



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.30 P.M. ON TUESDAY,
20th MARCH 2012**

PRESENT: Cr Foster (Mayor); Cr Taylor (Deputy Mayor); Cr Curran;
Cr Garlick; Cr Geard Cr Gray; Cr Jeffries and Cr Williams.

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren
(Deputy General Manager); Mr H Macpherson (Municipal
Engineer); Mrs J Banks (Manager Governance & Human
Services) and Mr J Dryburgh (Senior Planner).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 21st FEBRUARY 2012.

*Cr Gray moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting of
the 21st February 2012, be confirmed.*

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

1.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 13TH MARCH 2012.

Cr Garlick moved, Cr Williams seconded that the Minutes of the Finance Committee Meeting of the 13th March 2012, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

1.3 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 13TH MARCH 2012.

Cr Taylor moved, Cr Garlick seconded that the Minutes of the Planning Committee Meeting of the 13th March 2012, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Curran moved, Cr Geard seconded that Cr Owen be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Daniaal Rochford and Frank Pearce, Southern Tasmanian Regional Tourism Steering Committee addressed Council in relation to regional tourism and the proposal for a new credible and sustainable Regional Tourism Organisation (RTO).

4. DECLARATION OF INTEREST:

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

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2005*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*.

There were no declarations of interest.

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

FILE REFERENCE: 0205-6
AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:-

Feb 22	Brighton Council workshop - Amalgamation
Feb 23	Southern Water and Sewerage Owner Representatives Meeting- Hobart
Feb 23	STCA Board Meeting - Hobart.
Feb 27	GM and I met with former TCCI Board members Ron Ward and Darren Alexander.
Feb 29	Water and Sewerage Owner Representatives meeting - Moonah- for presentation of Quarterly Report - quarter ending 31 st December 2011.
Mar 01	DGM , Gillian and I met with representatives of the Brighton Football Club to discuss financial issues relating to the Club.
Mar 02	All day meeting of the Tasmanian Library Advisory Board - Hobart (recent appointment to this Board)

Ordinary Council Meeting

20/3/12

- Mar 05 GM, Michael Aird and I met with JRLF Lead Principal Steven Lewis for tour and discussions about the JRLF.
- Mar 06 GM, DGM and I met with Tony Harrison of Corporate Communications to discuss Communication agenda re Council amalgamations.
- Mar 08 Special meeting of the STCA Board, Hobart.
- Mar 13 Chaired a meeting of the STCA Infrastructure Committee.
- Mar 13 Met with Robin Black Manager of the new LINC for Bridgewater for discussions and tour of the new premise.
- Mar 13 Finance Committee Meeting
- Mar 13 Planning Committee Meeting.
- Mar 15 Municipal tour with Scott Percey.
- Mar 19 Brighton Primary School – book launch of “Brighton Area School Recollections”
- Mar 20 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

Cr Taylor moved, Cr Garlick seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

Cr Geard gave an update from a recent SWSA meeting he attended.

Cr Geard moved, Cr Jeffries seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

5.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA) AND JOINT AUTHORITIES:

Correspondence and reports from the STCA and Joint Authorities e.g. Southern Waste Authority are received periodically by Council. If any Councillor wishes to view documents received contact should either be made with the Manager Governance and Human Services or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it is reported that there was a workshop on 22nd February 2012, to determine the future options and opportunities for Brighton Council. Those present at the workshop were:- Cr T Foster (Mayor); Cr G Taylor (Deputy Mayor); Cr B Curran; Cr W Garlick; Cr P Geard; Cr L Gray; Cr M Jeffries; Cr P Owen and Cr S Williams.

(This includes workshop, seminar or meeting, other than a meeting that is conducted by or on behalf of the council for the councillors.)

7. NOTICE OF MOTION:

There were no notices of motion.

8. 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 2005, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and

- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

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

9. REPORTS FROM COMMITTEES:

9.1 FINANCE COMMITTEE MEETING – 13/3/12:

The recommendations of the Finance Committee Meeting of 13th March 2012 were submitted to Council for adoption.

