

*Dorset Council*

*Improving the quality of life of the people  
of the Municipality through services  
based on the principles of quality, equity,  
value and responsiveness.*



# Agenda

Ordinary Meeting of Council

24 April 2017

**Ringarooma Hall**, Charles Street RINGAROOMA  
commencing 6.00 pm

**TIM WATSON**  
General Manager

Ref 17/3542

# Dorset Council

## Qualified Persons Advice

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The *Local Government Act 1993*, Section 65, provides (in part) as follows: -

- A general manager must ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the Council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- a. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- b. where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.



**TIM WATSON**  
General Manager

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# Dorset Council Meeting

## Agenda

### 24 April 2017

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#### The Meeting Opened:

#### Present:

**Apologies:** General Manager T J Watson

<b>59/17</b>	<b>Confirmation of Ordinary Council Meeting Minutes 20 March 2017</b> Ref: 17/2774
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#### Recommendation

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 20 March 2017, having been circulated to all Councillors, be confirmed as a true record.

<b>60/17</b>	<b>Confirmation of Ordinary Council Meeting Closed Session Minutes 20 March 2017</b> Ref: 17/2778
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#### Recommendation

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 20 March 2017, having been circulated to all Councillors, be confirmed as a true record.

<b>61/17</b>	<b>Confirmation of Special Council Meeting Minutes 4 April 2017</b> Ref: 17/3381
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#### Recommendation

That the Minutes of Proceedings of the Dorset Council Special Meeting held on 4 April 2017, having been circulated to all Councillors, be confirmed as a true record.

<b>62/17</b>	<b>Confirmation of Special Council Meeting Closed Session Minutes 4 April 2017</b> Ref: 17/3382
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**Recommendation**

That the Minutes of Proceedings of the Dorset Council Special Meeting Closed Session held on 4 April 2017, having been circulated to all Councillors, be confirmed as a true record.

<b>63/17</b>	<b>Confirmation of Agenda</b>
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**Recommendation**

That Council confirm the Agenda and order of business for the 24 April 2017 Council Meeting.

<b>64/17</b>	<b>Declaration of an Interest of a Councillor or Close Associate</b>
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<b>65/17</b>	<b>Dorset Council Management Team Briefing Report</b> Ref: 17/2468
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The purpose of this agenda item is to provide Councillors and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

**Planning/Building Applications**

	<b>Approved March</b>	<b>Approved 2017 YTD</b>	<b>Approved 2016 YTD</b>
<b>Planning</b>	9	22	20
<b>Building</b>	5	9	-
<b>Plumbing</b>	4	4	-

See attachments for detailed information about applications approved in March 2017.

**Capital Works Program Update and Works in Progress 2016/2017**

**TOWN MAINTENANCE**

**Bridport Area Capital Works**

Main St rubbish bin surrounds	Complete
Bridport Foreshore Playground	Complete

Bridport Foreshore picnic area overflow parking Stage 1 & Stage 2	Commenced
Trent Water RV Park	Awaiting Crown Land Approval
New BBQ plates and repainting	Commenced
<b>Bridport Seaside Caravan Park</b>	
Merge water connections	Complete
Tiling of shower in main amenities block	Complete
Removal of asbestos, replace doors on southern amenities block	Complete
<b>Derby Area - Property</b>	
Derby Park – refurbish toilet block and waste water system	Nearly complete
Legerwood Hall x 9 window replace	Planning Feb
Legerwood Park	Started Entrance
Bike racks (Derby and Scottsdale)	Planning
Pioneer stormwater	Completed
Town entrance signage - Pioneer, Herrick and South Mount Cameron	Planning for April
<b>Scottsdale - Property</b>	
Scottsdale Rec Show Office - new roof	Tender Awarded
Scottsdale Rec - reseal of entrance	Completed
King St Beautification - kerb and paving LINC to Ada St	Commenced
Childrens Reserve Master Plan - playground equipment	Complete
Cemetery - Stage 1 - road and concrete strips	Complete
Cemetery - replace boundary fence	Complete
<b>CONSTRUCTION</b>	
Sight distance Ponderosa Rd, Old Waterhouse Rd, Seg: 14 wear surface & pavement	Planning
Ringarooma Rd, Legerwood reseal, Seg: 1 wear surface & pavement	Under Construction
Widen corners below Hospital, North Scottsdale Rd Seg:1 wear surface	Under Construction
Widen corners below Hospital, North Scottsdale Rd Seg:1 wear surface	Under Construction
Western Access Road Bridport	Planning
Old Waterhouse Rd resheeting Seg: 14, 15 & 16 wear surface	Planning
Old Waterhouse Rd drainage work	Complete
Golconda Rd upgrade for guardrail	Complete
Golconda Rd safety delineation	Commenced
King St Scottsdale railway crossing	Commenced
Barnbogle Rd resheeting Seg: 2	Commenced
Bennetts Rd resheeting Seg: 1	Complete
Bonds Rd resheeting Seg: 1	Complete
Jensens Rd resheeting Seg: 4 & 5	Commenced

