



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.35 P.M. ON TUESDAY,
17th APRIL 2012**

PRESENT: Cr Foster (Mayor); Cr Taylor (Deputy Mayor); Cr Curran;
Cr Garlick; Cr Geard Cr Gray; Cr Jeffries; Cr Owen 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 20th MARCH 2012.

*Cr Geard moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting
of the 20th March 2012, be confirmed.*

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE MEETING OF 11TH APRIL 2012.

Cr Gray moved, Cr Garlick seconded that the Minutes of the Planning Committee Meeting of the 11th April 2012, be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Mr S Denny addressed Council in relation to the train noise through Brighton.

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*.

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:-

- Mar 21 Meeting with Premier Lara Giddings. GM and DGM in Attendance,
- Mar 22 Meeting with GM, DGM , Manager Engineering and outside workforce Manager to look at proposals for the 2012/2013 Budget.
- Mar 23 Water and Sewerage Statewide Owners Meeting at Campbell Town.
- Mar 26 Meeting at Council with Southern Water CEO Mike Paine. GM and DGM in attendance.
- Mar 27 STCA Infrastructure committee meeting in Hobart.
- Mar 28 LGAT meeting in Launceston. GM and Mayor.
- Mar 31 Minister David O'Byrne and I attended a function for TASS Group in Hobart.
- Apr 02 Meeting at Kingborough of the 5 Mayors of the Metropolitan Councils.
- Apr 04 James Dryburgh and I attended a meeting of the Brighton Primary School Executive Council at their request. Cr Curran represents Council on that Committee.
- Apr 05 Meeting with Rebecca White MHA at Council. GM in attendance.
- Apr 10 Water and Sewerage 'Working Group' meeting at Campbell Town.
- Apr 11 Tony Harrison and I had a meeting with the Editor of the Mercury Andrew Holman.
- Apr 11 Finance committee meeting - 2012/2013 Budget
- Apr 11 Planning Committee Meeting.
- Apr 13 STCA Infrastructure committee me with Minister David O'Byrne.
- Apr 17 Council Meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Owen 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 Owen	
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.

There were no reports from Council representatives.

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

Correspondence and reports from the STCA, LGAT 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 was reported that there was a budget workshop on 11th April 2012. 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 PLANNING COMMITTEE MEETING – 11/4/12:

The recommendations of the Planning Committee Meeting of 11th April 2012 are submitted to Council for adoption.

Cr Gray moved, Cr Garlick seconded that the recommendations of the Planning Committee meeting of 11th April 2012 be adopted.

CARRIED

VOTING RECORD

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

Cr Owen
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 BRIGHTON JUNIOR SOCCER CHANGE ROOMS AND TOILETS:

FILE REFERENCE: RACECOU/65
AUTHOR: Municipal Engineer
(Mr H Macpherson)

Background:

The Brighton Junior Soccer Club has asked Council if they will provide temporary change rooms and toilet facilities for the new soccer season until permanent facilities can be built in the future.

Consultation:

Municipal Engineer; Council Services Officer; Brighton Junior Soccer Club; Peter Geard

Risk Implications:

There is potential for vandalism of any facilities provided.

Financial Implications:

The cost to hire the change rooms is \$7.50/day + GST

The cost to hire the toilets is \$10/day + GST

There will be a float cost of \$105/unit/trip

The season runs for approximately 16 weeks so the cost of each unit and floating would be \$1050 for the change rooms and \$1330 for the toilets.

There would be some cost for plumbing of the toilet facility and it is estimated this would be in the order of \$2000.

Other Issues:

The soccer club would be responsible for the opening, closing and cleaning of the facilities.

Assessment:

Last year there were 320 kids that made up 27 teams and this year there is more. There is an existing toilet facility in the park but it is not ideally located for players or spectators.

Options:

1. As per the recommendation.
2. Do not agree to hiring portable change rooms and toilet block.
3. Agree to hiring change rooms but not a toilet block.
4. Agree to hiring toilets but not change rooms.

RECOMMENDATION:

Agree to hire a portable change rooms and toilet block to be placed near the existing clubrooms.

DECISION:

Cr Owen moved, Cr Jeffries 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 Owen	
Cr Taylor	
Cr Williams	

11.2 BUDGET 2012 – 2013:

FILE REFERENCE: 0100

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The draft 2012-2013 budget and Fees & Charges Register had been provided to all Councillors. A review of the budget was undertaken at a workshop held on Wednesday 11 April 2012. Adjustments to the draft budget have been completed in accordance with Councillors demands and it is now ready to be adopted in principle.

Consultation:

Councillors, Senior Management, Ratepayers and other stakeholders.

Risk Implications:

Nil

Financial Implications:

As per the budget.

Other Issues:

Nil

Assessment:

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the Budget be adopted in principle only.

Options:

1. As per the recommendation.
 2. Review the budget and make further changes prior to adoption in principle
-

RECOMMENDATION:

That the 2012-2013 budget finalised on Wednesday 11th April 2012 be adopted in principle.

