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Dorset Council Meeting

Minutes

15 October 2018

The Meeting Opened: 6.00 pm

Present: Crs G J Howard (Mayor), M A Hall (Deputy Mayor), D R Jessup, S J Arnold, L D Archer, S D Moore, S Y Martin, L C Stein

General Manager Tim Watson, Director – Community & Development
Rohan Willis, Director – Infrastructure Dwaine Griffin, Director –
Corporate Services John Marik

Apologies: Nil

The Mayor noted that Deputy Mayor Hall and Cr Stein have advised that they would be arriving late to the meeting.

175/18 Confirmation of Ordinary Council Meeting Minutes 17 September 2018

Ref: DOC/18/4121

The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting held on Monday, 17 September 2018, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Decision

MOVED: Cr Jessup | Cr Arnold

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 17 September 2018, having been circulated to all Councillors, be confirmed as a true record.

Carried

176/18 Confirmation of Ordinary Council Meeting Closed Session Minutes 17 September 2018

Ref: DOC/18/4127

The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting Closed Session held on Monday, 17 September 2018, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Decision

MOVED: Cr Moore | SECONDED: Cr Martin

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 17 September 2018, having been circulated to all Councillors, be confirmed as a true record.

Carried

177/18 Confirmation of Agenda

Decision

MOVED: Cr Martin | SECONDED: Cr Moore

That Council confirm the Agenda and order of business for the 15 October 2018 Council Meeting.

Carried

178/18 Declaration of an Interest of a Councillor or Close Associate

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Cr Jessup	Item 187
Cr Archer	Item 192

179/18 Management Team Briefing Report

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.

Recommendation

That the Management Team Briefing Report be received and noted.

Decision

MOVED: Cr Moore | SECONDED: Cr Jessup

That the Management Team Briefing Report be received and noted.

Carried

180/18 Council Workshops Held Since Last Council Meeting

2 October 2018 – Councillor Briefing Workshop

181/18 Councillor Applications for Leave of Absence

Nil

182/18 Public Question Time

Cr Leonie Stein joined the meeting (6.08 pm)

Deputy Mayor Max Hall joined the meeting (6.09 pm)

Kate Cliff:

I have a question pertaining to Item 192 – Tabling of the Determination Report – Code of Conduct Panel in response to complaints lodged by the General Manager against Councillor Archer. Will Council publicly affirm the panel report which determined Councillors Archer’s action as, and I quote “understandable” and also, and I quote “so minor that it does not even merit a caution”?

Response from Mayor, Greg Howard:

The item is listed for discussion later in the meeting.

Irene MacFarlene:

Pertaining to Item 192 when that item comes up for deliberation, will Council’s Mayor or General Manager publicly acknowledge that in not appointing an Acting General Manager during Mr Watson’s overseas leave of absence was in breach of the Local Government Act? Will Council concede that because of this breach either Council itself, the Mayor or the General Manager himself were responsible for bringing about the circumstances that resulted in Councillor Archer taking action that allowed for the General Manager to lodge a complaint - this is inferred in the determination report.

Response from Mayor, Greg Howard:

No, it is not a breach of the Local Government Act as it is a ‘may’ statement to appoint an Acting General Manager during an absence, it is not a ‘will/must’ statement.

Neil Stevens:

Relating to the same matter (Item 192). Will the General Manager explain his reasons for neglecting to include an agenda item in respect of the second complaint, made at the same time against Councillor Archer with the determination of the Code of Conduct Panel that it be dismissed?

Response from General Manager, Tim Watson:

That determination is subject to appeal and consistent with how Council has handled previous code of conduct determinations that are subject to appeal, we don’t table those at Council until that appeal has been resolved.

Trevor Priestley:

There is a lack of public facilities in Victoria Street which is arguably the busiest part of Scottsdale. For many years its lacked toilets, and Council has been very enthusiastic about new toilets, with the Sideling and the Bridport Foreshore. Why can't we have toilets where they are needed?

Response from Mayor, Greg Howard:

The issue is that there is no public land in Victoria Street to construct public facilities.

Iain O'Neill:

What are the Council rules and regulations with regard to electoral signage? I know that there have been signs removed, but this seems to be a bit here and a bit there and directed towards certain people. I would like to think this is not the case because I know of a particular sign that is still up which is definitely on public land. I also made complaint about this last Wednesday and it's still there.

