



**Brighton
Council**

ATTACHMENTS

ORDINARY COUNCIL MEETING

16 APRIL 2024





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, 19 MARCH 2024

PRESENT: Cr Curran (Acting Mayor); Cr De La Torre; Cr Irons; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

IN ATTENDANCE: Ms J Banks (Director Governance & Regulatory Services); Mr D Allingham (Director Development Services), Ms G Browne (Director Corporate Services) and Mr L Wighton (Acting Director Asset Services).

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

Cr Owen moved, Cr Murtagh seconded that Cr Gray and Cr Geard (in transit) be granted leave of absence.

Cr De La Torre has requested leave of absence for the April Ordinary Council Meeting.

CARRIED

VOTING RECORD

In favour

- Cr Curran
- Cr De La Torre
- Cr Irons
- Cr McMaster
- Cr Murtagh
- Cr Owen
- Cr Whelan

3. Confirmation of Minutes

3.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 20th February 2024 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 20th February 2024, be confirmed.

DECISION:

Cr De La Torre moved, Cr Owen seconded that the Minutes of the Ordinary Council Meeting held on the 20th February 2024, be confirmed.

CARRIED

VOTING RECORD

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

4. 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.

There were no declarations of interest.

5. 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.

There was no requirement for public question time.

6. Reports from Council

6.1 Mayor's Communications

The Mayor's communications were as follows:

- 21/2 Meeting with TCF Chairperson (+ General Manager in attendance)
- 22/2 STRWA Local Government Forum
- 26/2 Jobs Hub Business Networking Event

- 27/2 Meeting with Peter Moate
- 29/2 Meeting with Bill Gentile and Brian Mitchell’s Advisor
- 5/3 Meeting with Julie Collins MP (+ General Manager in attendance)
- 5/3 Council Workshop
- 6/3 Meeting with John Tucker MP
- 7/3 ALGA & Minister Bowen Teams update
- 13/3 LGAT Mayors Workshop
- 14/3 LGAT General Meeting
- 14/3 GMC Meeting

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

Cr Murtagh moved, Cr Irons seconded that the Mayor’s communications be received.

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

- Cr Curran mentioned Leon Compton’s radio broadcast from Brighton on the 22nd February 2024. Cr Owen and Mayor Gray also spoke on radio. Cr Curran also thanked and commended the BYAG and Brighton Primary School students who also spoke on radio
- Cr Curran attend LGAT’s Deputy Mayor workshop and General Management meeting on 13th and 14th March.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

Cr Owen moved, Cr Irons seconded that the verbal reports from Council representatives be received.

CARRIED

VOTING RECORD

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

7. Miscellaneous Correspondence

- Letter from Secretary, Department of State Growth dated 3rd March 2024 regarding the draft River Derwent Ferry Service Masterplan.
- Letter from Craig Farrell MLC dated 27th February 2024 regarding Brighton Youth Action Group.

8. 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 March 2024 at 4.45 pm to provide an update on various Parks and Recreation items.

Attendance: Cr Curran, Cr Irons, Cr McMaster, Cr De La Torre, Cr Owen and Cr Gray.

Apologies: Cr Geard, Cr Murtagh and Cr Whelan

9. Notices of Motion

There were no Notices of Motion.

10. 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
- that advice has been provided under Section 65 of the *Local Government Act 1993*.

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

11. Reports from Committees

There were no Committee Meetings held in March 2024.

12. 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 12 on this agenda, inclusive of any supplementary items.

There were no Planning Authority items in March 2024.

13. Officers Reports

13.1 Delegations - *Land Use Planning & Approvals Act 1993*

Author: Director, Governance & Regulatory Services (J Banks)

Background:

Legislation enables Council to delegate some of its functions to assist in the smooth and efficient running of Council affairs.

In order for Council to make a valid delegation, legislation requires:

- a. Council must have authority from legislation to delegate the Function
- b. The legislation must allow Council to delegate the Function to the Delegate
- c. Council must resolve to make the delegation
- d. Council must resolve to seal an Instrument of Delegation

In addition, Council may resolve to allow the delegate to sub-delegate the Function.

The Local Government Association of Tasmania in conjunction with Simmons Wolfhagen Lawyers receive an update 6 monthly on Council's Delegations. Changes or amendments were received on 1 February 2024 via LGAT. There are a number of changes to the *Land Use Planning & Approvals Act 1993*.

Consultation

Director Development Services, Senior Planner and Director Governance & Regulatory Services

Risk Implications

Council may incur legal costs if demonstrated that Council's delegations are invalid.

Financial Implications

None unless delegations are deemed invalid and action is taken against Council.

Strategic Plan

S4.2: Be well-governed.

Social Implications

None identified.

Environmental or Climate Change Implications

None identified.

Economic Implications

None identified.

Other Issues

Nil

Assessment

Additional Sections to be included in the LUPA Instrument of Delegation. These Delegations are to the General Manager who will sub-delegate the relevant sections to appropriate employees.

Below is a summary of additional delegations with Officer comments.

Section	Details	Officer Comment
<u>35F(1)</u> and <u>40K</u>	Provide Commission with report in relation to draft LPS following public exhibition only where: <ul style="list-style-type: none"> No representations have been received with the exception of TasWater stating they have no interest. No issues have arisen since the initiation or certification of the draft amendment which indicates that there is any need to modify the amendment prior to its final approval except for minor corrections. 	This delegation only relates to those times when no representations have been received and TasWater have advised that they do not have an interest in the proposal and do not wish to be involved in any future hearings.
<u>35H</u> and <u>40L</u>	Attendance at hearings at Tasmanian Planning Commission	
<u>35M(2)</u>	Give notice of approval of Local Provisions Schedule	This delegation relates to notification by the Planning Authority after the Commission has granted approval – ie advertising, etc
<u>40W(2)</u>	Give notice in relation to a request to consider a permit in combination with a request to initiate draft amendment to LPS	Officers to advise applicant whether an application for a concurrent permit application is agreed to
<u>S40A</u> , <u>40B</u> and <u>40V</u>	Provide material requested by TPC	These sections require the planning authority to respond to the TPC directions within 7 days, Penalties apply for non-compliance with time frames.

<u>40(1) and 40U</u>	Additional Information requests	Relates to provisions in the Act which allow for further information requests to be made prior to request being submitted to Planning Authority for consideration.
<u>40D(c)</u>	Direction from Commission to prepare a draft amendment of LPS	
<u>40E(1)(a)</u>	Withdrawal of draft amendments: (a) with the agreement of the person who made the request under s37(1)	Delegation is limited only to where a person who has made a section 37 request seeks to withdraw that request
<u>40O</u>	Modifications of draft amendments where notice given under 40N1(a)	40O requires the planning authority to comply with a direction of the TPC to provide a modified draft amendment under 40N1(a).
<u>40S</u>	Give notice of draft amendment	The planning authority is required to give notice of the approval of an amendment via public notice
<u>42C</u>	Grant extension of time	
<u>42D</u>	Correct a mistake in a permit	
<u>43</u>	Make minor amendments to permits	
<u>48A</u>	Notice to remove signs	
<u>48AA</u>	Enforcement of major projects permits	A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject (Per LGAT deles)
<u>59(2)</u>	Service Notice on applicant and representors where Council have failed to determine an application for permit	This relates to failure to make a decision within statutory time frames.
<u>60S(5)</u>	Refund of ordinary permit fees where declaration of major project is amended, and includes additional area of land	
<u>61</u>	Appeals against planning decisions	In addition, Planning Appeal Policy 7.5 addresses the process should planning authority vote against officer's recommendation

A council, in writing, may delegate with or without conditions to the General Manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (subject to restrictions).

The General Manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993*.

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the *Acts Interpretation Act 1931*.

If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the *Acts Interpretation Act 1931*.

A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the *Acts Interpretation Act 1931*.

Options

1. As per the recommendation.
2. Change the recommendation.
3. Do nothing.

RECOMMENDATION:

That Council resolve to delegate the following functions and powers to the General Manager in accordance with Section 22 of the *Local Government Act 1993*; and that the General Manager sub-delegate functions and powers in accordance with Section 64 of the *Local Government Act 1993*, and if at any time the General Manager is unable to act, Council delegates the function to the person acting as the General Manager at the time.

Section 6 of the *Land Use Planning & Approvals Act 1993* gives a planning authority/Council, authority to delegate the Function to a person employed by the authority/Council.

The Delegations are made on the following conditions:

1. The Delegation is subject to the conditions or restrictions (if any) outlined in the table below.
2. The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve.
3. The Delegation is subject to the Council's by-laws or the provisions of any Act.
4. That the general Instruments of Delegation in relation to the Act listed above be signed and sealed by the authority.

Land Use Planning & Approvals Act 1993

1.	S.35F(1) - Report by planning authority to Commission about exhibition; and S.40K - Report to Commission about draft amendments
2.	S.35H - Hearings; and S.40L - Hearings
3.	S.35M(2) - Notice of approval of Local Provisions Schedules
4.	S.40(1) - Additional information may be requested S.40U - Additional information
5.	S.40A - Review of requirement for additional information S.40B - Review of refusal of request to amend LPS S.40V - Review of requirement for additional information
6.	S.40D(c) - Preparation of draft amendments
7.	S.40E(1)(a) - Withdrawal of draft amendments
8.	S.40O - Modifications of draft amendments
9.	S.40S - When amendments of LPS come into effect
10.	S.40W(2) - Determination of amendment where concurrent permit application sought
11.	S.42C - When permit that relates to LPS amendment takes effect
12.	S.42D - Correction of mistakes in permit
13.	S.43 - Minor amendment of permit
14.	S.48A - Notice to remove signs
15.	S.48AA - Enforcement of major project permits
16.	S.53(5A) - Extension to s.57 & s.58 permit
17.	S.54 - Additional information
18.	S.55 - Correction of mistakes
19.	S.56 - Minor amendments to permits
20.	S.57(2) - Application for discretionary permit - to refuse to grant a permit within 7 days
21.	S. 57(3) - Applications for Discretionary Permits
22.	S.57(5) - To extend the 14 day representation period

23.	S.57(6) - To grant a permit: - where no more than one objection is received for a residential use; - where no objections were received for a non-residential use; and to refuse to grant a permit for which an extension of time has not been granted by the applicant
24.	S.57(6) and 6A) - To extend the 42 day time period
25.	S.57A - Mediation
26.	S.58 - Approval of permitted applications
27.	S.59(2) - Failure to determine an application for a permit
28.	S. 60 – Council responding and issuing notices relating to compliance with certain permit conditions
29.	S. 60H(3) – Minister may request information from Council or relevant State Authority
30.	S. 60S(4)(b) – Refund of ordinary permit where declaration of Major Project is made
31.	S.60S(5) - Effect on planning matters of declaration of major project
32.	S.60ZX(1) – Provision to Panel of Further Information
33.	S.61 - Appeals against planning decisions
34.	S.63B - Notice of suspected contravention etc may be given
35.	S.64 – Civil Enforcement proceedings
36.	S.65A - Issue and serve an infringement notice
37.	S.65B - Issue a notice of intention to issue enforcement notice
38.	S.65C - Enforcement Notice
39.	S.65D - Requirements of Enforcement Notice
40.	S.65F - Notice of intention to cancel a permit to be issued before permit cancelled
41.	S.71 - Planning authority may enter into agreements
42.	S.73 - Bonds and guarantees
43.	S.73A - Payments and contributions for infrastructure
44.	S.74(3) - Duration of agreement
45.	S.75 - Amendment of agreements
46.	S.78 - Registration of agreements

DECISION:

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

CARRIED

VOTING RECORD

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

14. Questions on Notice

There were no Questions on Notice for the March meeting.

Meeting closed: 5.40pm

Confirmed: _____
(Mayor)

Date: _____
16 April 2024

BRIGHTON COUNCIL AUDIT PANEL MEETING

Minutes

DATE: 1st December 2023
VENUE: 1 Tivoli Road, Old Beach
TIME: 1.30pm

1. ATTENDANCE

Ric De Santi	Audit Panel Chair
David Strong	Audit Panel Member
Councillor Phil Owen	Council Representative
Councillor Peter Geard	Council Representative
James Dryburgh	General Manager
Gillian Browne	Director Corporate Services (Minute Taker)
Jeff Tongs	Tas Audit Office (Teams Meeting) - Item 7.1

APOLOGIES

Joanne Doyle Wise Lord & Fergusson – Apology

2. ACKNOWLEDGEMENT OF COUNTRY:

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present. We acknowledge the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

3. DECLARATION OF INTEREST:

3.1 Declaration of Interest

Person and/or Organisation with Interest	Nature of Conflict of Interest	Perceived/ Potential/ Actual	Date of Declaration
Ric De Santi			
LG Board – Future of Local Government Review	Board Member	Actual	25/5/23-15/12/23
Audit Panels – Glenorchy, GSB, Sorell & Launceston (*)	Chair (*) & Panel Member	Perceived	25/5/23

Catholic Education Commission of Tasmania	Deputy Chair	Potential	25/5/23
Tas Community Fund	Board Member	Potential	25/5/23
Peter Geard			
Local Government Association	State Fire Rep	Perceived	25/5/23
Brighton SES	Unit Manager	Potential	25/5/23
Southern Poultry Association	Patron	Potential	25/5/23
Tea Tree Hall	Wife is a Member	Potential	18/8/23
Phil Owen			
Hobart Gymnastics Association	Board Member	Potential	25/5/23
Tea Tree Hall Association	Member	Potential	25/5/23 - 18/11/23
Old Beach Neighbourhood Watch	Member	Potential	25/5/23
Old Beach Foreshore Group	Member	Potential	25/5/23
Voluntary Roles in other Community Groups		Potential	25/5/23
David Strong			
Audit Panel Tasman Council	Chair	Perceived	18/8/23
Tassie Flying Paws Dog Club	President	Potential	18/8/23
Tasmanian Canine Association (Tas Dogs)	Member	Potential	18/8/23

3.2 GENERAL MANAGERS DECLARATION

The General Manager declared no knowledge of any impending legal actions, legislation breaches or any actual or suspected fraud occurrences within the organisation since last reported to the panel.