Nurses Rd resheeting Seg: 1	Complete
North Scottsdale Rd resheeting Seg: 4	Complete
Northholm Rd resheeting Seg: 1	Complete
New River Rd resheeting Seg: 6	Complete
Mckays Rd resheeting Seg: 1	Complete
Timperons Rd resheeting Seg: 1	Complete
Carins Rd resheeting Seg: 1	Complete
Resheet Cape Portland Rd - Seg 11,12 & 13 wear surface	Planning
Warrentinna Rd 2 reseal Seg: 3 wear surface	Complete
Warrentinna Rd 4 reseal Seg: 2 wear surface	Complete
Ten Mile Tr reseal - Seg: 4 wear surface	Complete
South Springfield Rd reseal - Seg: 1 wear surface	Complete
Old Listers Rd reseal wear surface	Complete
Listers Rd reseal - Seg: 3 wear surface	Complete
Koomeela Rd reseal - Seg: 1 wear surface	Complete
Reseal Tomahawk Rd, Seg 2 & 3 wear surface	Complete
Elizabeth St Scottsdale reseal Seg: 1 & 2 wear surface	Complete
Charles St Scottsdale reseal Seg: 2 wear surface	Complete
Alfred St Scottsdale reseal - Seg: 4, 5 & 6 wear surface	Complete
Christopher St Scottsdale reseal - Seg: 1 wear surface	Complete
Ellenor St reseal Seg: 5 wear surface	Complete
Ethel St reseal Seg: 1 wear surface	Complete
William St Scottsdale reseal - Seg: 1 wear surface	Complete
Scott St Scottsdale reseal Seg: 1 wear surface	Complete
Thomas St Scottsdale reseal Seg: 1 & 2 wear surface	Commenced
Reid St reseal Seg: 1 wear surface	Commenced
Barclay Dr reseal - Seg: head of cul de sac wear surface	Complete
Depot - Scottsdale Works Depot reseal wear surface	Complete
Charles St (B'holm) reseal - Seg: 1 wear surface	Complete
Albert St (B'holm North) reseal - Seg: 1 wear surface	Complete
Albert St (B'holm South) reseal - Seg: 2 wear surface	Complete
Donald St (B'holm) reseal Seg: 1 wear surface	Complete
Short St (B'holm) reseal Seg: 1 wear surface	Complete
Stoke St reseal - Seg: 1 & 2 wear surface	Commenced
Edward Pl (B'holm) reseal - Seg: 1 wear surface	Commenced
Joyce St reseal Seg: 1 wear surface	Commenced
Pearce St reseal- Seg: 1 & 2 wear surface	Commenced
Frederick St (B'holm) reseal Seg: 1 wear surface	Commenced
Main St (Bridport) reseal - Seg: 3 wear surface	Commenced
Design Ringarooma Main Rd (West Maurice Rd to Ringarooma) Seg 2 all assets	Tender Awarded
Reconstruct Barnett Crs Bridport, Seg: 2 wear surface	Commenced

Reconstruct Main St Legerwood (Carisbrook Ln to Peddles Rd) Seg: 1 wear surface and pavement	Commenced
Reconstruction safety and maintenance improvements, Golconda Rd (Chain 2854 to Ferny Hill Rd) Seg: 3 wear surface, pavement & drainage	Complete
Upgrade footpath with hotmix overlay, Hedley St Seg:	Commenced
Upgrade pedestrian splays and footpath Main St, Winnaleah Seg:	Complete
Upgrade footpath with hotmix overlay, Chaffey St Seg:	Commenced
Footpath, kerb and channel, Albert St Bridport Seg 1	Commenced
Stormwater Westwood St, Bridport	
Stormwater Ada St, Bridport	Commenced
Stormwater Alfred St, Bridport - pits and drains	Commenced
Stormwater Main St, Pioneer - remove pedestrian hazard and pipe open drains.	Complete
Stormwater King St - install road crossing at Lyric Theatre in prep for network extension.	Complete
Renew Bridge 1614 Dorset River Dead Horse Hill Rd	Complete
Redeck Bridge 1507 Wyniford River Garibaldi Road	Complete
Renew Bridge 1513 Carisbrook Coffey Rd	Tenders Awarded
Renew Bridge 1616 Dorset River Alberton Rd	Tenders Awarded
Redeck Bridge 1515 Ringarooma River Maurice Rd	Complete
Redeck Bridge 1528 Boobyalla River Banca Rd	Complete
Barrier Upgrade - Bridge 1508 Ringarooma River Garibaldi Rd	Tender Awarded