Response from Director – Community & Development, Rohan Willis:

There is certainly no position taken by Council Officers in terms of the election signage. The requirements under the Planning Scheme relate to election signage not being allowed on public land and must be less than 1.5sqm in area and has to be removed less than 7 days after the polling has finished. We apply the same rules across the board and if signage has been put on public land we have been giving people a 24 hr courtesy to remove and relocate it somewhere that is acceptable under the planning scheme.

Neil Stevens:

Recently you urged citizens in the Advertiser to read the Local Government Act and my question is if I go into the Council Chambers can I request to see a hardcopy to read it there?

Response from Mayor, Greg Howard:

The Local Government Act is available online and we can certainly give you access if you come into the Council Chambers. The reason we don't print it out is that over the past few years its changed quite regularly and the version you were looking at may not be valid. We can certainly provide any access you need, if you can't view it online yourself.

Kerrie Donaldson:

I have been reading through the agenda and I notice that the Derby Back Road is listed to have repairs carried out on it. What are the repairs going to be and how far you are going to carry it? We came across a B Double log truck on that road the other day and it is quite dangerous and even having semi-trailers who, I know, have to get to the dairy farmers up our way it is very dangerous.

I would also like to say thank you for the signage – it's very good but it's not big enough for everyone to read.

Response from Director – Infrastructure, Dwaine Griffin:

Council did some resealing last year under our resealing program and this year we will be resealing a further section of the Derby Back Road. We have also done hotmix shoulder work which provides further widening of the road.

In between the two Telita turn offs the road goes up a steep hill before it gets to the second turn off, on the left hand side of the road when travelling uphill there is a gully and if someone is coming in the opposite direction there is nowhere to go – can you do something about that big gully?

Question Taken on Notice

183/18 Deputations

Nil

184/18 Councillor Question Time

The following question was Taken on Notice at the 17 September 2018 Council Meeting:

Councillor Lawrence Archer:

(The following question was asked regarding the change in disabled beach access from Croquet Lawn Beach to Eastman's Beach, Bridport)

I ask because this impacts on the community. I ask that this be brought to a Council Meeting for a decision of Council to be made.

Response from Director – Infrastructure, Dwaine Griffin:

The purpose of the budget allocation is to provide disabled beach access in Bridport. Investigations by Officers have identified that there are several issues with Croquet Lawn Beach and therefore Officers have identified Eastman's Beach as a potential alternative. This was discussed at the September Briefing Workshop along with a request from the Bridport Surf Life Saving Club to consider Gofton's Beach. The consensus from the Workshop was that Officers continue to investigate Eastman's Beach and that Gofton's Beach may be considered in the 2019/2020 budget process.

Question on Notice | Received 8 October 2018

Councillor Lawrence Archer:

When Council took responsibility for Aminya it set up N E Care as an incorporated association to obtain "Community buy in." In the constitution the General Manager is the Chairman and the Mayor holds a position on the Board. When was the most recent AGM and Board meeting held, who are the current board members and how many financial members does the Association currently have?

Response from General Manager, Tim Watson:

Due to the overwhelming community support for Council's courageous decision to underwrite the aged care solution for the North East, NeCare is no longer required.

As such, NeCare has sat dormant for the past 12 months with the last AGM being held in May 2017 and community memberships lapsing. On completion of the current financial audit, a final AGM will be held and the process to deregister the Association will commence.

Cr Sheryl Martin:

At the September Workshop the Tasman Highway/Sideling Upgrade Update was flagged for discussion. The Mayor stated that we had done costings on the Sideling to accommodate B Doubles and that these costings were \$44 million. At yesterday's candidate information session held at Bridport, the Mayor publicly again stated that we have done costings on the Sideling to accommodate B Doubles for the same amount of \$44 million quoted. As the amount is now in the public arena, why have Councillors not been provided with a copy of these costings and plans that we have apparently done and been in the hands of the Council since at least the 4 September?

Response from General Manager, Tim Watson:

We are still in the process of pulling together a business case to seek funding for the upgrade. I anticipate we would complete that in the next 3-4 weeks. When we have completed that the intent is to table that plus the costings at a Council Workshop. We are not in a position at this stage to do that.

Councillor Lawrence Archer:

My question on notice from the 8 October, I asked who the current board members are and how many financial members the Association have. The answer that is listed doesn't answer these questions – can the General Manager or you please give an answer to that question?