Advised the panel about a complaint that had been made to the EPA about a site that fill was being placed on but saw no issues regarding this.

4. CONFIRMATION OF PREVIOUS MINUTES

That the minutes from the meeting of 20th October 2023 are a true record. - Resolved

5. ACTIONS ARISING FROM PREVIOUS MEETING

Meeting	Action	Progress
20.10.2023	Risk Workshop to compile Council's risk appetite	Feb Workshop
20.10.2023	Investment Policy to be reviewed	Email to panel members
20.10.2023	Audit plan to be reviewed by members with adoption at the December meeting	In progress
20.10.2023	Audit Charter to be altered to enable the Chair to provide a summary for inclusion in the Annual Report.	In progress
20.10.2023	Register of Council policies to be supplied at the December Meeting.	Completed

6. GENERAL MANAGERS – EMERGING RISKS

- 6.1 Child Safety – policy to go to Council next week. Support LGAT to lobby Government. Internal working group set up.
- 6.2 Risk Management – Rating & Revenue workshop in February
- 6.3 Appreciative of Panel Work

7. GENERAL BUSINESS

7.1 Financial

Review of external audit findings

- o TAO to change wording to acknowledge that the deadlines attributable to the GM are dependent on the audit being completed in accordance with the plan so his inability to meet them is due solely to TAO not meeting their commitments.
- o Frustration and disappointment expressed at the time it took to complete the audit and associated delays as did not give enough time to meet Annual General Meeting and Annual report timelines.

- TAO deadline dates on strategy need to be reviewed for next year as they have not met deadlines for past few years.
- Issues raised about audit performance not improving, in fact getting worse, but costs increasing.
- Materiality changes on page 5 seem to be incorrect.
- Key audit matters wording to be looked at by TAO.
- Report to Parliament should be sent to Council's in Jan/Feb, draft will be sent to Council first.
- Tas Audit and WLF thanked for work undertaken.
- Review performance of external auditor:
 - Internal Review of auditors performance to be completed by audit panel & staff.

7.2 Risk Management

- A presentation will be held in the March meeting.

7.3 Council decisions made against recommendation

- An approval against the officers decision was made in the November Council meeting.

7.4 Legal Claims – N/A

7.5 WH&S Issues

- Contractor Management was raised by Councillor Owen and two examples advised of. This will be passed onto the necessary Director for follow-up.

7.6 Review of current council policies

- Listing of policies given to the panel. David will share with members anything that sticks out. It is proposed that they are reviewed regularly.

7.7 Identify special focus areas for the following year

- Fraud Policy
- LTFP & AM Plans
- Cyber Report
- Tender Policy
- Sea Level rise report/ Bushfire Grant & Report

7.8 Legislative Compliance

- Regulatory Update –
 - Future of Local Government Review Report
 - Charter to clarify role of Local Government
 - Council will keep engaging & put views across
 - Comment open until end of February.
 - Child Safety changes begin 1st January 2024.
- Any identified breaches of legislative requirements – N/A

7.9 Other business

- Audit Panel Annual Plan of Work - Need to include an extra meeting in August.
- Audit Charter alteration – Include additional Independent member & Annual Report Submission from Audit Chair.
- Annual Report – Panel to be provided with a copy.

8. NEXT MEETING -

Action List

Meeting	Action	Progress
20.10.2023	Risk Workshop to compile Council's risk appetite	Feb Workshop
20.10.2023	Investment Policy to be reviewed	Email to panel members
20.10.2023	Audit plan to be reviewed by members with adoption at the December meeting	In progress
20.10.2023	Audit Charter to be altered to enable the Chair to provide a summary for inclusion in the Annual Report.	In progress
20.10.2023	Register of Council policies to be supplied at the December Meeting.	Completed
01/12/2023	Review performance of external auditors by audit panel and staff	
01/12/2023	Council policies to be looked at and reviewed	
01/12/2023	Internal Audit Review survey	

168 Brighton Road,
Brighton
**Planning scheme
amendment**

Supporting planning report | March 2024

ERA Planning and Environment acknowledge *palawa* as the Traditional Owners of *lutruwita* (Tasmania).

They are the original custodians of our land, sky and waters. We respect their unique ability to care for country and deep spiritual connection to it.

We honour and pay our respect to Elders past and present, whose knowledge and wisdom has and will ensure the continuation of culture and traditional practices.

We acknowledge that their sovereignty has never been ceded.

Always was, always will be.

ERA Planning Pty Ltd trading as ERA Planning and Environment

ABN 67 141 991 004

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Job Number: 2324-052

Document Status

Document Version	Date	Author	Reviewer
Final	27 March 2024	Patrick Carroll	Clare Hester

Contents

1	Introduction	1
1.1	Purpose of the report	1
1.2	Enquiries	1
1.3	Planning scheme	1
2	Proposed amendment	2
2.1	Description	2
2.2	Purpose of the amendment	2
2.3	Section 8A Guidelines	2
2.4	Title information	2
3	Background	3
3.1	Site description	3
3.2	Current LPS listing	6
3.3	Heritage listings	6
4	Legislative assessment	8
4.1	LUPA Act requirements	8
4.2	Section 34(2)(a)	8
4.3	Section 34(2)(b)	9
4.4	Section 34(2)(c)	9
4.5	Section 34(2)(d)	12
4.6	Section 34(2)(da)	13
4.7	Section 34(2)(e)	13
4.8	Section 34(2)(f)	14
4.9	Section 34(2)(g)	15
4.10	Section 34(2)(h)	15
5	Conclusion	16

Appendix A Title documentation

Appendix B Heritage impact statement

1 Introduction

1.1 Purpose of the report

ERA Planning and Environment (ERA) has been engaged by Rohan Targett, sole director of Torelo Pty Ltd, to support an amendment to the Local Provisions Schedule (LPS) of the *Tasmanian Planning Scheme – Brighton*, made by Mr Targett pursuant to section 37 of the *Land Use Planning and Approvals Act 1993* (LUPA Act).

The application was made to Brighton Council on 31 January 2024; this report responds to Brighton Council's further information request dated 7 February 2024.

The amendment is to remove 168 Brighton Road, Brighton from the Local Historic Heritage Code of the LPS. Subsequent amendments to the planning scheme maps will also be required.

This report forms the basis of the supporting information, and has been prepared considering the provisions of the planning scheme, the relevant provisions of the LUPA Act and any other relevant strategic documents.

1.2 Enquiries

Enquiries relating to this request can be directed to:

Patrick Carroll
Senior Planner
ERA Planning Pty Ltd trading as ERA Planning and Environment
ABN: 67 141 991 004

Level 1, 125A Elizabeth Street
Hobart TAS 7000

P: 03 6165 0443

E: enquiries@eraplanning.com.au

1.3 Planning scheme

The applicable planning scheme is the *Tasmanian Planning Scheme – Brighton* (LPS).

2 Proposed amendment

2.1 Description

The proposed LPS amendment is to update the list of Local Heritage Places within the LPS. Specifically, the amendment is to amend BRI-Table C6.1 (Local Heritage Places) to remove listing BRI-C6.1.23, which currently includes the cottage at 168 Brighton Road, Brighton as a Local Heritage Place.

The amendment maintains that the site does not contain matters of local heritage significance, and as such, the site should be removed from the heritage listing. To support this position, the application is accompanied by a heritage assessment prepared by Graeme Corney.

The planning scheme maps will also require amending, specifically to remove the Local Historic Heritage Code overlay from the site.

2.2 Purpose of the amendment

The purpose of the LPS amendment is to update BRI-Table C6.1 to remove 168 Brighton Road from the heritage listing in BRI-Table C6.1, as it is the view of a suitably qualified heritage consultant that the site no longer contains local heritage value.

2.3 Section 8A Guidelines

For existing heritage places, Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application¹ (Section 8A Guidelines) includes a note, which states:

Transitioning of existing heritage lists is addressed in Minister's Advisory Statement -Transitional Arrangements for Existing Provisions, 23 June 2017 and is subject to the transitional provisions under Clause 8D, Schedule 6 of the Act.

As the site was listed as a Heritage Place in Table E13.1 of the former *Brighton Interim Planning Scheme 2013*, the listing was transitioned across to the respective LPS listing automatically.

2.4 Title information

The proposal relates to the land detailed in Table 1. Title documentation is included at Appendix A.

Table 1 - Title information.

Address	Owner	Title reference	Site area
168 Brighton Road Brighton	Torelo Pty Ltd	11271/3	1,138 m ²

¹ Tasmanian Planning Commission (2018) *Guideline No. 1 – Local Provisions Schedule (LPS) zone and code application*. Version 2.0, dated 6 June 2018. Accessed at https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf

3 Background

3.1 Site description

168 Brighton Road, Brighton is the land contained at Certificate of Title Vol. 11271 Fol. 3, and is currently developed by a weatherboard cottage, as shown in Figure 1. The site has an area of approximately 1,138 m², and is serviced by reticulated sewer, water, and stormwater.

The site is located within the General Business Zone of the LPS (refer to Figure 2) and is currently subject to the Local Historical Heritage Code overlay, as well as the General Business Zone Local Area Objective overlay.

The cottage located on the site was constructed in the 1880s. Externally, the cottage still demonstrates some of its original form, including windows, weatherboard cladding and external architraves. Images of the cottage are included at Figure 3 and Figure 4.

However, the building has been significantly altered, including the building's relocation from its original location on the site (between 1979 and 2002). The proposed LPS amendment is accompanied by a supporting heritage assessment, prepared by a suitably qualified person, and notes the following external alterations:

- New veranda and decking
- Blockwork foundations
- Demolition of the original chimney, replaced with a modern flue
- New plastic downpipes

Internally, there have also been significant alterations, including:

- Removal of the original fireplaces
- The installation of new ceilings and modern cornices
- Modern doors and architraves have been fitted.



Figure 1 Aerial photograph of the subject site

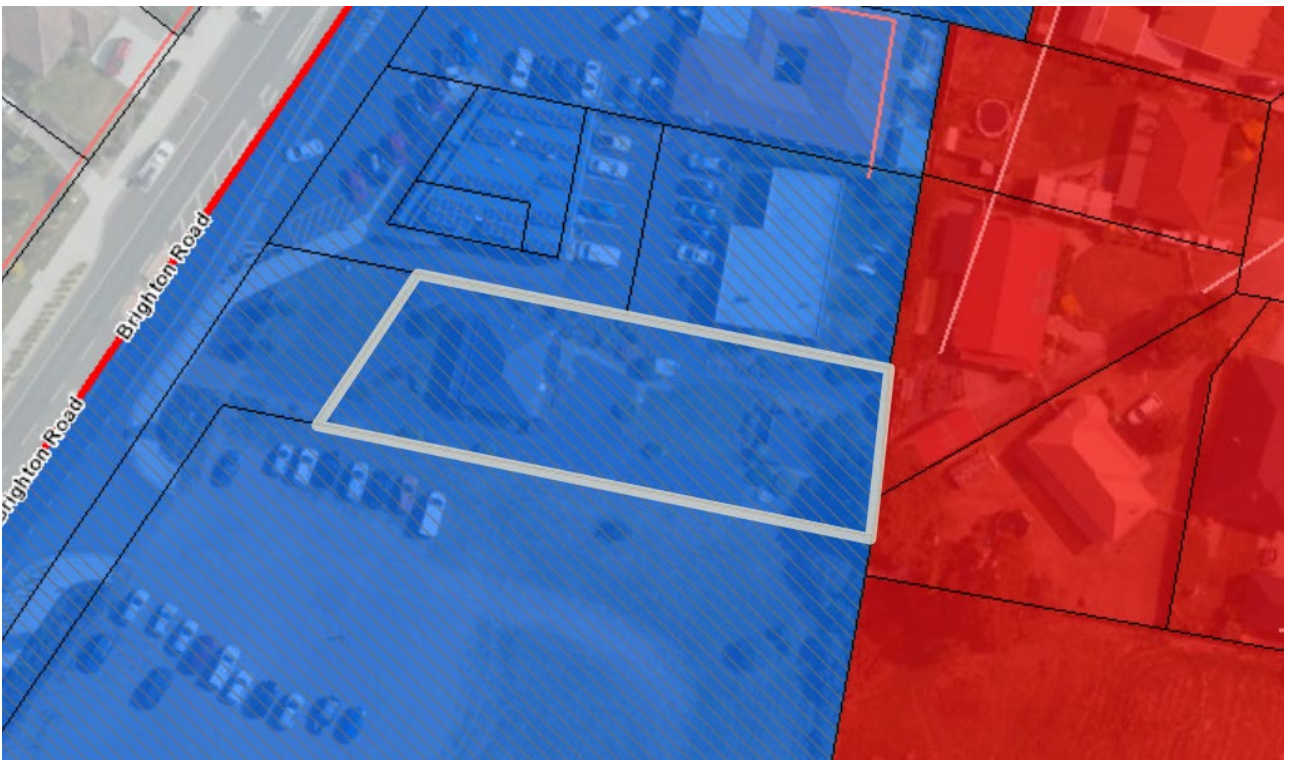


Figure 2 Zoning of the subject site. Blue denotes the General Business Zone, red denotes the General Residential Zone, grey denotes the Urban Mixed Use Zone. The hatching denotes the area covered by the General Business Zone Local Area Objectives overlay.