## Recommendation

**That the Dorset Council Management Team Briefing Report be received and noted.**

### 66/17 Council Workshops Held Since Last Council Meeting

#### 4 April 2017

- Briefing Reports & Question Time
- LGAT General Meeting – Agenda Review
- Workplace Health & Safety Operational Policy & Procedures
- Port Hills Bridport Waste Collection
- Lyric Theatre Clean Up – Outstanding Debtor
- Draft Review – Local Government Act 1993
- Bridport Foreshore Refurbishment



**Questions Received on Notice – 19 April 2017****Mr Kent Rattray on behalf of the Petitioners – Rail Trail**

1. *Dorset Council's proposal forwarded to the National Stronger Regions Fund refers to a 'Community Engagement Strategy' (Page 5). The proposal was signed by Tim Watson on 28 November 2014. What did this strategy involve and how many Dorset and Launceston residents were contacted?*
2. *At a meeting of the North East Residents and Farmers held at Lebrina Hall on 31 August 2016, when asked what was the likely burden on ratepayers for the construction of the rail trail, Mayor Howard referred to a reduced cost through the crushing of aggregate 'in situ' adding that Dorset might have to 'put in'. Referring to the proposal to NSRF at Page 7, clearly stated is that the sole partner funding was coming from Dorset Council in cash and in kind. As the Grant is for \$1.47 million, are the Dorset ratepayers aware that the burden on the Council is also \$1.47 million as the rules for the grant require matching funding 'dollar for dollar'?*
3. *Are Dorset ratepayers aware that the costs of maintenance, weed control and public liability of the Rail Trail is vested upon them solely, even though nearly two thirds of the Rail Trail is in the Launceston Municipality?*
4. *Is there a business plan for the Rail Trail?*
5. *When first advised of the number of letters sent out by Dorset Council on 17 October 2014 advising residents along the rail line of the proposed cycle trail, NERAF were told that there had been 130. Later, this was amended to 199 by Mayor Howard. Evidence before NERAF does not support that number as there were many residents who did not receive a letter and some who received two. Could the Council provide list of names to whom those letters were sent?*
6. *Referring again to those letters of advice, does the Council consider that the period 17 October to 28 November 2014 was adequate for community consultation before the proposal was submitted?*
7. *From where is the Rail Trail to commence at the southern end, seeing as there is no access at the junction of the George Town and North East line?*
8. *Due to the possible shortening of the project from that originally planned, does that effect the original amount of NSRF Grant and concomitant matching finance required from Dorset Council?*
9. *The NSRF proposal also refers to obtaining State Government Funding to construct sealed surface on the Rail Trail (Page 8). This aspect appears to*

*have not been made public. Has there been any formal approach to the State Government and if so, what guarantees have been obtained?*

*10. In the Preliminary Demand and Economic Benefit Assessment drawn up by TRC for NTD in February 2014, the cost of safety fencing has been assessed at \$20/metre. Noting that this is well short of the mark for bridges, has there been a reassessment of this factor?*

*11. What provisions have been instituted to provide access for police, rescue and fire service vehicles, considering the remoteness of some sections of the track?*

*12. Considering the proposed Rail Trail is through bushfire prone areas, cycle trails are not mentioned in the Water Rights Act and there is no provisions in the proposal for this important safety factor. What action has the Council taken in this regard?*

*13. What provisions have been made for the removal of horse and dog droppings?*

*14. Has an Environmental Impact Assessment been carried out?*

*15. What is the minimum width of the proposed cycle trail?*

<b>69/17</b>	<b>Deputations</b>
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Nil

<b>70/17</b>	<b>Councillor Question Time</b>
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**The following Questions were Taken on Notice at the 20 March 2017 Council Meeting:**

**Cr Shaun Moore:**

*Can we get an update on the findings and the current status of recommendations put forward by the Bridport Reference Group?*

**Response by Director – Community & Development, Rohan Willis:**

Recommendations from the Bridport Community Reference Group were received by Council at the March 2016 Council Meeting. Since this time, a number of the recommendations proposed by the group have been progressed as follows:

- Identification of the preferred Bridport Cemetery site is progressing toward completion, with extensive flora and fauna analyses having been completed. Preliminary geotechnical site investigation has commenced and approvals for further investigative works has been sought from Crown Land Services; though this consent remains outstanding at present due to assessment hold-

ups by this agency. Once this consent is received and geotechnical investigation are able to be finalised, the preferred site will be presented to Council.

