



**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 5.35P.M. ON TUESDAY, 16 APRIL 2024**

PRESENT: Cr Gray; Cr Curran; Cr Geard; Cr Irons; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

IN ATTENDANCE: Mr J Dryburgh (General Manager); Ms J Banks (Director Governance & Regulatory Services); Mr D Allingham (Director Development Services); Ms G Browne (Director Corporate Services); Mr C Pearce-Rasmussen (Director Asset Services); Ms K Min (Planning Officer) and Ms M Braslin (Executive Officer – Risk & Property Management).

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

Cr A De La Torre has requested leave of absence for this meeting.

Cr Murtagh moved, Cr Whelan seconded that Cr De La Torre be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
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 19th March 2024 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 19th March 2024, be confirmed.

DECISION:

Cr Curran moved, Cr Irons seconded that the minutes of the previous Ordinary Council Meeting held on the 19th March 2024, be confirmed.

CARRIED

VOTING RECORD

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

3.2 Audit Panel Minutes

The Minutes of the Audit Panel meeting held on the 1st December 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Audit Panel meeting held on the 1st December 2023, be confirmed.

DECISION:

Cr Owen moved, Cr Geard seconded that the minutes of the Audit Panel Meeting held on the 1st December 2023, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
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.

Cr Irons declared an interest in Item 12.1

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:

- 3/4 Meeting with Wayne Rogers (St Ann's) (GM in attendance)
- 3/4 Council Workshop
- 4/4 Meeting with Kerry Vincent (GM in attendance)
- 16/4 Media Event
- 16/4 Citizenship Ceremony
- 16/4 Draft Budget Workshop
- 16/4 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	

Cr Gray
 Cr Irons
 Cr McMaster
 Cr Murtagh
 Cr Owen
 Cr Whelan

6.2 Reports from Council Representatives

- Cr Geard attended Mr Richard Bowden’s funeral in Bothwell recently.
- Cr Curran attended the Tidy Towns National judging (remote).
- Cr Curran officially opened the Pump Track in Eddington Street, Bridgewater on 13 April.
- Cr Curran attended BYAG meeting on 11 April at the Civic Centre.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

Cr Murtagh moved, Cr McMaster seconded that the verbal reports from Council representatives be received.

CARRIED

VOTING RECORD

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

7. Miscellaneous Correspondence

Nil.

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 3rd April 2024 at 4.30 pm to provide an update on various Community Development & Engagement matters and to receive an update from Centacare Evolve Housing.

Attendance: Cr Gray; Cr Curran; Cr De La Torre; Cr Irons; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

Apologies: Cr Geard

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:

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

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

11. Reports from Committees

There were no Committee Meetings held in April 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.

Cr Irons had declared an interest and left the meeting at 5.45pm

12.1 Planning Scheme Amendment to the Brighton Local Provisions Scheme to remove 168 Brighton Road, Brighton from BRI-Table C6.1 (Local Heritage Places) - s37 Report

Author: Planning Officer (K Min)

Authorised: Director Development Services (D Allingham)

Requested by:	Rohan Targett obo Torelo Pty Ltd
Owner/s:	Torelo Pty Ltd
Application No:	SA 2024-00002 / RZ 2024-001
Address:	168 Brighton Rd, Brighton TAS 7030 (CT 11271/3)
Proposal:	Amend the BRI-Table C6.1 (Local Heritage Places) to:

	<ul style="list-style-type: none"> ▪ Remove the cottage at 168 Brighton Road, Brighton (BRI-C6.1.23) from listing BRI-C6.1. ▪ Amend the Local heritage place overlay.
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zone:	General Business

1. Executive Summary

The purpose of this report is for the planning authority to consider an application received under s37 of the *Land Use Planning and Approvals Act 1993* (the Act) to remove 168 Brighton Road, Brighton from the Local Historic Heritage Code of the Brighton Local Provisions Schedule (LPS).