Response from Executive Assistant, Sarah Forsyth

Current Board members are Mayor Howard, Tim Watson, a May Shaw representative and myself. Neil Grose resigned leaving a vacancy. There are currently seven financial members.

Councillor Dale Jessup:

It seems many months since we've had a Council electronic newsletter has been published. Councillors were of the view earlier in the year that the electronic newsletter should continue, can ask what the status of the Council newsletters are?

Response from Director – Community & Development, Rohan Willis:

The last e-newsletter was published earlier in the year and we have since let it sit for a while to gauge community interest. We have found that the radio broadcasting is very effective at getting the message out there and we have not received any community feedback since it ceased.

Councillor Leonie Stein:

Could we look into some costings for a temporary floor covering for the Bridport Hall? Apparently the Scallop Fiesta organisers found that their clean up wasn't satisfactory on the timber floor and they were told that the Scottsdale Show organisers place something on the Stadium floor to protect it during the event. With the amount of events that we may be having in the Hall in the future, that we could look into something similar.

Also, if we could look into a non-slip ramp or similar for the side access door onto the Village Green?

Also, the trees in the Main Street of Bridport they have a really nasty spike on them and a lady nearly took her eye out on one today – could they be pruned back to above eye/head height?

Response from Director – Infrastructure, Dwaine Griffin:

I'll investigate all three questions for you.

Councillor Lawrence Archer:

The General Manager in response to a public question said that the second determination report of the code of conduct panel wasn't tabled in line with Council's past practice – being that if it's being appealed it's not published. Can the General Manager advise what section of the Local Government Act deals with that and overrides Section 28ZK(4)?

Response from General Manager, Tim Watson:

We have taken advice previously and the advice is consistent with our own reading of the situation. Whilst an issue is subject to an appeal it is not finalised – very similar to planning permits where the permit is not valid until the appeal process is fully exhausted.

Councillor Leonie Stein:

A question of the General Manager, in regards to your new vehicle there is a lot of discussion in the community about the means in which you've obtained that vehicle from. I was privy to the information regarding this arrangement through Council's Audit Panel Committee Meeting held last week. Would you mind detailing it for everybody here to clear it up once and for all?

Response from General Manager, Tim Watson:

The motor vehicle that I drive is part of a salary packaging arrangement and basically I believe there is some concern in the community that I am driving a big expensive vehicle and that the community is footing the cost. I can inform the community that this is not the case. Under this arrangement the saving to Council compared to the prior arrangement is about \$12,000 per year. The way Council procures the vehicles, the way employee contributions are treated in calculations of Fringe Benefit Tax, the freeing up the capital cost of the vehicle is where the \$12,000 saving comes from. Council have two of these salary packaging arrangements in place at a total cost saving of \$25,000 per year.

Councillor Steve Arnold:

The lights at the Bridport Tennis Club how are we progressing with the maintenance?

Response from Director – Infrastructure, Dwaine Griffin:

The lights are due for maintenance and Council have agreed to undertake this. Council will look at a budget allocation for next year to upgrade the lights to LEDs. The lights will be put back as a temporary measure to allow their roster to proceed and we are currently speaking with the contractor to schedule this to occur.

Councillor Lawrence Archer:

A question for your Mr Mayor in relation to Item 192/18 that is the tabling of the code of conduct report. Do you think it's fair and reasonable that the General Manager's allegations against me were included as context in the agenda report?

Response from Mayor, Greg Howard:

I don't have a problem with it.

Were you aware that the context was going to be in the agenda before it was distributed?

Response from Mayor, Greg Howard:

No.

Councillors Steve Arnold:

I've got a letter here from Mr Graeme Wagner and some other residents of George Street requesting that Council have a look at the speed sign in George Street from Alfred Street to Ellesmere Cemetery and have it 50 km all the way, instead of the current 60 km.

Response from Mayor, Greg Howard:

I've had a discussion with Mr Wagner 12-18 months ago and I said that for Council to put a case forward to the Department of State Growth (who determine the speed

along this section of road) the businesses and residents along this section of road and the users of the recreation ground would need to put forward a joint submission for us to submit.

In regard to the Scottsdale Tennis Courts I know we discussed here the other week about putting a fence around one of the courts. I personally think that we should open those courts up for public use. The Tennis Club's proposal to install a booking and payment system 'Book a Court' at a cost of \$15,000 with \$6,000 coming from Tennis Australia sounds like a costly expense. Especially at a time when we are offering all sports facilities for free. Why would we not want to open the courts up for public use, except for the club's requirements?

