



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30 P.M. ON TUESDAY,
19TH MARCH 2019**

PRESENT: Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; Cr Jeffries; Cr Murtagh; Cr Owen and Cr Whelan.

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

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19TH FEBRUARY 2019.

Cr Geard moved, Cr Murtagh seconded that the Minutes of the Ordinary Council Meeting of 19th February 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Justin Abraham, Bridgewater PCYC addressed Council.

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 2015*, 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 2015*.

Cr Gray declared and interest in Item 12.2

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:-

Feb 25	Met with our Public Relation experts Tony and Ingrid Harrison.
Feb 26	At the request of senator Steve Martin (Nationals) I met with him to discuss and put forward our requests for the forthcoming Federal Budget and election.
Mar 03	Noeline and I attended a church service to recognise the De-Consecration of St Thomas at Tea Tree.
Mar 03	Noeline and I then attended a church service to recognise the De-Consecration of St Georges at Old Beach.
Mar 04	Informal meeting of the Microwise Board and senior staff.

- Mar 05 I attended a Funeral Service at Kingston for Michelle Abetz wife of Senator Eric Abetz.
- Mar 05 The General Manager, Chief operating Officer and I met with Minister Jeremy Rockliff (Education) to discuss and get an up -date on the proposed Brighton Education facilities.
- Mar 06 Met with Peter Taylor (Supervisor) at the men’s shed.
- Mar 06 Met with General Manager re the proposed visit by the Governor of Tasmania.
- Mar 12 Workshop with Board of Microwise and senior staff.
- Mar 12 Noeline and I attended a Tea Tree community meeting for an up-date on the proposed sale of the Church at Tea Tree following its De-Consecration. Deputy Mayor Curran also attended.
- Mar 13 Noeline accompanied me for a day visit by the Governor of Tasmania.
- Mar 14 Meeting with James (Car wreckers) at his request and senior Staff.
- Mar 19 Citizenship
- Mar 19 Ordinary Council Meeting.

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Geard met with the Tasmanian Kennel Association re relocating to Pontville.

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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

Correspondence and reports from the STCA, LGAT, TasWater and Joint Authorities.

If any Councillor wishes to view documents received contact should either be made with the Governance Manager or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that there were no workshops held since the last Council Meeting.

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 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*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

DECISION:

The General Manager advised that there was one supplementary agenda item - Item 11.7 STCA Board recommendations.

Cr Gray moved, Cr Owen seconded that the supplementary agenda item be discussed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

For the purpose of these Minutes the items will remain in numerical order.

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held in March.

10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, 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 matters listed on this agenda.

11. REPORTS FROM OFFICERS:

11.1 CODE OF CONDUCT POLICY:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The Councillors Code of Conduct Policy and Part B were adopted at the February 2019 and were subsequently sent to the Director of Local Government.

The Director's office had advised that there were a couple of words missing from the Model Code of Conduct and they are highlighted in red in the attached Part B.

Consultation:

General Manager and Governance Manager.

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

N/A

Assessment:

The deadline for adopting the amended Model Code is 26 March 2019. Council's previous Model Code will continue to apply until Council resolves to adopt the new amended Model Code.

Options:

1. As per the recommendation.
 2. That Council not adopt the Code of Conduct.
-

RECOMMENDATION:

That Council adopt amended Model Code of Conduct Part B and forward to the Director of Local Government.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.2 LGAT – ELECTION OF GENERAL MANAGEMENT COMMITTEE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The Tasmanian Electoral Commission has been requested to conduct the 2019 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) adopted at the AGM of the Association on 25th July 2018.

Nominations are now invited from LGAT members and must be received by the Electoral Office by 5pm on Tuesday 30th April 2019.

Election Timetable:

Nominations open	Thursday 28 February
Nominations close	5pm Tuesday 30 April
Ballot material posted (if a ballot is required)	Friday 3 May
Close of postal ballot	10am Wednesday 19 June
Declaration of result	Wednesday 19 June

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 matter be dealt with at the May Council meeting.

11.3 MONTHLY FINANCE REPORT AS AT 28 FEBRUARY 2019:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The finance reports were submitted for consideration.

They comprised the summarised financial position and revenue and expenses of the Council for the first eight months of the 2018/19 financial year.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Not Applicable

Other Issues:

Nil

Assessment:

Nil

Options:

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

RECOMMENDATION:

That the reports be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.4 BRIGHTON COUNCIL AUDIT PANEL MEETING:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Under the Local Government (Audit Panels) Order 2018, specifically under Section 11(10) and Audit Panel is to provide a copy of the Minutes of the meeting to Council as soon as practicable.