To proceed the planning authority must be satisfied that the draft amendment of the Brighton LPS meets the LPS criteria under section 34 of the Act. This report outlines how the proposed draft amendment satisfies each of the criteria.

If the amendment is agreed to, the planning authority must notify the Tasmanian Planning Commission (the Commission) of the decision and commence public exhibition.

The planning authority will then decide whether any representations received warrant amending or refusing the draft amendment or the planning permit. If approved by the planning authority, the final decision will be made by the Commission who will likely invite any representors to attend a public hearing.

The proposed amendment seeks to remove the cottage at 168 Brighton Road, Brighton (BRI-C6.1.23) from listing BRI-C6.1. A heritage assessment of the site concludes that the heritage cottage has been relocated and lost much of its heritage fabric and does not meet the threshold for entry on the Local Heritage Schedule.

It is recommended that the planning authority certify the draft amendment to the LPS.

2. Legislative and Policy Content

The purpose of this report is for the planning authority to determine whether to initiate the planning scheme amendment.

The amendment request is made under section 37 of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 38 of the Act requires the planning authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

This report details the reasons for the officer recommendation. The planning authority is not bound to adopt the recommendations in this report. The Planning authority can either: (1) adopt the recommendation; or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

3. Risk and Implications

The purpose of the amendment is to remove the subject property - 168 Brighton Road, Brighton (BRI-C6.1.23) from the Local Historic Heritage Code to be consistent with the current threshold for local heritage significance. Approval or refusal of this application will have no direct financial implications for the planning authority.

4. Site Detail

The land subject to the proposed amendment relates to a single parcel of land, as identified in the below Table:

Address	Owner	Title Reference	Land Area
168 Brighton Road, Brighton	Torelo Pty Ltd	Certificate of Title Volume 11271 Folio 3	1138m ²

The site is contained within 168 Brighton Road (CT 11271/3), has a street frontage to Brighton Road, and has been developed for residential use and contains a weatherboard cottage.

The site has a land area of 1138m², and the cottage is serviced by reticulated water, sewer, and stormwater. A TasWater reticulation main is situated along the western boundary.

Surrounding land is held variously in private ownership and in Brighton Council ownership (road lot). Adjacent to the subject site (southern end) is the new IGA development and the post office and Brighton Pharmacy (northern end).

The site has minimal vegetation, and no significant natural values are identified on site.

There are no identified hazards on the subject land and the cottage.

Pursuant to the LPS, the entirety of the site is currently zoned General Business (see Figure 1).



Figure 1: Subject site (highlighted in yellow) (source: Listmap)

The entire site is subject to General Business Zone Local Area Objective (Brighton Town Centre) and Local heritage place (Cottage – 168 Brighton Road) overlays pursuant to the Tasmanian Planning Scheme - Brighton (the Scheme).

5. Proposal

Pursuant to s37 of the *Land Use Planning and Approvals Act* 1993 (the Act), the Applicant seeks to amend the Brighton LPS by:

- Removing the land contained in Certificate of Title Volume 11271 Folio 3 and known as 168 Brighton Road, Brighton from the heritage listing in BRI-Table C6.1.
- Amending the Local heritage place overlay.

The proposal is supported by the attached Supporting planning report, prepared by ERA Planning and Environment dated March 2024, and a Heritage Impact Statement prepared by Graeme Corney, Architect and Heritage Consultant (undated). The report concludes that the heritage cottage has been relocated and lost much of its heritage fabric and does not meet the threshold for entry on the Local Heritage Schedule and should be removed.

The planning authority may initiate an amended pursuant to the Scheme pursuant to s38(2) of the Act.

6. Planning Scheme Implications

Local Provisions Schedule

The relevant planning instrument is the *Tasmanian Planning Scheme - Brighton Local Provisions Schedule* (the Planning Scheme).

The subject site is located within General Business zone and is subject to the Local Historic Heritage Code (local heritage place).

Zone Purpose

The Scheme establishes a series of objectives for achieving sustainable use and development of land, which are relevant for the consideration of any planning scheme amendment.