Response from Mayor, Greg Howard:

Dwaine Griffin, Craig Wheeler and myself have had discussions with the Tennis Club on two occasions regarding that exact same proposal. The figures you've quoted are partially correct, in fact \$6,000 is a minimum that Tennis Australia would contribute, and the representative from Tennis Australia said at the most recent meeting that if a submission was received relatively quickly there would be a high chance that figure would increase. The Tennis Club are offering a substantial amount to install the booking system. This should have minimal cost to Council, as ongoing costs will be managed by the Tennis Club, not Council. Current practice is that the courts are available for community use, they just need to book and collect a key from Council. This item will be further discussed at the next Workshop.

Councillor Leonie Stein

I have received information from the State Government requesting submissions from Council's and the public in regard to increasing recreational walks around the region. Sonia Brown (a long time resident of Dorset) has advised me that there are some great walks in the Ringarooma area. Are we able to look into it?

Response from Mayor, Greg Howard:

We have had discussions with Sonia Brown in recent weeks as we are looking at more experiences within the short distance from Derby. It is hoped that families of mountain bikers will spread the spending across other areas of Dorset. The closing date for submissions is 24 November so we will Workshop the opportunity before then.

Councillor Steve Arnold:

Would Parks and Wildlife be responsible for the upkeep of these tracks or trails?

Response from General Manager Tim Watson:

If it is on their land tenure, yes they will be responsible.

185/18 Notices of Motion by Councillors

Nil

186/18 Notice of Motion – Cr Lawrence Archer – City of Launceston Correspondence

Ref: DOC/18/5055 | NoM: DOC/18/5054 | Correspondence: DOC/18/4864 | Response: DOC/18/5162 | Lilydale Correspondence: DOC/18/5076

Purpose

The purpose of this agenda item is to consider a Notice of Motion proposed by Councillor Lawrence Archer.

Recommendation

Cr Archer/

The recent correspondence and proposal from the Launceston City Council regarding the North East railway be listed on the agenda for discussion at the November 2018 Council Meeting.

Decision

MOVED: Cr Archer | SECONDED: Cr Arnold

The recent correspondence and proposal from the Launceston City Council regarding the North East railway be listed on the agenda for discussion at the November 2018 Council Meeting.

Voting For the Motion: Crs Archer, Martin, Arnold

Voting Against the Motion: Mayor Howard, Deputy Mayor Hall, Crs Jessup, Stein, Moore

Motion Lost

Cr Jessup declared an Interest in Item 187 and left the Meeting prior to discussion (6.41 pm)

Mayor Howard vacated the Chair for Item 187. Deputy Mayor Hall took the Chair.

187/18 Notice of Motion – Cr Greg Howard – Wood Encouragement Policy

Ref: DOC/18/5056 | NoM: DOC/18/5057 | Proposed Policy: DOC/18/5058

Purpose

The purpose of this agenda item is to consider a Notice of Motion proposed by Councillor Greg Howard.

Recommendation

Cr Howard/

That Dorset Council adopt the attached Wood Encouragement Policy and encourage the use of wood as a competitive building product within the Dorset Municipality.

Decision

MOVED: Cr Howard | SECONDED: Cr Stein

That Dorset Council adopt the attached Wood Encouragement Policy and encourage the use of wood as a competitive building product within the Dorset Municipality.

Carried

Cr Jessup returned to the Meeting after this Item as discussed (6.44 pm)

188/18 Waste Management Strategy Update

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/18/5051

Purpose

The purpose of this agenda item is to report on the progress of the implementation of Councils Waste Management Strategy.

Recommendation

That Council receive and note the Waste Strategy update.

Decision

MOVED: Cr Stein | SECONDED: Cr Arnold

That Council receive and note the Waste Strategy update.

Carried Unanimously

189/18 2018/2019 Annual Plan – September Quarterly Update

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/18/4957 | Quarterly Report: DOC/18/1521

Purpose

The purpose of this agenda item is to update Council and the community on progress of the Dorset Council Annual Plan 2018/2019 as at 30 September 2018.

Recommendation

That the attached Dorset Council Annual Plan 2018/2019 September Quarterly Report be received and noted.

Decision

MOVED: Cr Hall | SECONDED: Cr Moore

That the attached Dorset Council Annual Plan 2018/2019 September Quarterly Report be received and noted.