Figure 3 Photograph of the subject site, as viewed from Brighton Road. The site is located in the heart of the Brighton town centre, adjacent to the IGA development that is currently under construction, as well as the post office and pharmacy.



Figure 4 Photograph of the subject site, as viewed from Brighton Road..

3.2 Current LPS listing

BRI-Table C6.1 Local Heritage Places is reproduced, in part, below:

Table 2 - Extract of BRI-Table C6.1.

Reference	THR No.	Town / Locality	Street address	Property name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
BRI-C6.1.23		Brighton	168 Brighton Road	Cottage	11271/3	This is a weatherboard cottage with a central door, flanking double hung windows and hipped roof with narrow boxed eaves. The skillion veranda, on the street facade, has single posts and a timber valance.

The existing planning scheme map, showing the Local Historic Heritage Code overlay for 168 Brighton Road, is also reproduced in Figure 5.



Figure 5 Cream denotes the extent of the Local Historic Heritage Code overlay in the Local Historical Heritage Code.

3.3 Heritage listings

The site was previously listed by the Tasmanian Heritage Council as a heritage place. However, as part of a process to refine listings on the Tasmanian Heritage Register that was undertaken in the mid-2010's, the site was removed from the Tasmanian Heritage Register. The Tasmanian Heritage Council concluded that, following a reassessment of the listing, the place no longer met the criteria defined in section 16 of the *Historic Cultural Heritage Act 1995* (HCA Act) to be considered a place of State heritage significance.

Those criteria are:

(2) For the purposes of subsection (1), the Heritage Council may determine that a place has historic cultural heritage significance if it is satisfied that the place meets one or more of the following criteria:

- (a) the place is important to the course or pattern of Tasmania's history;*
- (b) the place possesses uncommon or rare aspects of Tasmania's history;*
- (c) the place has the potential to yield information that will contribute to an understanding of Tasmania's history;*
- (d) the place is important in demonstrating the principal characteristics of a class of place in Tasmania's history;*
- (e) the place is important in demonstrating a high degree of creative or technical achievement;*
- (f) the place has a strong or special association with a particular community or cultural group for social or spiritual reasons;*
- (g) the place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history;*
- (h) the place is important in exhibiting particular aesthetic characteristics.*

The proposed LPS amendment is accompanied by a supporting heritage assessment, prepared by a suitably qualified person. The assessment notes that the criteria contained in section 16 of the HCA Act can reasonably be applied at the local level, provided measurement of significance is undertaken at the 'local' level, rather than based on 'Tasmanian significance'.

That assessment concludes that the loss of the more significant elements of the building fabric, combined with the relocation of the building means that the building and its environs, no longer contains sufficient heritage significance to warrant inclusion on the Local Heritage Register under the LPS.

The supporting heritage assessment ultimately concludes that the relocation of the building struck a fatal blow on the site's ability to demonstrate that heritage listing criteria could still be met. It is the cumulative effect of the relocation of the building, the demolition/removal of heritage fabric, and the inclusion of modern building materials that has caused the site to lose all remaining heritage value.

For those reasons, the supporting heritage assessment concludes that the site has lost much of its important heritage fabric which previously demonstrated its history, and the place no longer meets the threshold for entry to the Local Heritage Register of the Heritage Code of the LPS, and BRI-C6.1.23 should be removed from the LPS.

4 Legislative assessment

4.1 LUPA Act requirements

ERA have prepared this planning report to support the LPS amendment request made to Brighton Council by Rohan Targett on 31 January 2024.

The LPS amendment is prepared in accordance with section 37 of the LUPA Act. As Mr Targett is both the owner and the applicant, ERA is not required to provide the consent of the owner.

On 7 February 2024, Brighton Council, under section 54 of the LUPA Act, has requested the applicant provide the following information to support the application:

Please provide a planning assessment prepared by a suitably qualified person pursuant to s37 of the Land Use Planning and Approvals Act 1993. The planning assessment will need to demonstrate that the proposal can meet the LPS criteria set out in s34 of the Act.

While Council have made the request under section 54 of the LUPA Act, this report is being prepared on the basis that the Council's intention was to make this request under section 40 of the LUPA Act. In response to the request, ERA Planning and Environment have provided this supporting planning report to Council on behalf of Mr Targett.

Section 34(2) of the LUPA Act is relevant for a planning scheme amendment as it stipulates the assessment criteria that are required to be met, which are:

- (2) The LPS criteria to be met by a relevant planning instrument are that the instrument –*
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and*
 - (b) is in accordance with section 32 ; and*
 - (c) furthers the objectives set out in Schedule 1 ; and*
 - (d) is consistent with each State policy; and*
 - (da) satisfies the relevant criteria in relation to the TPPs; and*
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
 - (f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
 - (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019 .*

The following sections address the matters that are required under section 34(2) of the LUPA Act.

4.2 Section 34(2)(a)

Section 34(2)(a) of the LUPA Act requires that the amendment results in a planning scheme instrument that contains all the provisions that the State Planning Provisions (SPPs) specify must be contained in an LPS.

The proposed LPS amendment will not override the existing provisions in the LPS that are specified by the SPPs, nor does it affect matters such as LPS structuring and numbering, application of the SPPs, or the general application of mapping.

The proposed LPS amendment does seek to remove the specific application of the Local Historic Heritage Code overlay to the site, as well as removing the site from BRI-Table C6.1 Local Heritage Places.

The proposed LPS amendment is in accordance with the Section 8A Guidelines.

This legislative requirement is satisfied.

4.3 Section 34(2)(b)

Section 34(2)(b) of the LUPA Act requires that the proposed LPS amendment is in accordance with section 32 of the LUPA Act, which prescribes the content for an LPS.

Table 3 responds to the LPS requirements of Section 32(2) of the LUPA Act.

Table 3 - Response to section 32(2) of the LUPA Act.

Requirements of s32(2) of LUPA Act	Response
a. must specify the municipal area to which its provisions apply; and	The applicable local government area is Brighton.
b. must contain a provision that the SPPs require to be included in an LPS; and	The proposed LPS amendment does not affect this clause.
c. must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and	The current LPS includes both a spatial overlay and a list of heritage properties across the municipality. The proposed LPS amendment includes the removal the site from both that overlay and list.
d. may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme; and	The proposed LPS amendment does not affect this clause.
e. may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and	The current LPS includes a specific planning scheme overlay that relates to locally listed heritage places. This proposed LPS amendment seeks to amend that map, by removing its application to 168 Brighton Road.
f. must not contain a provision that is inconsistent with a provision of section 11 or 12; and	The proposed LPS amendment is not inconsistent with sections 11 or 12 of the LUPA Act.
g. may designate land as being reserved for public purposes; and	The proposed LPS amendment does not affect this clause.
h. may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and	The proposed LPS amendment demonstrates that the site no longer holds local heritage significance. If successful, the Local Historic Heritage Code of the SPPs will no longer apply to the site.
i. may, if permitted to do so by the SPPs, override a provision of the SPPs; and	The proposed LPS amendment does not affect this clause.
j. may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and	The proposed LPS amendment, if approved, will result in the Local Historic Heritage Code no longer applying to the site.
k. may, subject to this Act, include any other provision that – <ul style="list-style-type: none"> i. is not a provision of the SPPs or inconsistent with a provision of the SPPs; and ii. is permitted by the SPPs to be included in an LPS; and 	The proposed LPS amendment does not affect this clause.
l. must not contain a provision that the SPPs specify must not be contained in an LPS.	The proposed LPS amendment does not affect this clause.

This legislative requirement is satisfied.

4.4 Section 34(2)(c)

Section 34(2)(c) of the LUPA Act requires that the LPS amendment furthers the objectives of the Resource Management and Planning System of Tasmania (RMPS), as set out in Schedule 1 of the LUPA Act. Schedule 1

is divided into two parts: Part 1 is the objectives of the RMPS; part 2 is the objectives of the planning process established by the LUPA Act.

An assessment of the proposed LPS amendment against the RMPS objectives is provided in Table 4.

Table 4 - Assessment of the proposed LPS amendment against the Part 1 objectives of Schedule 1.

Part 1 Objectives of the RMPS	Response
1. The objectives of the resource management and planning system of Tasmania are –	
a. to promote the sustainable development ² of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	The proposed LPS amendment will promote sustainable development of land that has no known ecological value. The site is zoned General Business and is not subject to the Natural Assets Code. The site, which is in the heart of the business area of Brighton, whilst adjoining residential areas, is appropriately located for further development improving the viability and sustainability of this area.
b. to provide for the fair, orderly and sustainable use and development of air, land and water; and	The proposed LPS amendment removes the cottage at 168 Brighton Road, Brighton as a Local Heritage Place as it lacks sufficient heritage significance due to a series of works on the site including its relocation. The proposed LPS amendment contributes to further this objective through being fair and orderly, by recognising that the heritage value of the place has been diminished throughout the site's history. The location of the site in the heart of Brighton together with the application of other provisions in the LPS to the site, including the zone standards, and applicable codes and overlays, will ensure that any use and development of the site and its surrounds will continue to be undertaken in a way that is sustainable.
c. to encourage public involvement in resource management and planning; and	Should the amendment request be initiated by the planning authority, the public are provided with an opportunity to make comment and attend hearings regarding the proposed amendment.
d. to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The proposed LPS amendment, removes the site as a Local Heritage Place as it no longer contains sufficient heritage significance; this will contribute to this objective by opening up a range of commercial possibilities that will benefit the town and municipality. The site is in the heart of the Brighton township, adjacent to the pharmacy, post office and the supermarket that is currently under construction. Being within the General Business Zone, there is an opportunity to consolidate this commercial centre of the town, providing benefits to the community.
e. to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	If initiated, the proposed amendment will have input from the community through the statutory public exhibition process. Early engagement with Council officers has already occurred, and State Agencies will also be afforded opportunity to comment.

Table 5.provides for an assessment of the proposed LPS amendment against Part 2.

² Clause 2 of Part 1, Schedule 1 of the LUPA Act defines 'sustainable development', and how that definition applies to clause 1(a).

Table 5 - Assessment of the proposed LPS amendment against the Part 2 objectives of Schedule 1

Part 2 Objectives of the planning process	Response
<p>2. The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –</p>	
<p>a. to require sound strategic planning and co-ordinated action by State and local government; and</p>	<p>The proposed LPS amendment invites both the local and State tiers of government to participate in the amendment process.</p> <p>In preparing this supporting planning report, consideration has been given to how the proposed LPS amendment is consistent with the STRLUS and its applicable policies and actions. An assessment of those policies and actions is included in Table 7.</p> <p>The proposed LPS amendment has also been considered against the Brighton Structure Plan 2018³ – the municipality's key strategic planning document. Generally, the Structure Plan notes that the town centre is growing, yet retains its rural service town feel. Strategy 10 of the Structure Plan is to improve the amenity of the town's high street, with key actions identified. On that basis, the proposed LPS amendment is consistent with the strategies contained in the Structure Plan.</p>
<p>b. to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</p>	<p>The LPS regulates use and development across Brighton, in keeping with the framework.</p> <p>The proposed LPS amendment does not alter how the LPS operates across the municipality.</p>
<p>c. to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</p>	<p>The proposed LPS amendment will not have a direct impact on the environment, as there are no known environmental values.</p> <p>The proposed LPS amendment opens up a range of social and economic benefits to the town and the municipality through commercial development opportunities, as the site, which no longer contains sufficient heritage significance to warrant is retention as a Local Heritage Place, is located in the heart of the Brighton township and within the General Business Zone.</p>
<p>d. to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</p>	<p>The proposed LPS amendment does not affect the achievement of this objective.</p>
<p>e. to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</p>	<p>The proposed LPS amendment does not conflict with this objective.</p>
<p>f. to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</p>	<p>The proposed LPS amendment removes the cottage at 168 Brighton Road, Brighton as a Local Heritage Place as it lacks sufficient heritage significance due to a series of works on the site including its relocation. This will subsequently, open up the possibility of a range of social and economic benefits to the town and the municipality through commercial development opportunities, as the site is located in the heart of the Brighton township and within the General Business Zone.</p> <p>These commercial opportunities will complement existing commercial developments in the township,</p>

³ Echelon Planning (2018) *Brighton Structure Plan 2018*. Accessed at <https://www.brighton.tas.gov.au/wp-content/uploads/2019/05/Strategic-Plans-Brighton-Structure-Plan-%E2%80%93-Final-LR.pdf>

Part 2 Objectives of the planning process	Response
	making Brighton a more pleasant place to live, visit, and work in.
g. to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	The proposed LPS amendment demonstrates that the local heritage value has been diminished to the point where this place no longer holds heritage value of local significance.
h. to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	Public infrastructure and other assets will not be affected by the proposed LPS amendment.
i. to provide a planning framework which fully considers land capability.	The site is not subject to, nor is it suitable for, agricultural uses.