It is relevant for this amendment, to outline the relevant provisions which relate to the proposed amendment to remove the subject site from heritage listing in BRI-Table C6.1, in General Business Zone.

The zone purpose statements for the General Business Zone include:

15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres.

15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.

15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.

15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.

The proposal accords with the zone purpose, given the removal of constraints to developments will allow for a range of mixed-use opportunities.

Allowable Uses

Should the proposal be approved, no changes to the Use Table will occur.

7. Planning Assessment

Requirements of the Act – LPS Criteria (S34(2))

Section 34(2) requires:

- (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.

An assessment against each of the LPS criterion follows:

Contains all the provisions that the SPP's specify must be contained in an LPS - (s34(2)(a))

The proposal does not conflict with the SPPs.

Amendment is in accordance with section 32 (s34(2)(b))

Section 32 requires that an LPS is to consist of certain provisions that apply only to a single municipal area specified in the LPS. It is considered that the proposal does not contradict s32.

Furthers RMPS Objectives (s34(2)(c))

The objectives of the Resource Management and Planning System must be furthered by the planning scheme amendment request. The proposed Planning Scheme Amendment as it relates to the Objectives of Part 1 of Schedule 1 of LUPAA is discussed below:

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

The proposed amendment does not conflict with this objective.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

The amendment continues to provide for fair, orderly and sustainable use and development of air, land, and water.

(c) to encourage public involvement in resource management and planning; and

The public will be involved in the draft planning scheme amendment through the opportunity to make representations and attend public hearings.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

The draft amendment will facilitate economic development by removing the constraints to allow for a range of commercial development opportunities.

(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.

The amendment demonstrates the sharing of responsibility for resource management and planning between different spheres of government, community, and industry.

The proposed Planning Scheme Amendment as it relates to the Objectives of Part 2 of Schedule 1 of LUPAA is discussed below:

(a) to require sound strategic planning and co-ordinated action by State and local government; and

The proposed amendment is consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035 and Brighton Council Strategy 2023-2033.

(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

The proposal has been submitted in accordance with section 37 of the Act and is consistent with all relevant legislation. The proposed amendment will form part of the Tasmanian Planning Scheme – Brighton, which controls the use, development and protection of land in accordance with the Land Use Planning and Approvals Act 1993.

(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

The land contains no natural values of major significance. Risks from future development can be appropriately managed under the LPS and any subsequent planning schemes.

(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;

The proposed amendment does not conflict with this objective and is consistent with State, regional and local planning policies and strategies.

(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

This Objective is not directly relevant to the current matter.

- (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*

The proposed amendment will allow for an improved physical and social environment for residents and visitors through the provision of a range of commercial and other mixed-use development opportunities in the town centre and the surrounding area.

- (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 amendment includes a heritage report that demonstrates that the local heritage value has been diminished to the point where the site no longer meets the threshold for entry to the Local Heritage Schedule.

- (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*

All necessary public infrastructure and other assets are not affected by the proposed LPS amendment.

- (i) *to provide a planning framework which fully considers land capability.*

The capability of the subject land has been considered and is not considered to affect the attainment of this objective.

Consistent with State Policies (S34(2)(d))

- ***State Coastal Policy 1996***

The *State Coastal Policy 1996* applies to land within 1km of the high-water mark. The subject land is more than 1km from high-water mark. Therefore, the policy does not apply.

- ***State Policy on the Protection of Agricultural Land 2009***

The policy does not apply given the subject land is not agricultural land and is within the General Business Zone.

- ***State Policy on Water Quality Management 1997***

The subject land has full access to reticulated services. Given this, it is considered that there will be no direct impact on the land during future use and development.

Consistent with Tasmanian Planning Policies (S34(2)(da))

There are currently no Tasmanian Planning Policies in effect.