Cr Geard moved, Cr Jeffries seconded that the recommendations of the Finance Committee meeting of 13th March 2012 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

9.2 PLANNING COMMITTEE MEETING – 13/3/12:

The recommendations of the Planning Committee Meeting of 13th March 2012 were submitted to Council for adoption.

Cr Curran moved, Cr Garlick seconded that the recommendations of the Planning Committee meeting of 13th March 2012 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2005, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10. on this agenda, inclusive of any supplementary items.

There were no Planning items listed on this Agenda.

11. REPORTS FROM OFFICERS:

11.1 LGAT – ELECTION OF GENERAL MANAGEMENT COMMITTEE:

FILE REFERENCE: 0068

AUTHOR: Manager Governance & Human Services
(Mrs J Banks)

Background:

The Tasmanian Electoral Commission has been requested to conduct the 2012 election of President and six members of the General Management Committee for a two year term, in accordance with the rules of the Local Government Association of Tasmania (LGAT).

Nominations are now invited from LGAT members and must be received by the Electoral Office by 5pm on Wednesday 18th April 2012.

Election Timetable:

Nominations open	Monday 20 th February
Nominations close	5pm Wednesday 18 th April
Ballot material posted (if a ballot is required)	Monday 23 rd April
Close of postal ballot	10am Wednesday 20 th June
Declaration of result	Wednesday 20 th June
Annual General Meeting	Wednesday 11 th July

For the information of Council, the representative on the management Committee for the Council's having a population of less than 20,000 is Cr. Deirdre Flint.

Consultation:

Nil.

Risk Implications:

N/A.

Financial Implications:

N/A.

Other Issues:

Nil.

Assessment:

N/A

Options:

1. As per the recommendation.
2. That no action be taken.

RECOMMENDATION:

The matter is submitted for the direction of Council.

DECISION:

Resolved that the report be noted.

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

11.2 GOVERNANCE ISSUES FOR A STATEWIDE WATER CORPORATION:

FILE REFERENCE:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The following actions were undertaken in order for the owners of Southern Water to develop a joint position regarding governance issues for a proposed new single statewide water corporation:

- That the General Managers meet and draft a Position Paper on governance issues for circulation to the Owners.
- That the representatives of the Owners meet on Thursday 23rd February 2012 to discuss the draft Position Paper, resolve outstanding issues and submit a final version of the Position Paper to all Owner Councils with a request that it be discussed and adopted by each Council; and
- That each Owner Council considers adopting the Position Paper before the March meeting of the LGAT.

The following positions were agreed at a meeting of the owner representatives for submission to owner councils for adoption:

- Corporations Law will provide the basis on which the Corporations are formed and the governance guidance should come from the ASX Corporate Governance Principles
- That shareholding be based on equity shareholding
- Equity shareholding should be based on the Chairman's proposal which give the south 50.56% of the equity shareholding.
- The Board should be skills based
- The Board will be a 7 member Board with a quorum of 4.

- The Chair will have a single vote.
- In respect to the ratification of recommendations made by the selection panel established to select the Chair and Directors of the Corporation, the Owners Representatives (the 29 individuals nominated by the Councils) will have the power of veto over any name the list provided by the selection panel.
- The selection panel will comprise the Chair (Once appointed) and regional representatives based on equity considerations (i.e. 2 south, 1 north, 1 north-west)
- There must be predetermined and agreed selection criteria established and it will be the first task of the selection panel to develop the selection criteria.
- There will be two meetings of all (29) owners per year - one of which will be the Annual General Meeting.
- There will be four regional meetings per year (in each region) to review performance.
- The Statewide meetings will include discussion of:
 - Corporate Plan
 - Shareholders letter of expectation
 - Progress
 - Any matters required to meet legal obligations.
- Each Council will provide a nominated Council Owners Representative.
- All voting will be based on equity shareholding.
- Observers will be permitted to attend meetings of the owners and the corporation - whether they are statewide or regional meetings.
- Distributions will be based on equity and not varied unless equity is contributed or withdrawn
- GBE scrutiny will be removed.
- The Corporations constitutions will be reviewed to ensure consistency with new arrangements
- If it is a Statewide Corporation then the Shareholders Letter of Expectations should be for the one entity.
- The Shareholders letter of expectation should be coupled with a high level statement of Corporate Intent.
- The Chair will be an independent person and will be the best person for the position.

