(5) of the *Local Government Act 1993* the common seal of the Council is to be attested by any of the following Council officers, or such persons who may be acting in those positions during the absence of the General Manager or Acting General Manager:-

- Director Development Services
- Director Corporate Services

As most documents requiring the urgency of the common seal will generally be via Development Services or Corporate Services eg Stratum plans, lease agreements or grant deeds it would seem appropriate that those Directors be given the appropriate delegation in the absence of the General Manager or Acting General Manager.

**Options**

1. As per the recommendation.
2. That the recommendation is not adopted and the Common Seal only be applied and signed by the General Manager or Acting General Manager.

**RECOMMENDATION:**

That the Council endorses the delegation pursuant to Section 19(5) of the *Local Government Act 1993* that the common seal of the Council is to be attested by any of the following Council officers, or such persons who may be acting in those positions during the absence of the General Manager or Acting General Manager:-

- Director Development Services
- Director Corporate Services

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

- |             |  |
|-------------|--|
| Cr Curran   |  |
| Cr Geard    |  |
| Cr Gray     |  |
| Cr Irons    |  |
| Cr McMaster |  |
| Cr Owen     |  |
| Cr Whelan   |  |

## **14.3 December Finance Report**

Author: Director Corporate Services (G Browne)

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### **Background**

The finance report was tabled for consideration.

It contained the year-to-date Comprehensive Income Statement to 31<sup>st</sup> December 2023.

### **Consultation**

Nil

### **Risk Implications**

Nil

### **Financial Implications**

Not Applicable

### **Strategic Plan**

Goal 4 – S4.4 – Ensure Financial & Risk Sustainability

### **Social Implications**

Not Applicable

### **Environmental or Climate Change Implications**

Not Applicable

### **Economic Implications**

Not Applicable

### **Other Issues**

Nil

### **Assessment**

Not Applicable

### **Options**

1. As per the recommendation.
2. Not receive the report

**RECOMMENDATION:**

That the December Finance Report be received.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Owen	
Cr Whelan	

**14.4 Quilters Easter Showcase - Free use or discounted rate for the Civic Centre**

**Author:** Admin & Facilities Management Officer (I Singh)

**Background**

Mrs Pam Harvey has written to Council to request free use of the Civic Centre for their 'Quilters Easter Showcase' event on the 23<sup>rd</sup> March 2024. This is an annual event that is open to the public and in the past the entry fees have been distributed to Community groups within the Municipality. In the 2023 year after operational expense the Quilters were able to donate \$600 to the school farm and \$2000 to the Food Bank.

Mrs Harvey has contacted the Council seeking support for free use of the Civic Centre or at a discounted rate. The Quilters Easter Showcase is run by volunteers and as they are not an incorporated organisation, they would also like the Council to waive casual hirer insurance fees.

**Consultation**

Mrs P Harvey (Quilters Showcase Organiser) and Director Corporate Services

**Risk Implications**

Risks are low from waiving the Civic Centre hire fees.

**Financial Implications**

Fees that would have been applicable will need to be recognised as a donation from Council. The day rate for the Civic Centre is \$849 and casual hire insurance is \$34, totalling \$883. Groups like this would ordinarily be allowed a 50% discount on the hire fee.

### Strategic Plan

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

- S1.1: engage with and enable our community.
- S1.3: Ensure attractive local area that provide social, recreational, and economic opportunities.
- S1.4: Encourage a sense of pride, local identity, and engaging activities.

### Social Implications

Providing a facility for the showcase and fundraising for this group will contribute to building positivity and community connection.

### Assessment

The Quilters showcase has been held in the municipality for many years. Their purpose is to provide social gathering opportunities and activities for members of all ages of the community. The club only keeps enough funds to cover costs and sustain themselves, all raised proceeds are donated to a local group in the municipality. This showcase provides support and encourages the establishment and activities for quilting and crafting groups.

Allowing free use of the Civic Centre will reduce the groups ongoing financial viability and increase the donation proceeds.

### Options

1. As per the recommendation.
2. Council approves the 50% discount for the use of the Civic Centre with insurance coverage.

### **RECOMMENDATION:**

Council approves free use of the Civic Centre for one day on 23<sup>rd</sup> March 2024 and waive the casual hirer public liability insurance coverage fee as required during this period.

This will be recorded in Councils Annual Report as a donation in accordance with Section 77 of the *Local Government Act 1993*.

### **DECISION:**

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

**CARRIED**

#### VOTING RECORD

In favour	Against
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Cr Curran	
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Cr Geard	
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Cr Gray	
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Cr Irons	
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Cr McMaster  
Cr Owen  
Cr Whelan

## 15. Questions on Notice

*There were no Questions on Notice for the January meeting.*

Meeting closed: 5.50pm

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

Date: 20 February 2024  
\_\_\_\_\_