This legislative requirement is satisfied.

4.5 Section 34(2)(d)

Section 34(2)(d) of the LUPA Act requires that the amendment be consistent with each State policy. There are currently three state policies that are operational in Tasmania, as established under the State Policies and Projects Act 1993. These state policies articulate the government's strategic policy direction in relation to:

- The protection of agricultural land
- Water quality management
- Coastal areas

The relevance of these policies on the proposed LPS amendment are addressed below in Table 6. This table also outlines the National Environment Protection Matters (NEPMs), which are developed under the *National Environment Protection Council (Tasmania) Act 1995*. Section 12A of the *State Policies and Projects Act 1993* provides NEPMs with the status of a State policy.

Table 6 - Assessment against State policies.

State Policy	Response
State Policy on the Protection of Agricultural Land 2009	The policy applies to all agricultural land in Tasmania. As the site is not agricultural land, the State policy does not apply to the land, and therefore does not affect the proposed LPS amendment.
State Policy on Water Quality Management 1997	This policy applies to all surface waters, including coastal waters, and groundwaters, other than: <ul style="list-style-type: none"> • privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public; or • waters in any tank, pipe or cistern. Therefore, the policy applies to use and development that may impact on surface or ground water quality in Tasmania. The proposed LPS amendment does not impact or limit the application or operation of the policy. Any future use and development will comply with the policy by meeting any applicable use and development standards within the LPS.
State Coastal Policy 1996	The policy applies to Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the <i>Living Marine Resources Management Act 1995</i>) and all land to a distance of 1km from the high-water mark.

State Policy	Response
	As the site is more than 1 km from high-water mark, the policy does not apply.
National Environment Protection Matters.	<p>Current NEPMS include:</p> <ul style="list-style-type: none"> • Air Toxics NEPM • Ambient Air Quality NEPM • Assessment of Site Contamination NEPM • Diesel Vehicle Emissions NEPM • Movement of Controlled Waste between States and Territories NEPM • National Pollutant Inventory (NPI) NEPM • Used Packaging Materials NEPM <p>It is opined that the NEPMs are not applicable to the proposed LPS amendment.</p>

This legislative requirement is satisfied.

4.6 Section 34(2)(da)

Section 34(2)(da) of the LUPA Act requires the proposed LPS amendment to satisfy the relevant criteria of a Tasmanian Planning Policy (TPP).

While draft TPPs have been prepared by the Tasmanian Planning Commission, and have undergone public exhibition, no TPPs are currently in effect.

This legislative requirement is therefore not applicable.

4.7 Section 34(2)(e)

Section 34(2)(e) of the LUPA Act requires the proposed LPS amendment to be, as far as practicable, consistent with the relevant regional land use strategy.

The relevant strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035*⁴ (STRLUS). The STRLUS is the statutory regional plan that outlines the strategy and policy basis to facilitate and manage change, growth, and development in Southern Tasmania.

Section 9.1 of the STRLUS recognises that while the region has a good level of understanding of historic cultural heritage places, many heritage listings do not contain the information necessary to adequately identify and ascribe values to heritage places. This demand in resourcing results in the Heritage Tasmania and local Councils not updating their heritage registers regularly.

This site was removed from the State heritage register through a dedicated process to overhaul that list. When determining to remove the listing from the State register, the Tasmanian Heritage Council concluded that the place no longer met the registration criteria contained in section 16 of the *Historic Cultural Heritage Act 1995*.

The policies of the STRLUS that are relevant to the proposed amendment are addressed in Table 7 below.

Table 7 – Assessment against relevant provisions of the STRLUS.

Policy	Action
<p>CV 2</p> <p>Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense</p>	<p>CV 2.2</p> <p>Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows:</p>

⁴ Southern Tasmanian Councils Authority (2011) *Southern Tasmania Regional Land Use Strategy 2010-2035*. Amended 17 May 2023. Accessed at https://planningreform.tas.gov.au/_data/assets/pdf_file/0019/708013/Southern-Tasmania-Regional-Land-Use-Strategy-2010-2035-Effective-17-May-2023.PDF

of place, contribution to our understanding history and contribution to the region's competitive advantage.

- (a) places of local significance are to be listed within Heritage Codes contained within planning schemes, as determined by the local Council.
- (b) places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council.
- (c) places of national or international significance are listed through national mechanisms as determined by the Australian Government.

CV 2.4

Recognise and list heritage precincts within planning scheme Heritage Codes and spatially define them by associated overlays on planning scheme maps.

CV 2.5

Base heritage management upon the Burra Charter and the HERCON Criteria, with heritage code provisions in planning schemes drafted to conform with relevant principles therein.

Response

The proposed LPS amendment is supported by a heritage assessment, prepared by a suitably qualified person. That assessment concludes that the removal of heritage building fabric and modern building additions, combined with the relocation of the building, has resulted in the fatal loss of heritage values at the site.

In forming this opinion, the heritage consultant has considered the Burra Charter, and opines that the site does not meet the threshold for inclusion on the local heritage register.

While the site is not within a heritage precinct, the site is mapped in the LPS as being on the local heritage register (noting this automatically transitioned across from the interim planning scheme). It is highlighted that the listing includes a high-level description only; that is, there is no statement of local heritage significance or statement of historic heritage values.

As the site no longer holds any local heritage values, its removal from the local heritage register is warranted.

Policy CV 2 is met.

Policy	Action
CV 3 Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.	CV 3.1 Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.

Response

The management of heritage values through the site's statutory listing is managed through the statutory LPS amendment process.

Members of the public are invited to view the proposed LPS amendment, including the supporting heritage assessment, and provide comment through the defined statutory process. Any comments will be considered in the decision making at both local and State government level.

Policy CV 3 is met.

This legislative requirement is satisfied.

4.8 Section 34(2)(f)

Section 34(2)(f) of the LUPA Act requires the proposed LPS amendment to have regard to the relevant strategic plan prepared under section 66 of the *Local Government Act 1993*.

The relevant strategic plan is the *Brighton Council Strategy 2023-2033*⁵, which sets out the values, goals and strategies that Council aspire to. The proposed LPS amendment is generally aligned with the strategic plan. Specifically, it is consistent with the following strategies:

1.3 – *Ensure attractive local areas that provide social, recreational and economic opportunities.*

2.4 – *Ensure strategic planning and management of assets has a long term sustainability and evidence-based approach.*

3.2 – *Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population.*

This legislative requirement is satisfied.

4.9 Section 34(2)(g)

Section 34(2)(g) of the LUPA Act requires the amendment to be, as far as practicable, both consistent with and coordinated with any LPSs that apply to municipal areas that area adjacent to the municipal area to which the relevant planning instrument relates.

Brighton Council is adjacent to the following municipalities:

- Clarence
- Glenorchy
- Derwent Valley
- Southern Midlands

Clarence, Glenorchy, and Southern Midlands have an LPS that is operational.

The LPS amendment is consistent with the requirements specified in the Section 8A Guidelines, and will therefore align with other LPSs that are in effect in adjoining municipalities. The site is located a considerable distance from municipal boundaries, and is not impacted by, nor will it have an impact on, the operation of an adjoining LPS.

This legislative requirement is satisfied.

4.10 Section 34(2)(h)

Section 34(2)(h) of the LUPA Act requires the proposed LPS amendment to have regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

The site is not located close to a high-pressure gas main, and will not impact the safe operation of that infrastructure.

This legislative requirement is satisfied.

⁵ Brighton Council (2023) *Brighton Council Strategy 2023-2033*. Accessed at <https://www.brighton.tas.gov.au/wp-content/uploads/2023/03/Brighton-Strategic-Plan-and-Values-FINAL-21-Feb-2023.pdf>

5 Conclusion

The proposed LPS amendment is to update the *Tasmanian Planning Scheme – Brighton* to remove 168 Brighton Road, Brighton from BRI-Table C6.1 Local Heritage Places. The amendment is to also update the mapping within the LPS to remove the Local Historic Heritage Code overlay from 168 Brighton Road.

The supporting heritage assessment notes that:

- The building was constructed in the 1880s, or thereabouts. It was, however, relocated from its original location at some point between 1979 and 2002.
- The building has had several external alterations, including a veranda, new blockwork foundations, a new chimney, and new downpipes.
- Internally, alterations to significant building fabric have also occurred, such as removal of the original fireplace, installation of new ceilings and cornices, and new doors and architraves.

The supporting heritage assessment concludes that the relocation of the building, combined with the loss of heritage building fabric, means that the heritage significance of the place is lost, and therefore, the removal of the place from the Heritage Code of the LPS is warranted.

No other changes are proposed to the content of the LPS.

It is opined that the proposed LPS amendment meets the relevant requirements of section 34 of the LUPA Act. Based on the information contained in this report, it is submitted that there is sufficient justification for Council to certify the draft amendment under section 40F of the LUPA Act.

Appendix A Title documentation

SEARCH OF TORRENS TITLE

VOLUME 11271	FOLIO 3
EDITION 4	DATE OF ISSUE 29-Nov-2022

SEARCH DATE : 30-Jan-2024

SEARCH TIME : 02.08 PM

DESCRIPTION OF LAND

Town of BRIGHTON

Lot 3 on Sealed Plan 11271

Derivation : Part of Lot 2 Section Y. Gtd. to J. Cooney

Prior CT 3708/9

SCHEDULE 1

M984540 TRANSFER to TORELO PTY LTD Registered 29-Nov-2022
at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 11271 FENCING COVENANT in Schedule of Easements

E321713 MORTGAGE to Commonwealth Bank of Australia

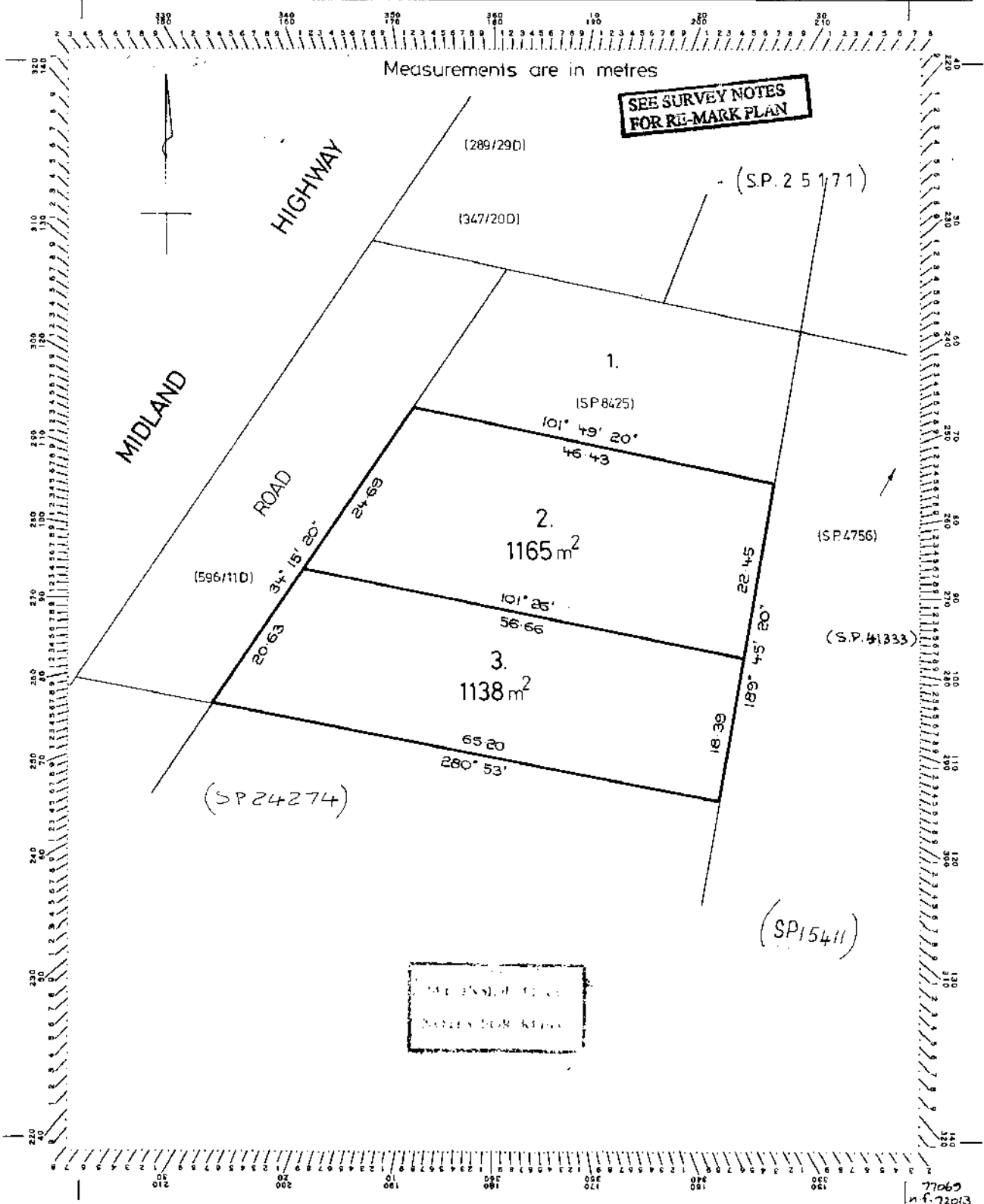
Registered 29-Nov-2022 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SP 11271

Owner: Roy Clifford Roe & Auriel Elaine Roe	PLAN OF SURVEY by Surveyor J. B. Medbury of land situated in the	Registered Number: S.P. 11271
Title Reference: C.T. 3560-15 C.T. 3214-97	TOWN OF BRIGHTON Scale 1:500	Effective from: 11 AUG 1978 P. J. Schlander ACTING DEPUTY Recorder of titles
Grantee: (1-0-2) Part of Lot 2, Sec. Y gtd. to J. Cooney		





SCHEDULE OF EASEMENTS

Plan No. **S.P**
11271

Note:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

COVENANT

The Owner of Lots 2 and 3 on the plan hereby covenants with Roy Clifford Roe and Auriel Elaine Roe (hereinafter called "the Vendors") that the Vendors shall not be required to fence.