Consistent with Southern Tasmanian Regional Land Use Strategy 2010-2035 (s34(2)(e))

As required under s34(2)(e), the proposed amendment must be, as far as practicable, consistent with the regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS)*.

An assessment against the relevant Regional Policies is set out in Table 7 of the supporting planning report (ERA Planning and Environment, 2024, pp13-14).

The applicant's assessment is supported. It is considered that the proposed amendment continues to further the requirements of STRLUS.

Consistent with Brighton Council Strategy 2023-2033 (s34(2)(f))

The proposed amendment is consistent with the below relevant strategies from the Brighton Council Strategy 2023-2033:

- 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.*
- 3.4 - Advocate and facilitate investment in our region.*

The proposed amendment does not conflict with any of Council's strategies.

Consistent with the content of LPS (s34(2)(g))

The LPS came into effect for the Brighton LGA on 14th April 2021 and sets out requirements for the use or development of land in accordance with the Act.

The proposed amendment seeks to remove 168 Brighton Road, Brighton from BRI-Table C6.1 (Local Heritage Places). It is considered that the proposed amendment is consistent with the requirement relating to the contents of an LPS pursuant to s32 of the Act.

Has Regard to the Gas Safety Act 2019 (s34(2)(h))

The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

8. Conclusion

The proposal to amend the Brighton Local Provisions Schedule is consistent with regional and local land use strategy and the requirements of the Land Use Planning and Approvals Act 1993.

On this basis, it is recommended that the planning authority initiate and certify draft amendment RZ 2024-1, as detailed in the attachments to this report.

RECOMMENDATION:

- A. That in accordance with s38(2)(a) of the *Land Use Planning and Approvals Act 1993*, to be known as draft amendment RZ 2024-001, relating to the land contained in Certificate of Title Volume 11271 Folio 3 (PID 5024431) and known as 168 Brighton Road, Brighton, the planning authority agree to amend the Brighton Local Provisions Schedule as follows:
 - i. remove listing BRI-C6.1.23 from the Local Historic Heritage Code (BRI-Table C6.1 - Local Heritage Places); and
 - ii. Remove the land from the Local heritage place overlay.
- B. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, the planning authority considers that draft amendment RZ 2024-001 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
- C. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2024-001 be certified by instrument in writing affixed with the common seal of the Council; and
- D. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, a certified copy of draft amendment RZ 2024-001 be given to the Tasmanian Planning Commission within seven (7) days.
- E. That in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, a copy of the draft amendment RZ 2024-001 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.
- F. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2024-001 be placed on public exhibition.

DECISION:

Cr Owen moved, Cr Whelan seconded that the recommendation be endorsed.

CARRIED

VOTING RECORD

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

Cr Irons rejoined the meeting at 5.50pm

13. Officers Reports

13.1 Risk Appetite Statements - Strategic Risks

Author: Executive Officer Risk & Property (M Braslin)

Authorised: General Manager (J Dryburgh)

Background:

The purpose of this report is to adopt the Risk Appetite Statements which were an outcome of the Risk Workshop held on the 20th February 2024 by Marsh Consulting, which senior staff and Councillors attended. This included training in Risk Appetite and then a workshop to set the Risk Appetite for each of Councils 10 Strategic Risks.

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 Strategic 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 by senior staff and Councillors against each of Council’s Strategic Risk Categories.

Consultation

Senior Management Team, Marsh Consulting.

Risk Implications

Inadequate risk management can result in non-compliance with legal and regulatory requirements. Appropriately considered and determined risk appetite is another important high-level tool to assist council in its decision making.

Financial Implications

Uncertain risk appetite can impact financial planning and budgeting.

Strategic Plan

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

1.2 Build resilience and opportunity

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

4.1 Be big picture, long-term and evidence-based in our thinking

4.2 Be well-governed, providing quality service and account

4.4 Ensure financial and risk sustainability

Social Implications

The consequences of risk mismanagement can extend to the community. For example, failure to adequately assess and mitigate risks related to public safety or environmental concerns can lead to harm to individuals or communities, damaging social cohesion and trust in the council's ability to protect and serve the public interest.