- The foreshore revegetation project is underway with landscaping works commencing in the Goftons Beach area. The area will be strategically re-sown with native grass and shrub varieties over the forthcoming weeks; enabling the area to become a functional and attractive community asset.
- Plans for expansion of the existing boat trailer parking area near Goftons Beach (to approximately double its existing footprint) are in the process of being finalised and implemented. Additionally, car parking provision – between the Bridport Hall and the Foreshore Walking Track – is earmarked for delineation. A budget allocation of \$50,000 has been allocated to both of these projects for the 2017/18 financial year; and works for both are expected to commence soon.
- The Bridport Community Playground has been completed and is being enjoyed by the community.

**Cr Shaun Moore:**

*In regards to the NBN in Bridport anecdotally I've heard that it is being run through the existing copper network and through that network you can't achieve the speeds that the NBN is capable of – is this correct?*

**Response by Mayor Greg Howard:**

This is correct.

**Further Question by Cr Shaun Moore:**

*Further to that question, obviously it would be a massive cost to change the infrastructure. I have been told that we won't be getting any quicker speed than we currently receive – is that correct?*

**Response by General Manager, Tim Watson:**

Council Officers are following up on this question and a response will be provided in due course.

<b>71/17</b>	<b>Notices of Motion by Councillors</b>
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**Mayor Greg Howard – 19 April 2017**

Change of scheduled Council Meeting Date – June 2017.

On 29 March 2017, Council received a petition requesting Council to hold a public meeting in accordance with Section 59(2) of the *Local Government Act 1993* regarding the North East Rail Trail project. The petition has been presented by Mr Kent Rattray, Mr Andrew Orchard and Mr Mark James. A copy of the petition is provided for Councillors' information.

The petition included the following statement:

*'Your petitioners oppose the Council's decision to support the removal of rails from the North Eastern Line to facilitate the establishment of a cycle trail to run from Cold Water Creek to Scottsdale. The undersigned want the Council to respect the current condition of the rail line, which is only months from providing a light rail service from Launceston to Scottsdale thus bringing up to 150 tourists to the North East on a daily basis by the end of 2017. Once the rails have been lifted they will never be replaced. The cost would exceed \$60 million.'*

The format of the petition presented complies with Section 57 of the *Local Government Act 1993*.

Section 59 of the Local Government Act 1993 deals with Council's obligation for a public meeting.

#### **59. Petitions seeking public meetings**

(1) A petition under [section 57](#) may request that a council hold a public meeting regarding the subject matter of the petition.

(2) A council must hold a public meeting if the petition complies with [section 57](#) and it is signed by whichever is the lesser of the following:

- (a) 5% of the electors in the municipal area;
- (b) 1 000 of those electors.

The petition before Council contains 90 valid signatures. The threshold of valid signatures that must be reached for Council to be compelled to hold a public meeting is the lesser of 256 (5% of 5,138 electors) or 1,000.

#### **Recommendation**

**That the petition with respect to the Rail Trail project, presented by Mr Kent Rattray, Mr Andrew Orchard and Mr Mark James be received.**

73/17

**Annual Plan 2016/2017 - March Quarterly Report**

Reporting Officer: Director – Corporate Services, Guy Jetson

Ref: 17/3556 | Annual Plan: 7/463

**Purpose**

The purpose of this agenda item is to update Council and the community on progress of the Dorset Council Annual Plan 2016/2017 as at 31 March 2017.

**Background**

On 20 June 2016 Council adopted the Annual Plan for 2016/2017

The Annual Plan 2016/2017 December Quarterly Report provides an update of progress against the plan. A copy of the quarterly report is included as an attachment to the agenda.

**Planning, Environment and Statutory Requirements**

Under Section 71 of the *Local Government Act 1993*, Council is required to prepare an annual plan. The plan is to be consistent with Council’s Strategic Plan and list the major activities to be completed within the year.

**Risk Management**

N/A

**Financial and Asset Management implications**

N/A

**Community Considerations**

The Annual Plan Update provides information to the community of Council progress against major projects / initiatives for the current year.

**Officer’s Comments**

100% compliance with the Annual Plan was achieved for the March quarter. The table below shows compliance with the Annual Plan to date:

	<b>March Quarter</b>
<b>Achieved</b>	10
<b>In Progress</b>	1
<b>Not Achieved</b>	-
<b>Deferred</b>	1
<b>Compliance Score</b>	100%

At the 20 February 2017 Council Meeting, Council agreed to defer the following Annual Plan item until 2017/2018:

- Item 7 – Participate in the biennial LGAT Community Survey process.