EASEMENTS

No easements, no other covenants and no profits a prendre are created to benefit or burden any Lots shown on the Plan.

11271

SIGNED by ROY CLIFFORD ROE and AURIEL ELAINE ROE as Registered Proprietors of the land comprised in Certificate of Title Registered Volume 3560 Folio 15 in the presence of:

Handwritten signature: Roy c of the Ariele

Handwritten signatures of witnesses

SIGNED for and on behalf of COMMERCIAL BANK OF AUSTRALIA LIMITED the Registered Proprietor of Mortgage Number A416714 by its duly constituted Attorney in the presence of:

Commercial Bank of Australia Limited by its Attorney:

Signed By GORDON WILLIAM LAWRENCE as Attorney for THE COMMERCIAL BANK OF AUSTRALIA LIMITED and as the Act and deed of the said Bank in the presence of: Bank Officer, Hobart.

THE COMMERCIAL BANK OF AUSTRALIA LIMITED BY ITS ATTORNEY

Handwritten signature: Gordon Lawrence WHO HEREBY CERTIFIES THAT HE HAS RECEIVED NO NOTICE OF REVOCATION OF POWER No. 22901 GRANTED TO HIM.

I, Manager of the Hobart Branch of the Commercial Bank of Australia do solemnly and sincerely declare that I have not received any notice of the revocation of the Power of Attorney dated the day of 19 given to me by the said Bank and the said Power of Attorney is still in force.

Commercial Bank of Australia Limited by its Attorney:

11271

Certified correct for the purposes of the Real Property Act 1862, as amended.

B. R. HENRY WHERRETT & BENJAMIN

[Signature]
Subdivider/Solicitor for the Subdivider

This is the schedule of easements attached to the plan of Roy Clifford ROE

(Insert Subdivider's Full Name)

and Arriel Ekime ROSE

..... affecting land in

CT 3214-97

(Insert Title Reference)

Sealed by Re Municipal, of Brighton on 13th July 19 78

[Signature]
Council Clerk/Town Clerk

10364

Appendix B Heritage impact statement

HERITAGE REPORT

FOR PROPOSED DELISTING OF 168 BRIGHTON ROAD, BRIGHTON



Photo 1 168 Brighton Road

1 INTRODUCTION

I have been asked by the owner of the weatherboard cottage at 168 Brighton Road, Brighton to give an opinion on the potential removal of that place from the Brighton Council's Local Heritage Schedule.

The Local provisions of the Brighton Council list 168 Brighton Road on its local heritage schedule as item BRI-C6-1.23 'cottage'.

2 RECENT HISTORY OF THE PLACE

It is firstly acknowledged that this report does not include any archival research of the place. I am advised that local knowledge of previous ownership has found no owners or occupants of particular importance to Tasmanian history.

The owner of this cottage has been advised by heritage practitioner and archaeologist Brad Williams of the following:

- The cottage was relocated from nearer the street frontage back towards the centre of the allotment to make way for the construction widening of the Midlands Highway.
- Aerial photographs from 1961, 1979 and 2002 show that the cottage was moved from its original location between 1979 and 2002.

The relocation has necessitated at least three adverse heritage impacts:

1. The compromise of location, which I discuss below;
2. The loss of the (likely) brick fireplace/s as the centrepiece of the living room and possibly the kitchen. In cottages like this the fireplace is the single most significant internal fabric; and
3. The loss of the foundation, demonstrated by the house now sitting on Besser blocks and the loss of the original chimney as a consequence of the fireplace removal.



Photo 2 Relocated cottage now on Besser block foundations

3 DISCUSSION

3.01 Location

The Foundation document for all conservation practice in Australia (and some other countries) is the Burra Charter -first endorsed by Australia ICOMOS in 1979.

The document The Burra Charter described the importance of 'Location' in its Article 9.

The physical location of a place is part of its cultural significance. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means ensuring its survival.¹

GC Comments:

It is clear from the Burra Charter Article 9 that relocation has an unacceptable, (perhaps fatal) impact on the heritage significance of a place.

Given that the cottage in 1979 actually had a greater front setback than some of its neighbours which still remain in their original location, it is likely that the relocation of 168 Brighton Road was NOT its only means of ensuring its survival. It seems that the relocation was more likely generated by the wants of the owner at that time -perhaps for a quieter location on the site. Whatever the reason was at the time, it is clear that the heritage values of the cottage were greatly impacted upon.

The fact that the relocation was within the same allotment and within its original environs would perhaps reduce the adverse heritage impact to some degree if there were no loss of significant heritage fabric in the relocation process. Unfortunately it is the case that the cottage has also

¹ The Burra Charter 2013, p.5

undergone several changes which need to be understood in combination with loss of heritage significance brought about by the relocation itself.

3.02 Fabric

The cottage still can demonstrate its original c.1880s external form. Most windows, weatherboard cladding and external architraves, and symmetrical façade are intact.

External alterations include the following:

- The veranda is a modern addition
- Besser foundations are modern
- Original chimney has been replaced by a modern flue
- Downpipes are now plastic
- Veranda decking is modern

Internal alterations include the following;

- Original fireplace/s removed
- New ceilings and modern cornices installed
- Modern doors and architraves fitted

Original joinery (doors, architraves, skirtings etc) and fireplaces are heritage fabric of higher value as they best demonstrate the history of the place. This cottage has lost almost all of that joinery and of course the fireplace/s.

If not for the loss of the more important original fabric, notwithstanding that the cottage was relocated, a case could be made that the heritage significance of the place remained sufficiently to warrant retention of the place on the Local Heritage Schedule.

However, given the combination of relocation (likely not as a 'last resort' for roadworks) and the loss of the more significant fabric, it is my view that the place does not meet the threshold for inclusion in the local heritage schedule.

3.03 Listing criteria

The Historic Cultural Heritage Act list a number of criteria for entry to the Tasmanian heritage Register.

Criterion (a)

It is important in demonstrating the evolution or pattern of Tasmania's history

Criterion (b)

It demonstrates rare, uncommon or endangered aspects of Tasmania's heritage

Criterion (c)

It has potential to yield information that will contribute to an understanding of Tasmania's history

Criterion (d)

It is important as a representative in demonstrating the characteristics of a broader class of cultural places

Criterion (e)

It is important in demonstrating a high degree of creative or technical achievement

Criterion (f)

It has strong meaning for any group or community because of social, cultural or spiritual; associations

Criterion (g)

The place is important in exhibiting particular aesthetic characteristics

The same criteria can be applied for entry into Local Heritage Schedules with the modification that the measurement is against 'local' significance rather than 'Tasmanian' significance. On that basis the cottage at 168 Brighton Road would normally meet criteria (d) and likely (f).

However the fact that the cottage has been relocated impacts to a great (fatal) degree on its ability meet any criteria. If in doubt it is appropriate then to revert to the foundation document for heritage considerations, ie the Burra Charter, for guidance on properly understanding heritage significance. The discussion presented above explains my opinion that 168 Brighton Road does not meet the threshold for inclusion in the Local heritage Schedule because of the **combination** of its relocation and its loss of its significant heritage fabric.



Photo 3 Internal view showing new doorway in original fireplace location

4 CONCLUSIONS AND RECOMMENDATION

It is my view that that because 168 Brighton Road, Brighton has been relocated, combined with the fact that it has lost much of its important heritage fabric which previously demonstrated its history, the place does not meet the threshold for entry to the Local Heritage Schedule and should be removed.

1.01 Author identification

This assessment was prepared by Graeme Corney, architect & heritage consultant.

Between 1997 and 2007 I was the Senior Heritage Advisor for the Tasmanian Heritage Council, a role that involved establishment of the Tasmanian Heritage Register of 5,000 places and the provision of advice to the Tasmania Heritage Council on over 2,000 works applications over 10 years.

Since retirement from Government I have specialized in conservation of heritage places and the provision of heritage advice.



Architect and Heritage Consultant

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Brighton Local Provisions Schedule

Amendment RZ 2024 - 1

The Brighton Local Provision Schedule is amended as follows:

1. To amend the planning scheme map to:
 - a. Remove the land at 168 Brighton Road, Brighton from the Local Historic Heritage Code as shown in Annexure A.
 - b. Remove the land at 168 Brighton Road, Brighton (BRI-C6.1.23) from BRI-Table C6.1 of the Brighton Local Provisions Schedule, as shown in Annexure B.

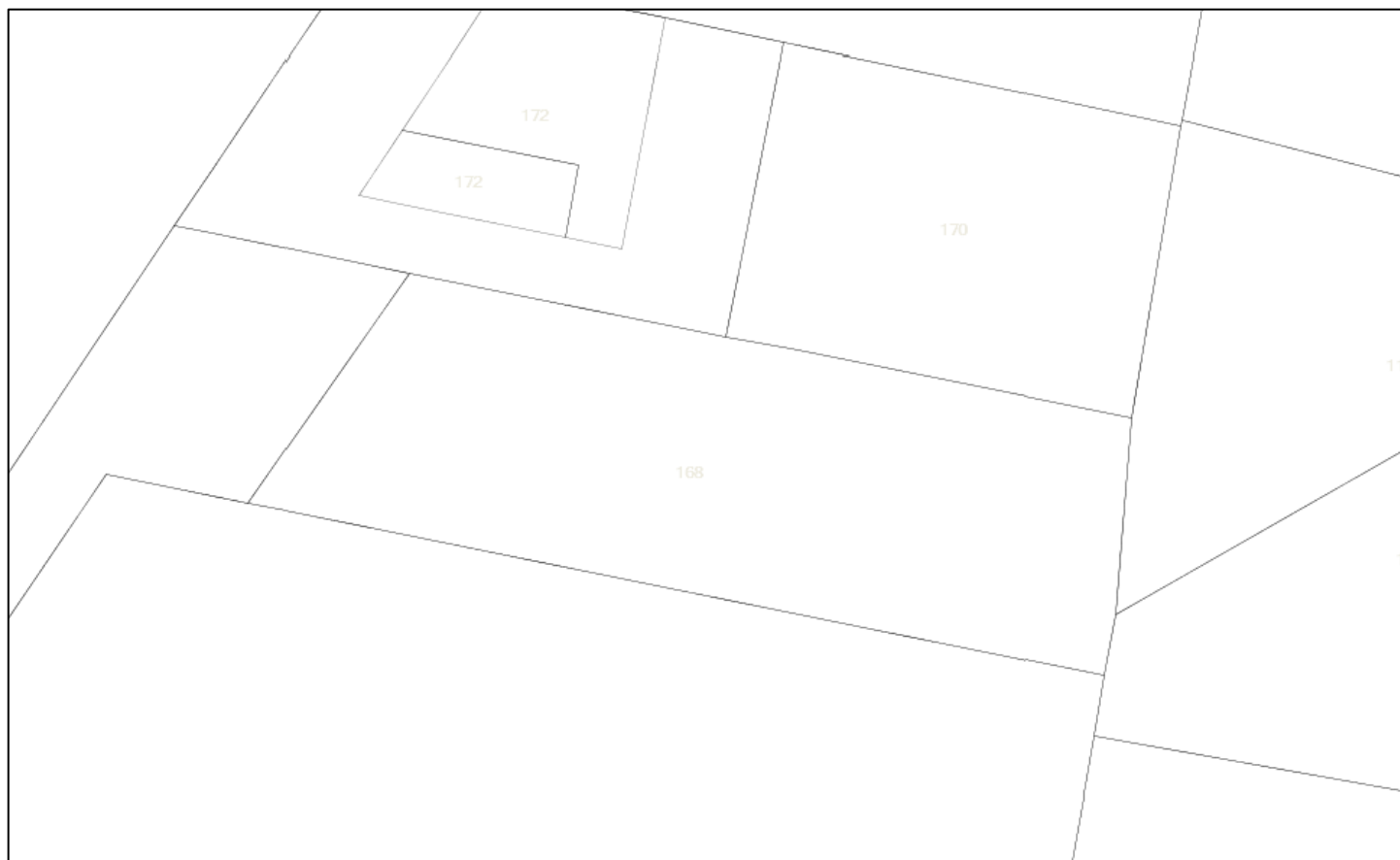
Instrument of Certification

The Brighton Council Planning Authority resolved at its meeting held on 16th April 2024 that Amendment RZ 2024-1 of the Tasmanian Planning Scheme including the Brighton Local Provisions Schedule meets the requirements specified in Section 32 of the Land Use Planning and Approvals Act 1993.