Carried Unanimously

190/18

Customer Service Charter Amendment

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/18/3753 | Amended Charter: 17/12240

Purpose

The purpose of this agenda item is to review amendments to the Dorset Council Customer Service Charter.

Recommendation

That Council adopt the amended Customer Service Charter.

Decision

MOVED: Cr Moore | SECONDED: Cr Hall

That Council adopt the amended Customer Service Charter.

Carried Unanimously

191/18

Drought Relief Support

Reporting Officer: General Manager, Tim Watson
Ref: DOC/18/5064 | Correspondence: DOC/18/4303

Purpose

The purpose of this agenda item is to discuss correspondence received from Circular Head Council seeking support from Tasmanian Council's to assist the drought effort via financial support.

Recommendation

(Intentionally left blank)

Decision

MOVED: Cr Stein | SECONDED: Cr Jessup

That Dorset Council make a donation of \$4,000 to the Red Cross Drought Relief Appeal Fund.

Carried Unanimously

Cr Archer declared an Interest in Item 192

192/18 Code of Conduct – Tabling of Determination Report – Cr Lawrence Archer

Reporting Officer: General Manager, Tim Watson
Ref: DOC/18/4953 | Determination Report: DOC/18/4866

Purpose

In compliance with the requirements of the *Local Government Act 1993*, the purpose of this agenda item is to table the Code of Conduct Panel’s Determination in response to a complaint made against Councillor Lawrence Archer by the General Manager. The Code of Conduct Panel upheld the complaint against Cr Archer.

Recommendation

That Council receive the Code of Conduct Panel Determination Report in relation to a complaint made against Councillor Lawrence Archer.

Decision

MOVED: Cr Archer | SECONDED: Cr Hall

That Council receive the Code of Conduct Panel Determination Report in relation to a complaint made against Councillor Lawrence Archer.

Carried Unanimously

193/18 Boundary Fences Policy Review

Reporting Officer: Director – Community & Development, Rohan Willis
Ref: DOC/18/5158 | Reviewed Policy: 15/9889

Purpose

The purpose of this report is to review the Contribution to Boundary Fences Policy.

Recommendation

That Council adopt the revised Policy No. 7 Contribution to Boundary Fences.

Crs Hall/Moore

That Council adopt the revised Policy No. 7 Contribution to Boundary Fences.

Amendment

MOVED: Cr Jessup | SECONDED: Cr Stein

Change to Policy – second dot point:

Rural Fence – two wire and ring lock type fence (cattle and sheep – seven wire)

Carried Unanimously

Decision

The **Amendment became the Motion** and was again put and **Carried Unanimously**

194/18 2018/2019 Councillor Discretionary Grants Application Assessment – Ringarooma Community Hub Association Inc.

Reporting Officer: Director – Community & Development, Rohan Willis
Ref: DOC/18/5178 | Grant Application: DOC/18/3600

Purpose

The purpose of this report is to present the recommendation of the Community Grants Selection Panel for the grant application received from Ringarooma Community Hub Association Inc. to Council for approval.

Recommendation

That Council approve a funding contribution of \$3,750 to Ringarooma Community Hub Association Inc. under the Community Grants Program.

Decision

MOVED: Cr Martin | SECONDED: Cr Stein

That Council approve a funding contribution of \$3,750 to Ringarooma Community Hub Association Inc. under the Community Grants Program.

Carried Unanimously

195/18 Outgoing Councillors

That the service of the outgoing Council be acknowledged and that those Councillors who wish to, be invited to address the meeting.

Former Councillor Leon Quilliam and Late Mayor Barry Jarvis were acknowledged for their service and all Councillors present addressed the Gallery.

196/18 Closure of Meeting to Public

Decision

MOVED: Cr Jessup | SECONDED: Cr Stein

That the Meeting be closed to the public pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public: 7.31 pm

Carried Unanimously

Meeting Adjourned: 7.31 pm

Reason: For tea break with members of the public

Meeting Resumed: 7.51 pm

The following matters were listed in the Closed Session Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*:

Item 197/18 Tender – Replacement Motor Grader 503

Item 198/18 General Manager’s Annual Performance Review

The reports on these matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* as the detail covered in the report relates to

- Contracts and tenders for the supply of goods and services
- A personnel matter

Time Meeting Closed: 8.08 pm

Minutes Confirmed: 19 November 2018

Minute No: 204/18

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Mayor