Options:

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

RECOMMENDATION:

That the Minutes of the Audit Panel Meeting held on 18th December 2018, be noted.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.5 MOTION TO LGAT GENERAL MEETING:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

There are issues with certainty and social equity around exactly who is exempt from rates under the Local Government Act. Councils and rate payers have recently relied on the courts to assist in certainty and in some cases resulting in social equity issues. The recent Full Court decision handed down in the Supreme Court in Hobart on November 12 supported retirement villages owned by charitable organisations to be exempt from rates, yet retirement villages owned privately are not exempt. Even the term charitable is not clear when applied to an organisation.

Kingborough Council, Clarence City Council, Hobart City Council and Meander Valley Council had sought special leave to the High Court to overturn the Full Court decision, but their application has been dismissed.

There are many other examples of rating uncertainty from these recent court decisions including where currently Housing Tasmania properties are subject to rates, yet uncertainty exist if rates are exempt where ownership of that same property is transferred to a not for profit entity to manage.

Clearly if more properties are now exempt from rates then the rate burden will fall greater on the remainder that are left to pay rates.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Not Applicable

Other Issues:

Nil

Assessment:

I am unaware of any further legal options available to Local Government to provide rate certainty, so rate certainty will need to be provided in legislation. To support this process, I have forwarded a motion to the next LGAT General Meeting which ideally will require support from Council.

Options:

1. As per the recommendation.
 2. Do not support the motion.
-

RECOMMENDATION:

That Council supports the following motion to be presented at the March LGAT General Meeting.

“The LGAT ask the State Government to immediately amend the Local Government Act, Section 87, Exemption from rates, to provide rate certainty and social equity. In particular rates should be applicable on all self-contained residential properties regardless of who owns the property.”

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 Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.6 MICROWISE - UPDATE REPORT:

AUTHOR: General Manager
(Mr R Sanderson)

The 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 Garlick seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.7 STCA BOARD RECOMMENDATIONS:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

At its meeting on 18 February 2019, the STCA board recommended that:-

- 2019/20 secretariat support being funded out of reserves;
- 2019/20 member subscriptions being set at nil;
- Waste Strategy South and the Regional Climate Change Initiative continue for a further 12 months, subject to appropriate due diligence.
- A report be provided to the Board prior to 31 March 2019 on proposed 2019/20 STCA actions and what advocacy role it can play for the Southern region.

The STCA board met on 18 March to consider papers provided in response to the above resolution and reaffirmed its recommendation from the February meeting.

Consultation:

Mayor Foster

Risk Implications:

None

Financial Implications:

None. There would be no need for a budget allocation for the STCA for the 2019/20 financial year.

Other Issues:

None identified

Assessment:

There has been a material change in the composition of the STCA board following the number of new mayors in the south of the state. It would be appropriate to enable the "new" board to develop strategies for the STCA and to shape its future.

There had been some agitation by some councils to leave the STCA due to inaction and lack of results and Clarence City Council has approved a motion to leave the STCA.

With two major issues on the table for the STCA for next year, waste management and climate change, it is important that Brighton Council remain part of this regional group. With no cost to Council to be part of his for the new year it is recommended that Council remain in the STCA to participate in addressing these issues and determining the future of the STCA.

Options:

- 1. As per the recommendation.
- 2. Do nothing.

RECOMMENDATION:

That Council support the recommendations of the STCA board and resolve to continue its membership of the STCA for the 2019/20 financial year.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Jeffries moved, Cr Geard seconded that Council resolve into Closed Council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

12. CLOSED MEETING:

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

The following 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.

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(g)

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 19th FEBRUARY 2019.

Cr Gray moved, Cr Curran seconded that the minutes of the Closed portion of the Ordinary Council meeting of 19th February 2019, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Gray, Mr Dryburgh and Mrs Banks left the meeting.

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(c)

12.2 MICROWISE BOARD RECOMMENDATIONS:

AUTHOR: General Manager
(Mr R Sanderson)

Cr Gray and Mr Dryburgh rejoined the meeting.

Cr Gray moved, Cr Garlick seconded that Council resolve out of Closed Council and that the decisions made while in Closed Council be ratified.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	

Cr Geard
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

13. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 7:42pm

Confirmed:

(Mayor)

Date:

16th April 2019