The Common Seal of the Brighton Council is affixed below, pursuant to the Council resolution of 16th May 2006, in the presence of:

General Manager

ANNEXURE A



ANNEXURE B

BRI- C6.1.23		Brighton	168 Brighton Road	Cottage	11271/3	This is a weatherboard cottage with a central door, flanking double hung windows and hipped roof with narrow boxed eaves. The skillion veranda, on the street facade, has single posts and a timber valance.
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Brighton
Council

Risk Appetite Statements

Brighton Council
March 2024



1.6342

Contents

- 1. Executive Summary 1
 - Risk Appetite Distribution 2
- 2. Risk Appetite Summary 3
 - Table 1 – Risk Appetite Levels and Definitions 3
 - Table 2 – Summary of Council’s Risk Appetite Positions 4
- 3. Risk Appetite Statements 5
- 4. Conclusion 9
 - Next Steps 9
- 5. Contacts 9

Section 1

Executive Summary

Risk Appetite is an articulation of an organisation's willingness to take, retain or accept risk and, because it operates at Strategic and Operational levels, it is an integral part of any risk management capability. In order to influence strategies and objectives it should be considered and reviewed during Strategic Planning. Additionally, risk appetites are a key influence, along with the cost/benefit of mitigation considerations, when determining the Target Risk Ratings of specific risks. Understanding and applying effective Risk Appetite considerations is highly beneficial in managing risk.

Brighton Council ("Council") has articulated its appetite for taking, retaining or accepting risk through qualitative Risk Appetite Statements that are based on nominated Risk Categories. Council has chosen to identify its risks within 10 Risk Categories that contain primary and secondary positions of Risk Appetites.

Through a workshop exercise involving the Councillors, the Executive Team and Directors, Risk Appetite levels have been determined for each of Council's Risk Categories. The Risk Appetite levels produced are based on an ordinal scale of four levels: **Avoid**; **Resistant**; **Accept**; and **Receptive**. In this order, the levels provide an indication of an increasing willingness to take, retain or accept risk, where Avoid and Resistant are considered more conservative, and Accept and Receptive are considered more risk-taking.

Council has a Primary Risk Appetite position that is considered moderately conservative. Of the ten Risk Categories, there are none with a primary risk appetite of Receptive and only two with a Primary Risk Appetite of Accept (20%). The remaining eight Risk Categories have a Primary Risk Appetite level of Resistant (60%) and Avoid (20%).

Seven of the ten Risk Categories have a Secondary Risk Appetite distributed across three of the four risk appetite levels (the exception being the Resistant level). **Six out of seven Risk Categories which had a Secondary position, shifted towards a less conservative appetite (Accept or Receptive) while a single risk had a more conservative Secondary Appetite (Resistant to Avoid).**

The three Risk Categories without a secondary position were Health and Safety, Environment, Heritage and Sustainability and Governance Legal & Compliance. Council did not require a Secondary Risk Appetite Statement for the aforementioned, as the primary rating reflected Council's position at all times towards mitigating threats towards these Risk Categories.

The distributions of Primary and Secondary levels of Risk Appetite for Council are illustrated in Diagrams 1 and 2.

Risk Appetite Statements provide guidance on Council's appetite for risk with regard to certain Risk Categories and should be used in conjunction with other variables during decision making, when taking, retaining or accepting risk.

Risk Appetite Distribution

Diagram 1 – Primary Risk Appetite distribution for Brighton Council

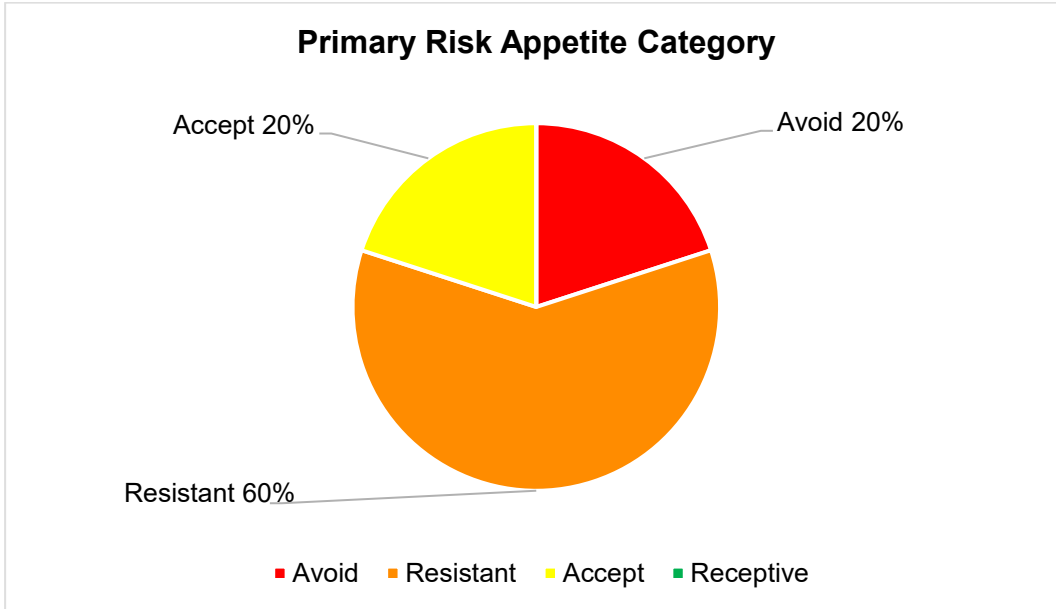
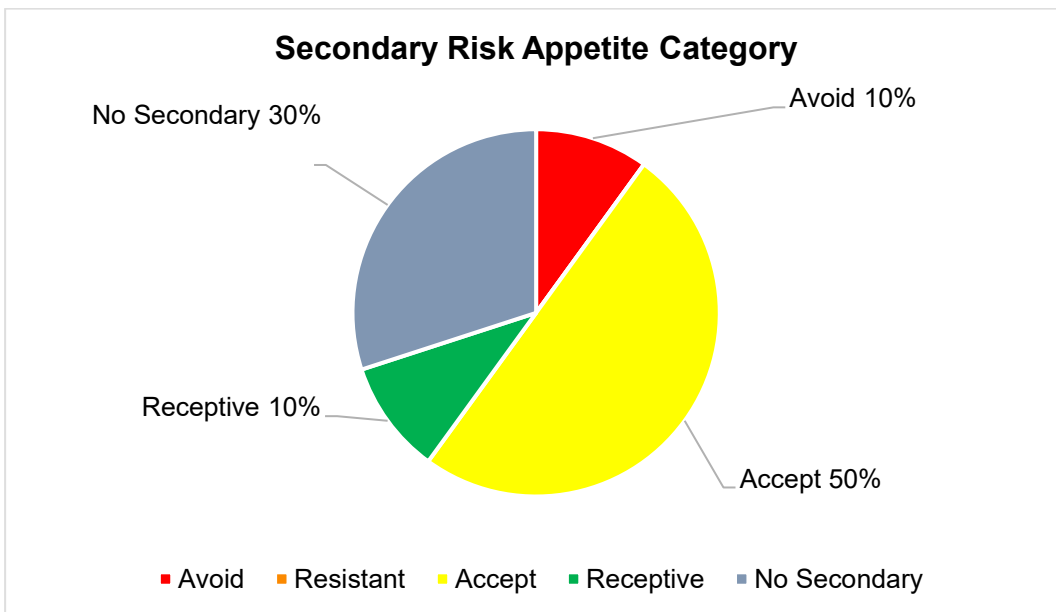


Diagram 2 – Secondary Risk Appetite distribution for Brighton Council



An important caveat to well-articulated qualitative Risk Appetite Statements is that they are, by their nature, not readily measurable (quantitative). In order to fully operationalise the concept of Risk Appetite, the development of several representative Risk Tolerance Metrics for each Risk Category is required. These tolerances will provide an adjustable and ongoing ability to measure whether Council continues to operate within its stated Risk Appetites.

Section 2 Risk Appetite Summary

The Risk Appetite Statements for Brighton Council are based on the amount of risk that the Council is willing to take, retain or accept in pursuit of its objectives over the life of the current Council Plan period. Appetites for risk can vary across the different operations in pursuit of Strategic Objectives. Therefore, Council’s Risk Appetite Statements have been developed against each of Council’s Risk Categories. These Statements use a four-level ordinal scale to indicate the amount of risk Council is willing to take, retain or accept for each category. Table 1 illustrates the four-level ordinal scale, with a definition for each.

Table 1 – Risk Appetite Levels and Definitions

AVOID	RESISTANT	ACCEPT	RECEPTIVE
<p>(little-to-no appetite)</p> <p>Avoidance of adverse exposure to risks even when outcome benefits are higher</p>	<p>(small appetite)</p> <p>A general preference for safer options with only small amounts of adverse exposure</p>	<p>(medium appetite)</p> <p>Options selected based on outcome delivery with a reasonable degree of protection</p>	<p>(larger appetite)</p> <p>Engagement with risks based more on outcome benefits than potential exposure</p>

Table 2, provides a summary of Council’s Risk Appetite positions across its identified Risk Categories. Each category has one coloured cell, which represents the Primary Appetite position and one ‘greyed’ cell, which represents the Secondary Appetite position for those categories with an identified Secondary Appetite.

These positions are defined as follows:

Primary Appetite: indicates a general appetite for taking, retaining or accepting risk for the given risk category.

Secondary Appetite: indicates an appetite-by-exception position for taking, retaining or accepting risk in specific circumstances. It is not necessary for all risk categories to have a Secondary Appetite position.

Table 2 – Summary of Council’s Risk Appetite Positions


Risk Category	Avoid	Resistant	Accept	Receptive
Financial Management		Primary	Secondary	
People & Culture		Primary	Secondary	
Health & Safety	Primary			
Reputational		Primary	Secondary	
Environment, Heritage & Sustainability			Primary	
Governance, Legal & Compliance	Primary			
IT & Cybersecurity	Secondary	Primary		
Infrastructure & Asset Management		Primary	Secondary	
Business & Service Delivery		Primary	Secondary	
Strategic Projects			Primary	Secondary


Section 3


Risk Appetite Statements


The tables below contain the Primary and Secondary Risk Appetite Statements for each Risk Category of Brighton Council. These statements are qualitative in nature and designed to provide an indication of Council’s general position when deciding to take, retain or accept risk, in pursuit of its Strategic Objectives.

▲ ▲ ▲ ▲ ▲ - Indicates the Secondary Risk Appetite

Financial Management		
	Level	Risk Appetite Statement
	Resistant	To achieve its objectives, Council is Resistant to risk relating to its Financial Management activities and obligations. Council prefers safer options with only small amounts of adverse exposure.
		▲ However, in certain circumstances, Council will Accept options based on outcome delivery where there remains a reasonable degree of protection.

People & Culture		
	Level	Risk Appetite Statement
	Resistant	To achieve its objectives, Council is Resistant to risk relating to its People & Culture . Council has a general preference for safer options with only small amounts of adverse exposure.
		▲ However, in certain circumstances, Council will Accept options based on outcome delivery where there remains a reasonable degree of protection.