Environmental or Climate Change Implications

Having a Risk Appetite Statement for the strategic risk category 'Environment, Heritage and Sustainability' will help to guide decisions made relating to this risk category.

Economic Implications

Developing and implementing clear risk appetite statements is essential for council to enhance economic resilience, promote sustainable growth, and safeguard their financial interests.

Other Issues

Nil.

Assessment

In summary, not having an approved set of risk appetite statements can leave council vulnerable to a range of risks, including inconsistent risk management, resource misallocation, missed opportunities, reputational damage, legal non-compliance. Developing and implementing a robust risk appetite statement is essential for councils to enhance resilience, clearly guide decision-making, and achieve their strategic objectives effectively.

In the absence of a risk appetite statement, councils may adopt overly conservative approaches to decision-making, avoiding potentially beneficial opportunities due to fear of risk. This could hinder innovation, stifle growth, and limit the council's ability to adapt to changing circumstances or seize strategic opportunities.

Summary of Councils Risk Appetite Position on 10 Strategic Risk Categories:

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

Risk Appetite levels and Definitions:

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

Best practice is to review the Risk Appetite Statements thoroughly at least on an 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.

Options

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

RECOMMENDATION:

1. Approve and adopt the Risk Appetite Statement covering Council's 10 strategic Risks.
2. Review the Risk Appetite Statements annually or at a substantial change in Councils operating environment.

DECISION:

Cr Geard moved, Cr McMaster seconded that

1. *Approve and adopt the Risk Appetite Statement covering Council's 10 strategic Risks.*
2. *Review the Risk Appetite Statements annually or at a substantial change in Councils operating environment.*

CARRIED

VOTING RECORD

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

13.2 Tasmanian Nepalese Cricket Association - Waiving of Ground Hire Fees

Author: Director Corporate Services (G Browne)

Background:

Mr Kamal Bhandari who is the president of the Tasmanian Nepalese Cricket Association which is a not for profit organisation, has sent an email to Council requesting a discount on the hire fees on Cloak Oval.

The Association recently held their annual cricket carnival and used Cloak Oval for five full days from the 2nd to 17th March 2024.

The Association is a grassroots organisation that promotes cricket within the Tasmanian Community. This Association also organises various charity events to raise money to develop cricket within Nepal.

They rely on many donations to make these carnivals happen and have expressed that due to the current financial climate they are finding it increasingly difficult to cover the costs associated with ground hire.

Consultation

K Bhandari, I Singh (Facilities Management Officer)

Risk Implications

Nil

Financial Implications

Fees that would have been applicable will need to be recognised as a donation from Council and included in the annual report. The day rate for ground hire is \$299 per day so total cost for the Association are \$1495.00.

Strategic Plan

Goal 1.1 - Engage with and enable our community

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

Goal 1.4 – Encourage a sense of pride, local identity and engaging activities.

Social Implications

By providing the ground for this carnival it has the opportunity to contribute to promoting diversity and community connections with the Nepalese community which may not have previously occurred between residents and this group.

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

Council has a policy in relation to a 50% discount on Council Building hire fees for groups within the community that are not for profit that can prove that the hire of the building is for the benefit of the Brighton residents. However, this policy does not reflect ground hire usage or external not for profit organisations.

The Tasmanian Nepalese Cricket Association relies on sponsorship to make this carnival happen. It brings people into the Old Beach area and the carnival culminates in a charity match on the last day.

Although the association is not registered within our community the carnival is open to all residents to go along and be a part of the festivities. There would also be a small economic advantage to commercial premises within the Brighton area that may benefit from an increase in people watching the event.

Options

1. As per the recommendation.
2. Not approve the recommendation.

RECOMMENDATION:

That Council provide a 50% reduction in ground hire fees to the Tasmanian Nepalese Cricket Association.