**Recommendation**

**That the attached Dorset Council Annual Plan 2016/2017 March Quarterly Report be received and noted.**

**74/17**

**Motion to Rescind – Sale of Old Winnaleah Fire Station**

Reporting Officer: Director – Corporate Services, Guy Jetson  
Ref: 17/3538

**Purpose**

The purpose of this agenda item is to rescind Council minute number 249/16 to sell the old Winnaleah Fire Station at 39 Main Street Winnaleah.

**Background**

On 19 December 2016 Council made the following resolution:

*Crs Quilliam/Hall*

*That pursuant to Section 177 of the Local Government Act 1993 Council authorise the General Manager to proceed with sale of the old Winnaleah Fire Station at 39 Main Street Winnaleah by listing the property for sale through a real estate agent.*

*Carried Unanimously*

The old Winnaleah Fire Station is located at 39 Main Street Winnaleah (Title Ref: 67314/6) on 0.1088 hectares. The site was formerly leased by the State Fire Commission, with the ownership of the on-site building transferring to Council at the expiration of the lease in November 2015.

The site had been flagged for potential sale in the Dorset Council Building Asset Management Plan June 2015.



**Planning, Environment & Statutory Requirements**

**Local Government (Meeting Procedures) Regulations 2015 - Reg 18**

**18. Motion to overturn decision**

(1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –

(a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or

(b) a motion that conflicts with, or is contrary to, the decision or part of the decision.

(2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –

(a) by an absolute majority, in the case of a council; or

(b) by a simple majority, in the case of a council committee.

(3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –

(a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and

(b) the details of that previous decision, or the part of that previous decision, that would be overturned; and

(c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and

(d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.

### **Risk Management**

N/A

### **Financial & Asset Management Implications**

N/A

### **Community Considerations**

Council officers are currently finalising lease arrangements with the North East Lions Club to use the facility for storage purposes. It is intended that this will be for a peppercorn rental.

### **Officer's Comments**

The effect of this proposed motion will be to overturn the decision to sell the property.



Council officers halted any action in relation to the sale of this property when the potential of North East Lions leasing the site became known. This has included advising the adjoining landowner who had expressed some interest in purchasing the property.

### **Recommendation**

**That Council rescind the following motion 249/16 ‘Sale of Old Winnaleah Fire Station’:**

**That pursuant to Section 177 of the *Local Government Act 1993* Council authorise the General Manager to proceed with sale of the old Winnaleah Fire Station at 39 Main Street Winnaleah by listing the property for sale through a real estate agent.**

75/17

## Work Health & Safety Policy

Reporting Officer: Director – Corporate Services, Guy Jetson  
Ref: 17/3400 | Policy: 16/105

### Purpose

The purpose of this item is for Council to formally adopt the Work Health and Safety Policy and demonstrate Council's commitment to providing a safe work place.

### Background

At the March 2017 Council meeting it was resolved to rescind Council's previous Work Health and Safety Policy. Council was also provided with a detailed briefing on this new operational policy which has been prepared by Page Seager through the auspices of the Local Government Association of Tasmania.

After discussion at the April 2017 Council workshop it was considered that the operational policy should be formally adopted by Council to recognise Council's commitment to work health and safety policy for workers of Dorset Council.

### Planning, Environment & Statutory Requirements

Work Health and Safety Act 2012, Work and Health and Safety Regulations 2012.

### Risk Management

The Work Health and Safety Policy is key component of Council's work health and safety framework to reduce risk to workers of Dorset Council.

### Financial & Asset Management Implications

N/A

### Community Considerations

N/A

### Officer's Comments

The aims of this Policy are to:

- (a) recognise Council's commitment to its primary duty of care under the *Work Health & Safety Act 2012* (TAS).
- (b) recognise Council's commitment to providing a safe and healthy workplace for Workers and Other Persons at the Workplace whose health or safety could be at risk through our work;
- (c) direct and guide Workers and Other Persons at the Workplace

regarding action considered reasonably practicable to protect health and safety;

- (d) provide a fair and flexible approach to work health and safety activities which take into consideration the individual, operational and environmental circumstances;
- (e) operate with any Applicable Laws or policies and procedures;
- (f) comply with Applicable Laws through implementing:
  - (i) appropriate plans, policies, procedures and programs to support and implement this Policy;
  - (ii) measurable safety performance objectives and targets;
  - (iii) training on health and safety matters relevant to Council work;
  - (iv) induction programs;
  - (v) consultation, cooperation and coordination processes;
  - (vi) adequate resources;
  - (vii) monitoring, reviewing and verification of Council systems; and
  - (viii) corrective action where it is identified that the acts or omissions of persons are putting themselves or others at risk.

A copy of the Work Health and Safety Policy is attached.