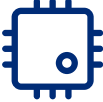

Health & Safety		
	Level	Risk Appetite Statement
	Avoid	<p>In respect to outcomes relating to Health & Safety, Council will Avoid risk where possible. Council maintains an avoidance of adverse exposure to risks, even when outcome benefits are higher.</p> <p>▲ Council does not feel that a Secondary Risk Appetite is necessary for this Risk Category.</p>

Reputational		
	Level	Risk Appetite Statement
	Resistant	<p>Council is Resistant to risk relating to its Reputational objectives. Council has a general preference for safer options with only small amounts of adverse exposure to the reputation of its people and organisation.</p> <p>▲ However, in certain circumstances, Council will Accept options based on outcome delivery where there remains a reasonable degree of protection.</p>



Environment, Heritage & Sustainability		
	Level	Risk Appetite Statement
	Accept	<p>Regarding Environment, Heritage & Sustainability, Council has a medium appetite for risk in achieving its objectives, and will Accept exposures, based on outcome delivery with a reasonable degree of protection.</p> <p>▲ Council does not feel that a Secondary Risk Appetite is necessary for this Risk Category.</p>

Governance, Legal & Compliance		
	Level	Risk Appetite Statement
	Avoid	<p>Council will Avoid risk where possible for matters relating to its obligations across Governance, Legal & Compliance. Council maintains an avoidance of adverse exposure to risks, even when outcome benefits are higher.</p> <p>▲ Council does not feel that a Secondary Risk Appetite is necessary for this Risk Category.</p>



IT & Cybersecurity

	Level	Risk Appetite Statement
	Resistant	<p>Council is Resistant to risk relating to its IT & Cybersecurity objectives. Council has a general preference for safer options with only small amounts of adverse exposure to its systems.</p> <p> However, in certain circumstances, Council will Avoid exposure to risk as much as practicable, to its IT & Cybersecurity systems.</p>


Infrastructure & Asset Management

	Level	Risk Appetite Statement
	Resistant	<p>Council is Resistant to risk relating to its Infrastructure & Asset Management. Council has a general preference for safer options with only small amounts of adverse exposure.</p> <p> However, in certain circumstances, Council will Accept options based on outcome delivery where there remains a reasonable degree of protection.</p>

Business & Service Delivery

	Level	Risk Appetite Statement
	Resistant	<p>Council is Resistant to risk relating to its Business & Service Delivery objectives. Council has a general preference for safer options with only small amounts of adverse exposure.</p> <p> However, in certain circumstances, Council will Accept options based on outcome delivery where there remains a reasonable degree of protection.</p>

Strategic Projects

	Level	Risk Appetite Statement
	Accept	Regarding objectives associated with Strategic Projects , Council will generally Accept risks, where there remains a reasonable degree of protection. ▲ However, in carefully evaluated circumstances, Council will be Receptive towards some risks, based more on outcome benefits than potential exposure.

Conclusion

The Risk Appetites expressed in this document will provide guidance to decision-makers as to where Council's general position is with regard to the level of risk it is willing to take, retain or accept in pursuit of its objectives over the life of the current Council Plan period. The statements should be considered and reviewed during Strategic Planning and can be used as an influence when determining whether to increase or decrease control activity on specific risks, or whether to pursue opportunities.

Additionally, it is better practice to review the Risk Appetite Statements thoroughly at least on a semi-annual basis and also every time there is a substantial shift in Brighton Council's operating environment.

The development of Risk Appetite Statements will help Council to continue an upward trajectory towards risk management maturity, and ultimately facilitate a capability for robust, repeatable and consistent quality decision-making.

Next Steps

If more robust guidance is required, then Council should implement quantifiable Risk Tolerances for each of its Risk Categories. These tolerances will provide guidance on whether the Risk Appetite levels are set appropriately as well as provide indicative measures of whether Council is operating within its expressed appetite level for taking risks.

Contacts

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From: Tasmanian Nepalese Cricket Association
Sent: Sunday, March 3, 2024 5:06 PM
To: James Dryburgh
Cc: Owen, Phil (Councillor) >
Subject: Cloak Oval-Hire Fees

Attn. Mr James Dryburgh
General Manager
Brighton Council

Dear Sir,

I write on behalf of the Tasmanian Nepalese Cricket Association, a grassroots organization dedicated to promoting cricket in the community and we rely heavily on access to quality playing facilities to carry out our sporting activities safely and effectively.

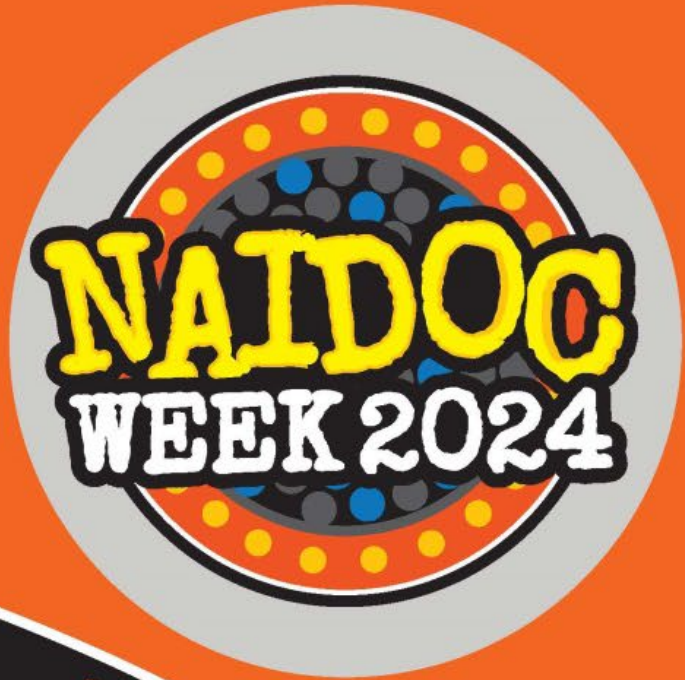
The current financial climate has made it increasingly challenging for us to cover the costs associated with ground hire. We appreciate the support that the Brighton Council provides to local sports organizations, and we are hopeful that we can work together to find a solution that benefits both parties.

We request consideration of a discount on ground hire fees that would greatly alleviate some of the financial burden we face and enable us to continue offering cricket programs and events to the community.

Look forward to hearing from you soon.

Best regards,

Kamal Bhandari
President- Tasmanian Nepalese Cricket Association



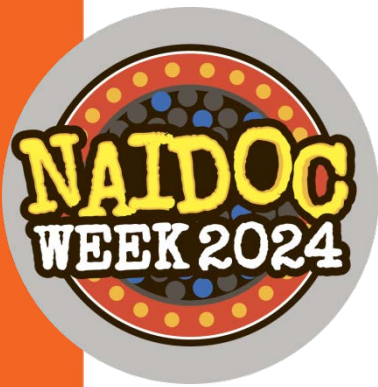
NAIDOC WEEK 2024

School Initiatives

P R O P O S A L D O C U M E N T

Dylan Williams
Executive Director

Thank you for your continued support



NAIDOC WEEK 2024 – 7TH – 14TH July

Firstly, we would like to convey our appreciation for the support that has been provided the initiatives in previous years. It is only through the dedicated partnerships that we can receive such a vast and creative response to the initiatives from students across the LGA.

The 2023 NAIDOC Week School initiatives have again proven to be an overwhelming success. The positive feedback received from many principals and teachers was overwhelming; *“Thank you for providing the opportunity for the students to engage in the 2022 NAIDOC School Initiatives”, “It is enlightening for our students to participate and gain further knowledge through the NAIDOC School Initiatives”*.

The initiatives annually bring out the best creativity of school students. We are taking the opportunity through our *secondary creative initiative this year to ask students to design a postcard that reflects NAIDOC Week, it's importance and cultural significance to Aboriginal & Torres Strait Islander people.*

The NAIDOC Week School Initiative Competitions bring a coordinated educational component to the week-long celebrations. The competitions have been overwhelmingly successful and last year was no exception which produced over 19,124 entries from schools who participated in a variety of competitions, and we are delighted to announce the “2024 NAIDOC Week” Colouring-in/short story and Creative/Essay writing Competitions. Entry is open to all primary and secondary school students in communities.



The aim of these initiatives is to provide our kids with a greater understanding on the importance of friendship and cultural diversity. The competitions reflect Aboriginal ancestry and promote the growth of positive attitudes in all students towards Aboriginal people. They are broadly based around each year's national NAIDOC theme. The colouring-in/ Short-Story competitions are open to all primary school students and the Creative Art / Essay Writing competitions are open to all secondary students. **The winning students are each year awarded prizes and or NAIDOC Medals of Excellence.**

As part of National NAIDOC Week celebrations Koori Kids coordinates, with the support of various government departments and local councils an educational component to provide a link of cultural diversity to our kids with the NAIDOC Week School Initiative Competitions. These competitions have been a successful part of NAIDOC Week which include colouring-in, short story, creative art, and essay writing. As a result, we have awarded over 65 major prizes including Computers, Televisions, Mountain Bikes, Xbox consoles, DVD Players, MP3 Players, Mini Stereos, and Encyclopedias. We have presented some 1650

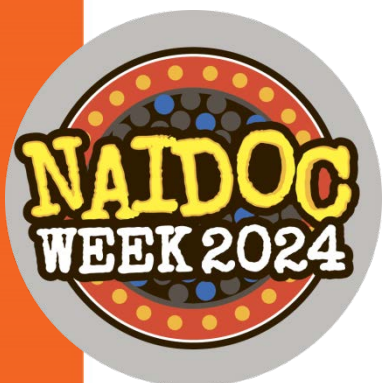
encouragement awards including CDS, DVDS, Movie Tickets and certificates to all participants

This year our highlighted Indigenous role models include a broader spectre recognising Indigenous talent in entertainment and sport and their contribution to the national identity **Kid Laroi (Indigenous Entertainer) and Latrell Mitchell (Indigenous sportsman)**. Our message this year is that education is knowledge and knowledge is **GOLD**

The logistics of the initiatives involve packages being sent to all school principals inviting students to participate in the competitions. Prizes will be awarded to the winning students along with the “NAIDOC Medal of Excellence” The Prime Minister has annually provided a message of support for the initiatives encouraging students to participate. “The wonderful work of student winners – and indeed all entrants – gives me great confidence for the future and our ability to forge a more united, harmonious and respectful future together in the spirit of reconciliation. We can draw inspiration from their idealism and creativity, and their instinctive sense of possibility and openness to change. That is why I am so delighted to be associated with the successful NAIDOC Week School Initiatives”

The judging of entries last year was adjudicated by a panel including our patron, Aboriginal Elders and Sponsoring agency delegates. The judging this year will take a similar precedent. At an awards presentation held during NAIDOC Week the Minister praised the competitions and their purpose *“The initiative we are here to celebrate today provides a perfect illustration of how public awareness has been raised around these issues in recent times. The NAIDOC School Initiative competitions are a perfect opportunity to bring Australians together. They have clearly done so”*.

We acknowledge and appreciate the support of the council last year and seek your involvement again to maintain this year’s competitions. **We are asking that you assist this year by preparing a report to council and continuing your support to the initiative with a \$450.00 contribution towards printing and distribution for students within councils LGA.** Support last year was recognised by the Prime Minister and Minister – Indigenous Affairs at the NAIDOC Awards presentation held during NAIDOC Week. Logo was displayed on all materials sent to both principals and student’s across council’s LGA and a proof of the 2023 competition entry forms for your information is attached. Support was also recognised in all media which included state and local media, National Indigenous Times, ABC Radio, Local media and ABC TV’.



Presentation of NAIDOC Medals of Excellence were presented to the winning students were held at special school assemblies and were where possible by Elders, Executive Director, NAIDOC Week School Initiatives, Director, Social Wellbeing & Community – Koori Kids, local Mayor or representatives, we thank all of those representatives for taking time out of their schedules to attend the school presentations. Without support these initiatives would not have been an overwhelming success and we hope that you will be able to assist us with this small community contribution. For further please contact the co-ordinator on (02) 8088-0791 or send an Email to director@koorikids.com

Warm Regards

**Dylan Williams
Executive Director
NAIDOC Week Initiatives**



ANNEXURE

NAIDOC Week 2024 School Initiatives

Koori Kids – Request for financial partnership

Mayor,
Chief Executive Officer
CC: Director: Community Services

REPORT IN BRIEF

Koori Kids is a community organisation that engages young people in a range of school initiatives to promote education and awareness of Aboriginal & Torres Strait Islander culture. Each year Koori Kids conducts the NAIDOC Week School Initiative Competitions for school aged children. This is broken up into primary and secondary school categories being colouring-in, short story writing and creative and essay writing. Koori Kids is seeking continued support from council and request consideration of council to be an associate partner with a **\$450** towards the program

Purpose

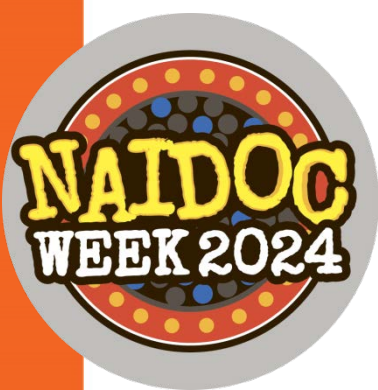
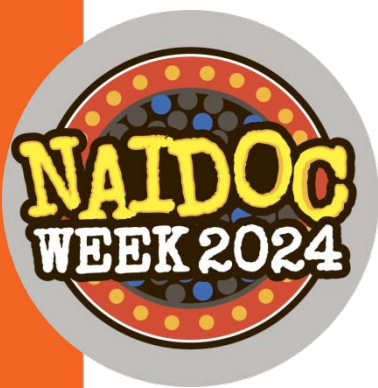
The purpose of this annexure to the proposal is to inform council of the Koori Kids 2024 School Initiatives program. The initiatives are coordinated in partnership with the Department of Education, Skills & Employment.

Koori Kids has provided a proposal and draft entry forms for the 2024 initiatives. The contribution sought (**\$450**) will be utilised towards the costs for printing and distribution of information packs, posters, and entry forms to schools across councils LGA. These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation and bringing us 'all together as one community'.