This be reported accordingly in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr Murtagh moved, Cr Geard seconded that Council provide a 50% reduction in ground hire fees to the Tasmanian Nepalese Cricket Association.

This be reported accordingly in Council’s Annual Report in accordance with Section 77 of the Local Government Act 1993.

CARRIED

VOTING RECORD

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

13.3 NAIDOC Week 2024 School Initiatives

Author: Manager Community Development and Engagement (A Turvey)

Background

It has been confirmed that in 2023 four (4) schools in the Brighton Council Local Government Area (LGA) participated in the NAIDOC Week School Initiatives.

- St Paul’s Primary School
- Brighton Primary School
- Gagebrook Primary School
- Northern Christian School

Entries Received in 2023 from LGA	Schools in 2023 from LGA	NAIDOC Medals of Excellence & prizes awarded in 2023	Encouragement Awards awarded in 2023
116	4	14	59

There was an increase from last year in the number of entries that were received from local schools in the initiatives. This demonstrates that students are taking an active role in the initiatives and gaining an insight into the importance of NAIDOC Week Cultural Diversity and Indigenous history.

School participation within Council’s LGA has seen steady growth since the initiatives were incepted into schools. Each year the initiatives provide education and public awareness on a variety of subjects that pertain to Indigenous history.

It should be noted that this program is a national program and not specific to Tasmania but part of the overall celebration of National NAIDOC Week 2024. It is a nationwide program and not culturally specific to Tasmania or any other state.

The NAIDOC Week School Initiatives is the only activity throughout NAIDOC Week that provides students with an educational component to NAIDOC Week and Indigenous culture and heritage.

Koori Kids is a community organisation that engages young people across Australia in a range of school initiatives to promote education and awareness of Aboriginal and Torres Strait Islander culture. Each year Koori Kids conducts the NAIDOC Week School Initiative Competitions for school aged children Australia wide.

Koori Kids thanks and acknowledges Brighton Council's support last year and is once again seeking support from Council. They request consideration of Council to be an associate partner with a \$450 donation towards the program.

NAIDOC Week 2024 will take place from 7 to 14 July 2024.

Consultation

General Manager, Community Development Officer.

Risk Implications

Not applicable.

Financial Implications

Koori Kids has provided a proposal for the 2024 initiatives. The contribution sought is \$450 to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council's Local Government Area.

Strategic Plan

An initiative such as this supports Council's Strategic Plan 2023-2033 as follows:

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

1.1 – Engage with and enable our community.

1.2 - Build resilience and opportunity.

1.4 – Encourage a sense of pride, local identity and engaging activities.

Social Implications

Improved relationships between Council and the Aboriginal community, and the organisations which operate in our municipality.

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'.

This year students will design posters for NAIDOC Week activities; poem writing; essay writing and colouring in. This year's patrons include Kid Laroi (Indigenous entertainer) and Latrell Mitchell (Indigenous sportsman).

Environmental or Climate Change Implications

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

Economic Implications

Not applicable.

Other Issues

Not applicable.

Assessment

This cross cultural initiative has been operating very successfully since 2001 and is aligned with NAIDOC Week, celebrated in July each year. Over a hundred entries are received each year from schools within Council's LGA, and the success of the program nationally is due in part to the support of councils and partner organisations.

Council is acknowledged through logo inclusion as an associate partner on information packs sent to schools throughout Council's LGA. If there is a winner school from within Council's LGA, an invitation for the Mayor and or a representative is invited to attend the school, along with Executive Director, NAIDOC Week Initiatives and other dignitaries to make special presentation of the NAIDOC Medal of Excellence and the student's prize.

A media release for the winning school is prepared in consultation with Council's media officer. Council is also forwarded a final report on the program.

Options

1. As per the recommendation.
2. That Council not contribute to NAIDOC Week 2024 – School Initiative Competitions in our area.

RECOMMENDATION:

That Council contribute \$450 to the Koori Kids NAIDOC Week 2024 School Initiatives program to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council's Local Government Area.