Consultation:

Southern General Managers and Owners Representatives

Risk Implications:

Councils may not achieve the best governance outcome for a new corporation if there is not a unified position to take to the government.

Financial Implications:

None resulting from this recommendation.

Other Issues:

Some of the northern councils have developed positions and it is imperative that the twelve southern councils are united in their positions, particularly if there is a difference throughout the state.

Assessment:

Supporting this position for the governance of a new single water corporation is in the best interest for Brighton Council as it presents the strongest case for improved governance and equity position for the southern councils.

Options:

1. Do nothing
2. Adopt the recommendation

RECOMMENDATION:

That Council adopt the positions regarding governance for a new single water corporation as outlined above.

DECISION:

Cr Gray moved, Cr Williams seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

11.3 FUTURE OPTIONS FOR BRIGHTON – WORKSHOP REPORT:

FILE REFERENCE: 620

AUTHOR: General Manager
(Mr R Sanderson)

Background:

In the light of the current debate about amalgamation of councils in southern Tasmania, Brighton Council decided on the need for a workshop involving all Councillors and senior staff to determine the future options and opportunities for Brighton Council. The workshop was held on 22nd of February 2012 at the Brighton Civic Centre in Green Point Road Bridgewater.

The scope for the workshop was to explore the opportunities and options facing Brighton in the future with or without amalgamation.

Participants agreed the preferred option for Brighton was:-

No amalgamation and expanded shared services with other councils plus membership of a Metropolitan Council Association plus membership of a re-invigorated STCA.

Participants agreed the next preferred option was for Brighton to:-

Amalgamate with Southern Midlands, Derwent Valley and Central Highlands Councils.

Participants agreed that if neither of these options was available to Brighton this group should reconvene to consider its position.

Implementation strategies and action plans were developed in the workshop.

Consultation:

Participants at the workshop included all Councillors and senior staff from Brighton Council, Prof Brian Dollery from the University of New England and consultants Tony Harrison from Corporate Communications Pty Ltd and Paul Lennon from Paramul Pty Ltd.

Risk Implications:

Brighton Council's position will not be supported unless Council follows the actions developed at the workshop.

Financial Implications:

Costs to implement the proposed action plans have not been included in this year's budget.

Other Issues:

It is important to defend Council's "fair rating system" which would be in jeopardy in an amalgamated council. Rate equalisation of the amalgamated councils would result in rate rises for Brighton's residents.

Assessment:

There was unanimous support from all workshop participants for the outcomes and action plans developed in the workshop.

It is necessary for Council to formally adopt these outcomes and action plans to enable them to be undertaken.

It was also agreed at the workshop that Brighton Council these needed to be implemented as a matter of priority.

Options:

1. Adopt the recommendation.
2. Do nothing.

RECOMMENDATION:

That Council:-

1. receive the workshop report;
2. adopt the preferred option for the future of Brighton ;
3. adopt the implementation strategies and action plans developed in the workshop; and
4. approve the cost of implementing the action plans and communication strategy

DECISION:

Cr Gray moved, Cr Curran seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

11.4 MICROWISE - UPDATE REPORT:

FILE REFERENCE: 0838-3

AUTHOR: General Manager
(Mr R Sanderson)

The General Manager and Deputy General Manager provided an update on the progress of Microwise at the Council meeting.

Options:

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

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Geard	
Cr Jeffries	
Cr Taylor	
Cr Williams	

12. QUESTION ON NOTICE:

There were no questions on notice.

Meeting closed: 6.55pm

Confirmed:

(Mayor)

Date:

17th April 2012