Costing	Description	Cost
Printing	Entry forms – (LGA Schools)	325.00
Distribution	Postage and Delivery	125.00

Summary

This worthwhile established cross-cultural initiative has been operating very successfully and is aligned with NAIDOC Week, celebrated in July each year. Hundreds of entries are received each year from schools within councils LGA, and the success of the program is due to the support of councils and partner organisations.



Strategic

Strategic Plan – People and Culture

- A harmonious community based on respect and responsibility, where everyone is valued
- Recognition of Aboriginal & Torres Strait Islander heritage
- Cultural and community activity encouraging harmony and reconciliation

Environmental

The initiatives will enable participants to explore concepts linking environmental; and social/ cultural issues and foster harmony in the community.

Social

The initiatives enable a diverse range of children to benefit from discussion and curriculum topics focused on the development of NAIDOC Week and the broader history of Indigenous culture.

Recreation

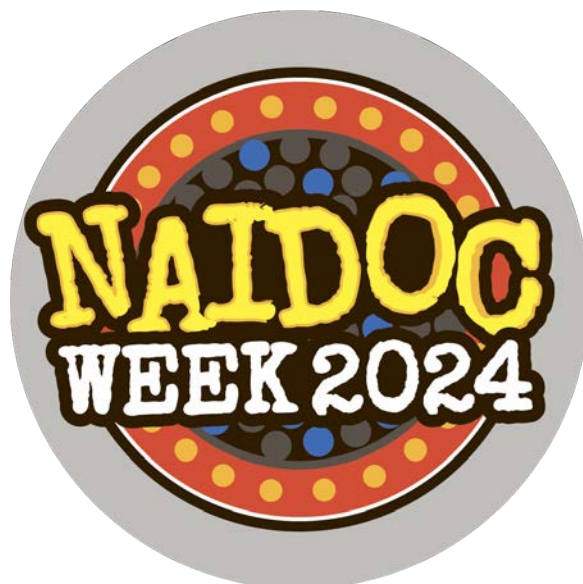
Each year at some of the winning schools Koori Kids host some 'Healthy Lifestyle Clinics' with visiting celebrity sports persons the aim of these clinics is to encourage an active lifestyle, including nutrition, sportsmanship and skill development. All Students participating are provided a T-Shirt, Water Bottle and Ball.

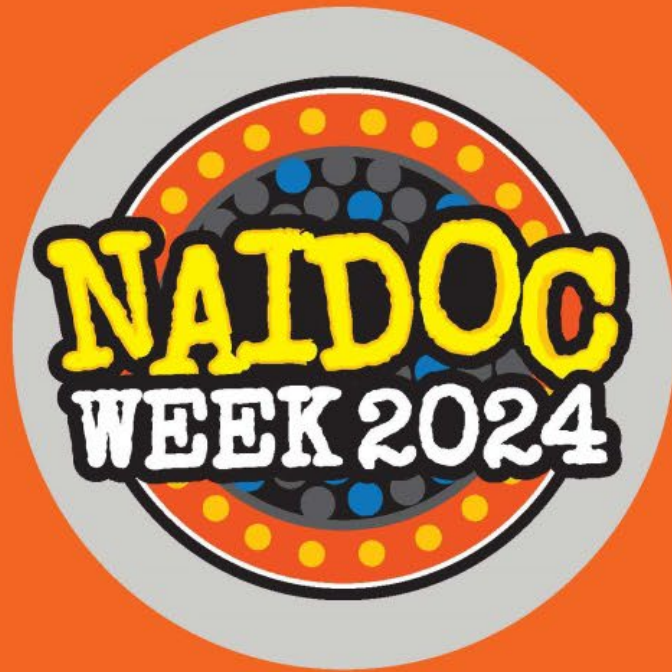
Council Acknowledgement

Council is acknowledged through logo inclusion as an associate partner on information packs sent to schools throughout councils LGA. If there is a winner from a school within council LGA, an invitation for the Mayor and or a representative is invited to attend the school, along with Executive Director, NAIDOC Week Initiatives, Director, Social Wellbeing and other dignitaries to make special presentation of the NAIDOC Medal of Excellence and the student's prize. (30+ NAIDOC Medals of Excellence are issued across the state). Media release for the winning school is prepared in consultation with council's media officer. Council is also forwarded a final report.

Conclusion

The NAIDOC Week School Initiatives are the only activity throughout NAIDOC Week that provides students with an educational component to NAIDOC Week and Indigenous culture and heritage. Our research and statistics confirm that schools within councils LGA are participating in the initiatives with increased participation from both state and catholic-independent schools.





Thank you for your continued support

NAIDOC WEEK
SCHOOL INITIATIVES
2024

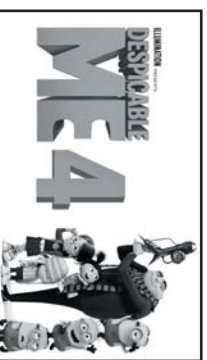


The NAIDOC Week Celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander Peoples

colouring in competition

Entry is open to all students in Years K-2

PRIZES



HUNDREDS OF MOVIE PASSES TO WATCH 'DESPICABLE ME 4'

SPONSORS



Cealy Wellington-Carpenter.

Name _____ Age _____ School _____ Year _____

All competitions: Entries must be received by close of business on Friday 28th June 2024 at the co-ordination centre, GPO Box 454, Sydney NSW 2001. Judging will take place on Friday 12 th July 2024. Winners will be notified through principals, presentations will take place at school assemblies with your local Mayor, Elders and other dignitaries.

NAIDOC WEEK
School Initiatives 2024



The NAIDOC Week Celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander Peoples

Entry is open to all students in Years 3 - 6

Poem Writing Competition

Write a Poem Entitled
'My Voice - My Culture'

(Everyone has a culture, and it must be respected)

**Entry must be typed and on A4 Paper. Entries will be judged on quality, meaning and creativity. Please ensure the name grade and class are clearly included on both your story and on the official NAIDOC School Initiatives entry form.

The Kid Laroi
Indigenous Singer



Our two Indigenous Australians were selected;

The Kid Laroi (Indigenous Singer) & Latrell Mitchell (Indigenous Sports person) as Indigenous Australians to aspire.

"Be Smart, Stay Clean and Live the Dream".

Latrell Mitchell
Indigenous Sports Person



PRIZES



FUJI INSTAX CAMERA

KIDS SMART WATCHES



THE ULTIMATE KIDS GIFT CARD



SPONSORS



Name _____ Age _____ School _____ Year _____

All competitions: Entries must be received by close of business on Friday 28th June 2024 at the co-ordination centre, GPO Box 454, Sydney NSW 2001. Judging will take place on Friday 12th July 2024. Winners will be notified through principals, presentations will take place at school assemblies with your local Mayor, Elders and other dignitaries.

NAIDOC WEEK
School Initiatives 2024



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Entry is open to all students in Years 7 - 9

Poster Design Competition

Design an A5 Postcard

to be given to the Prime Minister, and state Premiers that reflects NAIDOC Week, it's importance and cultural significance to Aboriginal and Torres Strait Islander people.

**Entry must be designed as A5 on A4 Paper. Entries will be judged on quality, meaning and creativity. Please ensure the name grade and class are clearly included on both your story and on the official NAIDOC School Initiatives entry form.

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"Be Smart, Stay Clean and Live the Dream".

Latrell Mitchell
Indigenous Sports Person



PRIZES



XBOX

DIGITAL CAMERA



DIGITAL CAMERA



THE ULTIMATE KIDS GIFT CARD



SPONSORS



Name _____ Age _____ School _____ Year _____

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NAIDOC WEEK
School Initiatives 2024



The NAIDOC Week Celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander Peoples

Entry is open to all students in Years 10 - 12

Essay Writing Competition

Write an Essay

... to explain how the referendum for constitutional recognition of Aboriginal and Torres Strait Islander people will work and the viewpoint of both sides

**Entry must be typed and on A4 Paper. Entries will be judged on quality, meaning and creativity. Please ensure the name grade and class are clearly included on both your story and on the official NAIDOC School Initiatives entry form.

The Kid Laroi Indigenous Singer



Our two Indigenous Australians were selected;

The Kid Laroi (Indigenous Singer) & Latrell Mitchell (Indigenous Sportsman) as Indigenous Australians to aspire.

"Be Smart, Stay Clean and Live the Dream".

Latrell Mitchell Indigenous Sports Person



PRIZES



XBOX

APPLE MAC PRO



SPONSORS



DIGITAL CAMERA



SAFE DRIVING LESSONS



Name _____ Age _____ School _____ Year _____

All competitions: Entries must be received by close of business on Friday 28th June 2024 at the co-ordination centre, GPO Box 454, Sydney NSW 2001. Judging will take place on Friday 12th July 2024. Winners will be notified through principals, presentations will take place at school assemblies with your local Mayor, Elders and other dignitaries.

Councillor Learning and Development Framework Consultation Summary Paper

Councillors have a complex role. To support them a Learning and Development Framework (Framework) has been developed by the Office of Local Government, the Local Government Association of Tasmania (LGAT), councillors and council officers.

The need for education for new and returning councillors has also been supported by comments received during the Future of Local Government Review and previously agreed reforms to the *Local Government Act 1993*.

The Framework is now at a stage of development where input from councillors and council officers will assist to ensure the Framework meets the needs of councillors and is fit for purpose. It also provides an opportunity to get feedback on some new initiatives that have been developed to help councillors with their learning needs.

About the process

The following provides information about what is being included in the consultation. This is a targeted consultation process where councils and councillors are encouraged to participate and provide feedback through options listed below.

The consultation period is 3 April 2024 – 29 May 2024.

Feedback on the Framework can be provided by:

- completing the [Councillor Consultation online survey](#);
- sending us an email to contact@learntolead.tas.gov.au;
- calling us by phone on 6232 7022; or
- talking to us during an online facilitated forum for councils and councillors;
 - meeting invites will be sent directly to councillors and general managers.

The process will gather feedback on some of the key elements of the Framework. These include the new Councillor Capability Framework, Councillor Learning and Development Policy, Councillor Capability Review and Development Plan and the Learn to Lead website. Feedback will also be sought on how to increase councillor participation in learning activities.

We appreciate the assistance of councils and councillors by providing feedback. Responses will be collated, analysed and used to make recommendations to the Governance Group for consideration. A report including findings and recommendations will be published. Individuals who participate by providing feedback will not be identified in the report. Submissions will not be published as this is not a public consultation process.

For any questions, concerns or assistance to provide feedback please contact the Office of Local Government on 6232 7022 or email contact@learntolead.tas.gov.au.

Framework elements included in consultation

Before providing feedback participants will need to be familiar with the following which will be provided to all councillors and general managers via email.

- 1) Councillor Capabilities;
- 2) Model - Councillor Learning and Development Policy;
- 3) Councillor Capability Review and Development Plan;
- 4) Learn to Lead flyer; and
- 5) [Learn to Lead website](#).

Promotion and awareness

Participation rates in the online learning modules continue to improve and there will be other learning activities for councillors to take part in (refer to the flyer). We want to know how we can encourage councillors to participate in learning activities that will increase their capabilities as councillors.

A. Participation:

- 1) How can councillors be encouraged to participate in Framework learning activities?
- 2) What are the barriers?
- 3) How can the Framework be more inclusive?

There is a new [Learn to Lead website](#) that includes:

- links to the online modules;
- information about other learning activities;
- information about councillor capabilities;
- links to resources; and
- answers to questions such as accessing the online modules.

B. Learn to Lead website:

- 4) How can the website be improved for councillors?
- 5) Should anything be added, removed or amended?

Fit for purpose

The Framework is starting to take shape and we want your feedback on the following that have been developed to help you consider your strengths and areas that need development.

The Councillor Capabilities, Descriptors and Behavioural Indicators were chosen after researching what other jurisdictions have in place and considering our own legislation.

The Councillor Learning and Development Policy was based on policies that some Tasmanian councils were already using and information from other jurisdictions.

The Councillor Capability Review and Development Plan is to help councillors think about what their learning needs are and what steps need to be taken to build those capabilities.

C. Councillor capabilities, Descriptors and Behavioural Indicators:

- 6) Do these capabilities reflect the capabilities of Tasmanian councillors?

- 7) Should any be added or removed?
- 8) Should anything be added, removed or amended in the behavioural indicators?
- D. Model - Councillor Learning and Development Policy:
 - 9) Should anything be added or removed (noting this is a template for councils to amend if needed)?
- E. Councillor Capability Review and Development Plan:
 - 10) Should anything be added, removed, amended?

Sustainability of the Framework

The Learning and Development Framework model needs to be financially and operationally sustainable to ensure councillors have access to ongoing learning activities to support their professional development. To date the development of the Framework has been funded by the Department of Premier and Cabinet (DPAC). The Governance Group, LGAT and DPAC are considering how the Framework can be appropriately funded going forward in the longer term. This aspect of the Framework is not specifically covered in this consultation but is part of the broader conversation around the Framework's development and sustainability.

Evaluation and continuous improvement

The Framework will be continuously evaluated and there will be other opportunities to provide feedback on details such as the topics covered, the types of learning activities provided etc. Feedback on these details will be more useful once the Framework is more developed and councillors have had experience through participation in learning activities.