### **Recommendation**

**That Council adopt the attached Work Health and Safety Policy.**

## Purpose

The purpose of this report is for Council to consider a recommendation seeking the transfer of ownership to Council, of Crown Land maintained by Council in Bridport and Derby, and the Derby Regional reserve which contains the Blue Derby mountain bike (MTB) trails.

## Background

Council currently maintains a significant portion of Crown Land in Bridport (approx. 25ha) under formal licence agreements or by informal arrangements. More recently Council has also entered into a lease with Crown Land (CLS) and the Parks and Wildlife Service (PWS) for a 10 metre wide corridor that contains a large portion of the MTB trail network at Derby.

The practical implications of these arrangements are that any time Council wishes to carry out work on any of this land it can be subjected to an onerous and pedantic approvals system administered by CLS or PWS. In almost all instances the Council works typically involve simple maintenance activities or minor construction work that does not require planning or building approval.

Historically, gaining approvals from CLS has been a formality and is in reality a rubber stamping exercise which consumes both CLS and Council resources. Most recently this unnecessary administrative process has resulted in Council being obstructed from carrying out the wishes of the community in regards to vegetation maintenance on the Bridport foreshore.

In addition to the issues on the Bridport foreshore the following examples also highlight the trivial nature of the practical application of this approvals system which Council, CLS and PWS officers are required to comply with:

- Obtaining approval to fill a pothole at Tomahawk
- Obtaining a permit to place a few truckloads of road base on a disused access road used by the Derby MTB trails
- Obtaining a permit to erect two gate posts on the same road
- Obtaining approval to take soil samples for investigation of a cemetery site in Bridport.

The irony of this arrangement is that Council is effectively the land manager as it maintains this public land without contribution from either CLS or PWS, yet it must obtain permission to carry out vegetation maintenance or minor construction works. In addition, Council is often required to submit detailed plans which can be subject to the discretion and interference of CLS or PWS officers which may not be consistent with Council's and the community's objectives.

This inherent risk was best exemplified during the construction of the world renowned Blue Derby MTB trails, when PWS on multiple occasions, tried to assert themselves in the design and construction of the trails. This is despite the trail construction company – World Trail being globally recognised for excellence in the construction of sustainable MTB trails. Conversely PWS only experience in MTB trails are the poorly constructed and maintained trails at the Kate Reed and Trevallyn Reserves in Launceston.

Compounding this superfluous layer of bureaucracy is pressure placed on CLS and PWS officers by nefarious community elements who may disagree with Council carrying out the wishes of the broader community. Due to their connections within community, Councillors and Council staff are far better placed to handle these situations and determine if the complaints are legitimate or are simply the view of a very small minority within the community.

### **Planning, Environment & Statutory Requirements**

*The relevant Minister has powers under the Crown Land Act to transfer ownership of Crown Land to a Local Government Authority.*

### **Risk Management**

N/A

### **Financial & Asset Management Implications**

There are no financial implications, as Council receives no assistance from CLS towards Council's maintenance costs of the relevant Crown Land areas in Derby and Bridport. In respect of the Derby Regional Reserve, PWS has no management plan in place and does not conduct any maintenance activities which would revert to Council.

### **Community Considerations**

Council is receiving an unprecedented level of support from the community with regard to the vegetation maintenance works being carried out on the Bridport foreshore. Despite this positive feedback from the community and an overwhelming community desire to see further vegetation maintenance carried out by Council, CLS officers have taken an obstructionist approach and are demanding Council halt all further works until a detailed plan is submitted to the satisfaction of the Hobart based bureaucracy.

The critical point to note here is that Council is elected to represent its community and is best based placed to understand and respond to community expectations – not the Hobart based bureaucracy. Council should not be required to have its plans for its community vetted and approved by a bureaucracy that has no connection to the Dorset community.

## Officer's Comments

Council is currently responsible for the maintenance of large parcels of Crown land in Bridport involving the foreshore and the recreation ground. In addition, Council also maintains Crown Land in the township of Derby and is planning further trail expansions on land in Derby under the nominal control of CLS and PWS.