This contribution be reported accordingly in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr Curran moved, Cr Irons seconded that Council contribute \$450 to the Koori Kids NAIDOC Week 2024 School Initiatives program to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council's Local Government Area.

This contribution be reported accordingly in Council's Annual Report in accordance with Section 77 of the Local Government Act 1993.

CARRIED

VOTING RECORD

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

13.4 Councillor Learning and Development Framework - Consultation

Author: General Manager (J Dryburgh)

Background

The Local Government Learning and Development Framework is now open for targeted feedback until the 29th May 2024.

All Councillors and council officers will be invited to participate and contribute to a fit for purpose framework that will support elected representatives in undertaking the important and often complex role of making decisions on behalf of the local community.

The Learning and Development Framework was shaped by the Local Government Learning and Development Governance Group, which consists of councillors, council officers and representatives from LGAT and the Office of Local Government. The group was formed in 2023 and now works with councils to make sure that the Framework meets the requirements and goals of the local government sector.

The consultation period is open for a period of eight weeks to consider and discuss specific elements of the Framework, including:

- Councillor capabilities;
- Councillor Learning and Development Policy;
- Councillor Capability Review and Development Plan;
- Learn to Lead website.

As part of the Learning and Development Framework, three online learning packages were created and offered to councillors after the local government elections in 2022. The vast majority of Brighton Councillors have completed these online modules to date.

It should also be noted that three specific recommendations were included in the Final Report of the Future of Local Government Review relating to learning and development.

Recommendation 3

- *That the Tasmanian Government work with the sector to develop, resource, and implement a renewed Strategic Planning and Reporting Framework that is embedded in a new Local Government Act to support and underpin the role of local government. Under this Framework councils will be required to develop – within the first year of every council election – a four-year strategic plan.*

The strategic plan would consist of several specified component plans as a minimum, including an elected member capability and professional development plan.

Recommendation 15

- *To be eligible to stand for election to council, all candidates must undertake – within six months prior to nominating – a prescribed, mandatory education session, to ensure all candidates understand the role of councillor and their responsibilities if elected.*

Recommendation 16

- *The Tasmanian Government and the local government sector should jointly develop and implement a contemporary, best practice learning and ongoing professional development framework for elected members. As part of this framework, under a new Local Government Act:*
 - *all elected members – including both new and returning councillors - should be required to complete a prescribed ‘core’ learning and development program within the first 12 months of being elected; and*
 - *councils should be required to prepare, at the beginning of each new term, an elected member learning and capability development plan to support the broader ongoing professional development needs of their elected members.*

Councillors have the option to either submit their own individual feedback or provide it direct to the General Manager who can include it in Council’s submission.

Consultation:

Councillors; Senior Management Team

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

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

S4.2 Be well-governed, providing quality service and accountability to our community

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That the information be received.

DECISION:

Cr Irons moved, Cr Curran seconded that the information be received.

CARRIED

VOTING RECORD

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

14. Questions on Notice

There were no Questions on Notice for the April meeting.

15. Closed Meeting

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

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

RECOMMENDATION:

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

Item:	Closed under:
15.1 – EOI Results for 15 Cheswick Crescent, Bridgewater	15(2)(f)

DECISION:

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

15.1 – EOI Results for 15 Cheswick Crescent, Bridgewater 15(2)(f)

CARRIED

VOTING RECORD

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

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

RECOMMENDATION:

That Council, having met and dealt with its business formally moves out of Closed Session and resolves to report that it has determined the following:

Agenda item	Matter	Outcome
15.1	EOI Results for 15 Cheswick Crescent, Bridgewater	Decision not to be made public.

DECISION:

Cr Irons moved, Cr Owen seconded that Council, having met and dealt with its business Council formally moves out of Closed Session and the decision made in Closed session be ratified.

CARRIED

VOTING RECORD

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

Meeting closed: 6.30pm

Confirmed: _____
(Mayor)

Date: _____
21 May 2024