DECISION:

Cr Jeffries moved, Cr Garlick 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 Owen	
Cr Taylor	
Cr Williams	

11.3 APPOINTMENT OF OWNERS' REPRESENTATIVES FOR SOUTHERN WATER:

FILE REFERENCE: 0985

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The following motion was passed at the 9th February 2012 meeting of shareholder owner councils of Southern Water.

1. *Payments to Owners Representatives*

- (a) That from 1st July 2012, the Owners' Representatives be paid \$5,000 per annum.
- (b) That the cost of payments to the Owners' Representatives and additional costs including allocations for legal advice and the travelling expenses of the Owners Representatives be recovered from the Owner Councils through an increase in subscriptions payable to the STCA and that this be dealt with through the STCA 2012/13 budget process.

2. *Appointment of Owners' Representatives for a period of three years from 1st July 2012. (Options 2a and 2b are alternatives.)*

That the following options be referred to the Owner Councils for their consideration:

2a. Option 1 -Nomination of a single Owner Representative to represent the interests one of three groups of Owner Councils in the region.

That:

- Each Council seeks nominations from qualified and interested individuals.
- Those wishing to be appointed as a nominee provide a brief summary of their claim/s to the position based on the criteria outlined above.

- Each Council elects an individual to be its nominee.
- The four nominees of each group hold a meeting at which they decide which one of their number is best qualified to represent theirs and the regional interest. (The discussion may be facilitated by the four General Managers of those Councils if necessary.)
- If a decision cannot be made, each Elected Member of each Council in a group of Councils will vote for their preferred nominee using a preferential voting system. (Note that the recommended groupings mean that there would be equal numbers of Elected Members from each Council in each Council Group - 12 in each of the large Councils and 9 in each of the small and medium size Councils);

The names of the three persons elected by steps 1. to 5. are forwarded to all Councils for their agreement that those elected be appointed. At least 9 of the 12 Councils will need to agree;

1. To provide for the eventuality that a simple majority of the twelve Owner Councils will not support either option 1 or option 2:
 - a. each Owner Council appoints a single delegate to attend a meeting to resolve the impasse;
 - b. A meeting of Owners' delegates will be held to resolve the matter and determine the method of nomination; and
 - c. Each council will agree with the outcome of the meeting of delegates; and
2. The process of appointment commence at the beginning of April 2012 if, by that time, it will have become clear that Owners' Representatives will be required from 1st July 2012 and that this decision be delegated to the General Managers of the twelve Owner Councils.

2b. Option 2 -Nomination of three Owner Representative to represent the interests all Owner Councils in the region.

That:

- Nominations are sought from qualified and interested individuals.
- Those wishing to be appointed as an Owners' Representative provide a brief summary of their claim/s to the position based on the criteria outlined above.
- The names of the persons nominated are forwarded to all General Managers with the statement that each has prepared with a ballot paper.

Each Council votes for the three representatives in a preferential system.

1. The names of those elected by steps 1. to 4. are forwarded to all Councils for their agreement that these persons be appointed as Owners Representatives. At least 9 of the 12 Councils will need to agree.
2. If a simple majority of the twelve Owner councils does not support either option 1 or option 2:

- a. each Owner Council appoints a single delegate to attend a meeting to resolve the impasse;
 - b. A meeting of Owners' delegates will be held to resolve the matter and determine the method of nomination; and
 - c. Each council will agree with the outcome of the meeting of delegates; and
3. The process of appointment commence at the beginning of April 2012 if, by that Owner Councils.

It is proposed that Council supports item 1 and Option 2 in item 2(b) above.

Consultation:

Mayor Foster.

Risk Implications:

Councils may not achieve the best governance outcomes if the best mixture and skill of representatives are not appointed.

Financial Implications:

It is estimated that Brighton Council's share of payments to the owners' representatives would be approximately \$1,140 per annum. This would end with the formation of a single water corporation for the state.

Other Issues:

If Option 2 is supported by the majority of councils, some of the smaller councils may not have any direct representation on the Owners' Representative group that meets with the Chairman of the Board of Southern Water.

Assessment:

Owner Representatives in the north of the state have received payments of \$5,000 per annum. The southern representatives have received nothing. The representatives spend a great deal of time and travel to fulfil their duties on behalf of the owner councils. It is proposed that Council support the recommendation of the Owners' Meeting to pay the cost of supporting the owner representatives of Southern Water.

Option 2 provides the opportunity to have the best possible representatives to speak for the owner councils. The current method of having one representative for each of the three council groupings (four large, four medium and four small councils) precludes more than one representative from the large councils which collectively hold well over 50% of the equity in Southern Water.

Options:

1. Do nothing.
2. Support Option 1.
3. Adopt the recommendation.

RECOMMENDATION:

That Council adopt Item 1 and Item 2(b) as outlined above as recommended by the shareholder owner councils of Southern Water at their meeting held on 9th February 2012.

DECISION:

Cr Taylor moved, Cr Geard seconded that Item 1 be adopted.

CARRIED

VOTING RECORD

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

Cr Taylor moved, Cr Geard seconded that Item 2(b) be adopted.

CARRIED

VOTING RECORD

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

12. QUESTION ON NOTICE:

There were no questions on notice.

Meeting closed: 6.45pm

Confirmed:

(Acting Mayor)

Date:

15th May 2012