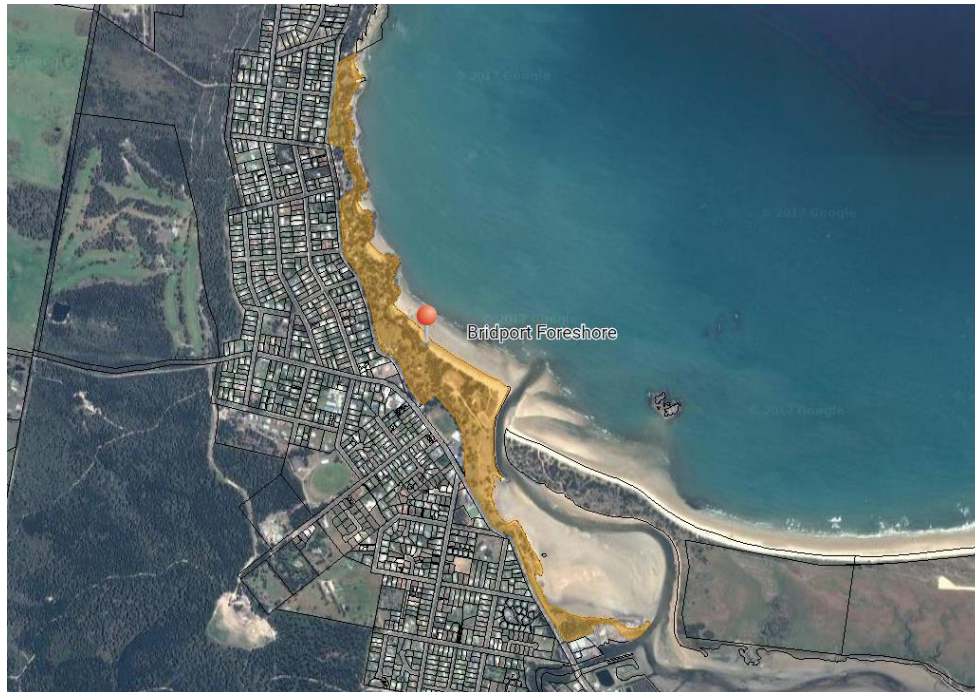


Figure 1: Bridport Foreshore

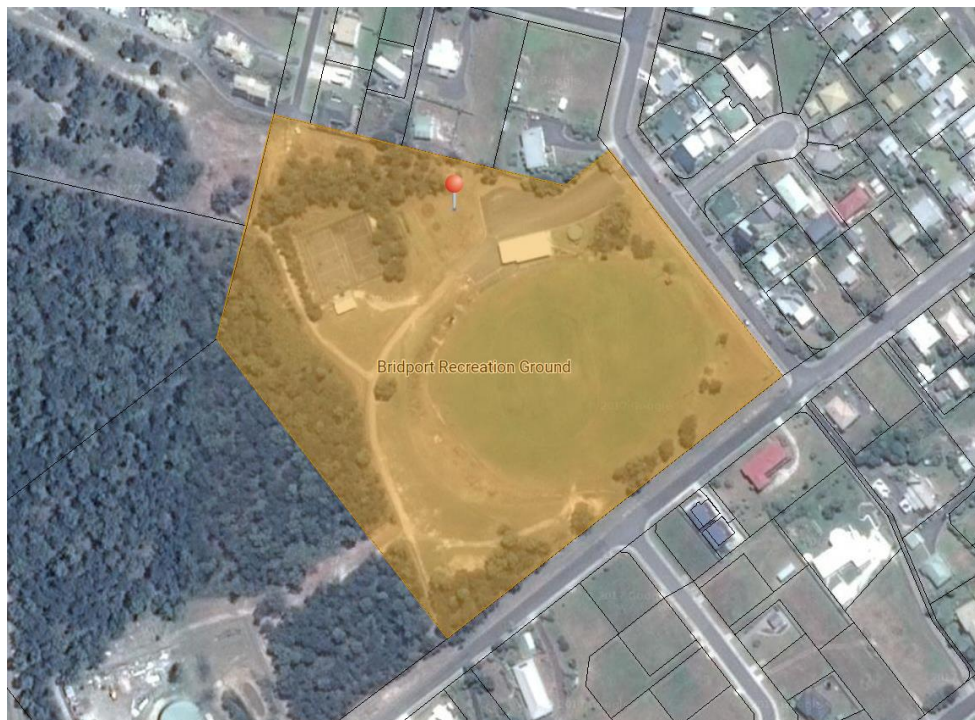


Figure 2: Bridport Recreation Ground

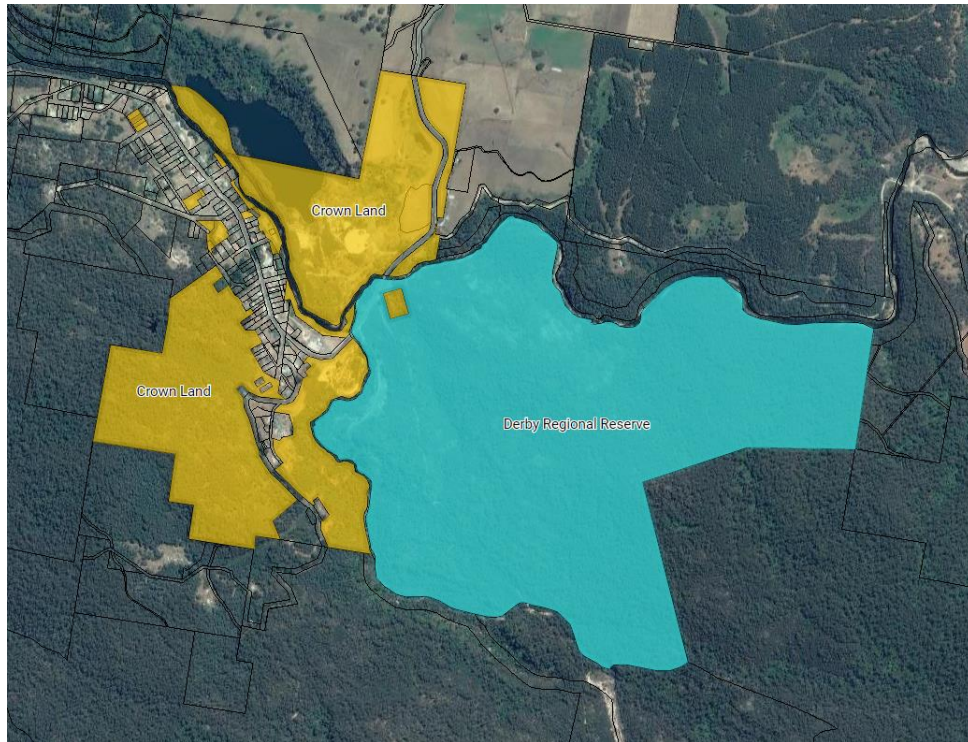


Figure 3: Derby – Crown Land & Regional Reserve

In both instances as stated above, the implications of this is that minor construction works or vegetation maintenance require Council to obtain permits or works orders. Further, Council's plans for these recreational areas become subject to scrutiny and potential interference by the respective bureaucracies.

In the case of Bridport not only does this create an unnecessary layer of administration but it is also resulting in adverse outcomes for the community, the foreshore works being a case in point. Despite Council responding to overwhelming community desire to turn the foreshore into a public open space that can be used by community and visitors, CLS have indicated that had Council submitted a works application for these maintenance works they would not have received CLS approval.

This places Council in the position of being unable to deliver on community expectations or having to refuse to comply with orders from the CLS bureaucracy in order to deliver on community expectations. The implied inference being that Council cannot be expected to act in the best interests of the community.

In the case of Derby the ramifications are even more significant. Council has openly stated its plans to expand the trail network and to attract complementary adventure based tourism products that will broaden the appeal of Derby as a premium tourism destination. Some of these experiences will no doubt have higher risk profiles attached to them than the MTB trails. Given both State Agencies' excessive aversion to risk, this will make it extremely problematic to gain CLS and PWS approvals and therefore hinder the economic potential of Derby.

The solution to this is relatively straightforward. The public land that is nominally managed by CLS and PWS but is maintained by Council can be transferred to Council. The benefits of this solution are numerous in particular:

- removal of a layer of administration and freeing up of Council, PWS and CLS resources;
- removal of constraints on Council to manage the Bridport foreshore and recreational ground in accordance with community expectations;
- removal of cost burden to PWS of maintaining the Derby Regional Reserve; and
- removing impediments to private sector investment in complementary adventure based tourism products in Derby and streamlining of approvals process for further trail expansion

Transferring ownership of the Derby Regional Reserve may require approval by Parliament, hence, a short term solution would be to amend the existing lease to include the entire reserve and remove the requirement for Council to obtain any approvals from PWS.

### **Recommendation**

**That Council request the Minister for Environment, Parks and Heritage to transfer ownership from the Crown to Council the land as per diagrams, including:**

- **Bridport foreshore**
- **Bridport recreation ground**
- **Crown land within the Derby township, including land adjacent to and including the Briseis Hole**
- **Crown land containing the MTB trail head**
- **The Derby Regional Reserve (previously managed by Forestry Tasmania but now managed by PWS)**



<b>77/17 Closure of Meeting</b>
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**Recommendation**

That pursuant to Regulation 15 (2) (g) of the *Local Government (Meeting Procedures) Regulations 2015*, Council close the meeting to the public.

**Time:**

## **Closed Session Agenda Items**

<b>78/17</b>	<b>Aminya/James Scott Update</b>
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This item is considered in closed session in accordance with *Section 15 (2) (g) of the Local Government (Meeting Procedures) Regulations 2015*.

*“15 (2) (g):*

*Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential.”*

<b>79/17</b>	<b>Move to Open Council</b>
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**Recommendation**

**That Council move into Open Council.**

**Time:**

**Time Meeting Closed:**