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Closed Session Agenda Items

130/18	Interests of Employees and General Manager
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Close

Dorset Council Meeting

Minutes

16 July 2018

The Meeting Opened: 6.00 pm

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

General Manager T J Watson, Director – Infrastructure D Griffin, Director – Community & Development R P Willis, Director Corporate Services J Marik

Apologies: Crs L S Quilliam, S D Moore

113/18 Confirmation of Ordinary Council Meeting Minutes 25 June 2018
Ref: DOC/18/303

Decision

Crs Hall/Jessup

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 25 June 2018, having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

114/18 Confirmation of Ordinary Council Meeting Closed Session Minutes 25 June 2018
Ref: DOC/18/391

Decision

Crs Hall/Stein

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 25 June 2018, having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

115/18 Confirmation of Agenda

Decision

Crs Jessup/Stein

That Council confirm the Agenda and order of business for the 16 July, 2018 Council Meeting.

Carried Unanimously

116/18 Declaration of an Interest of a Councillor or Close Associate

Cr G J Howard - Item 127/18

117/18 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

Crs Hall/Stein

That the Management Team Briefing Report be received and noted.

Carried Unanimously

118/18 Council Workshops Held Since Last Council Meeting

3 July 2018 – Councillor Briefing Workshop

119/18 Applications for Leave of Absence

Nil

120/18 Public Question Time

Mr Ian O'Neil:

I would just like to ask under what circumstances is someone not allowed to hold the seat of Councillor?

Response from Mayor Greg Howard:

Section 270 of the *Local Government Act 1993* lists who is eligible to run for Council.

Is a Council employee allowed to hold a seat of Councillor?

Response from Mayor Greg Howard:

No, employees are ineligible to nominate as a candidate for any Local Government election.

Mr Mervyn Chilcott:

I would firstly like to congratulate the Council on making an RV Park at Winnaleah and the previous one at Bridport. Is Scottsdale still an RV friendly town? I ask as the sign was removed 2-3 years ago and never replaced.

Response from Mayor, Greg Howard:

Council had no choice at the Department of State Growth requested us to remove it.

Response from Director – Infrastructure, Dwaine Griffin:

Council have applied to the Department to have the signage reinstalled and are waiting for a response.

Through the Lions Club they are preparing a disaster committee for the State of Tasmania and each district. Is there a disaster plan if one hit Dorset?

Response from Director – Infrastructure, Dwaine Griffin:

Council do have an Emergency Management Plan in place and they are always being updated as we work closely with the State Emergency Service and other agencies.

Can this document be made public?

Response from Director – Community & Development, Rohan Willis:

The current version is available on our website, however it has recently been updated and Council are just waiting on final approval prior to releasing the updated version to the public.

121/18 Deputations

Nil

122/18 Councillor Question Time

Cr Dale Jessup:

Could I ask that Council write to the Department of State Growth requesting urgent work is carried out on the blocked table drains over the Sideling? I took a trip over the Sideling on Sunday and there were thirteen different spots where water was running across the road and it hadn't rained for around 24 hours. Obviously with the winter conditions at the moment any of those areas could turn into black ice.

Response from Director – Infrastructure, Dwaine Griffin:

Council will lodge a customer service request with the contractor Stornoway who maintain the Sideling

Cr Lawrence Archer:

In regards to the upcoming Local Government Association of Tasmania General Meeting, there are four motions to be decided on I believe, when are we going to discuss them?

Response from Mayor, Greg Howard:

I was planning to discuss the motions at the end of the meeting with Councillors.

123/18 Notices of Motion by Councillors

Nil

124/18 Annual Plan – June 2018 – Final Report
Reporting Officer: Director Corporate Services, John Marik
Ref: DOC/18/48 | DOC/18/1010

Purpose

The purpose of this agenda item is to present a report on the achievement result of Council's Annual Plan for 2017-2018.

Recommendation

That the Dorset Council Annual Plan 2017-2018 Final Report be received and noted.

Decision

Crs Hall/Stein

That the Dorset Council Annual Plan 2017-2018 Final Report be received and noted.

Carried Unanimously

125/18 Councillor Resignation
Reporting Officer: General Manager, Tim Watson
Ref: DOC/18/1110

Purpose

The purpose of this agenda item is to note the resignation of Councillor Leon Quilliam from Council.

Recommendation

That Council receive and note this report.

Decision

Crs Jessup/Stein

That Council receive and note this report.

Carried Unanimously

126/18 Sale of Lots 104 and 105 Beattie Street, Scottsdale

Reporting Officer: General Manager, Tim Watson

Ref: DOC/18/1111

Purpose

The purpose of this report is for Council to determine the terms of sale for Council owned vacant land at lots 104 & 105 Beattie Street, Scottsdale.

Recommendation

That the two (2) lots be listed for sale as follows:

- I. Council will, at its cost, install an individual water meter per lot;
- II. Sale price as per following table:

PID Number	Title	Street Name	Price	Notes
3494480	9413/104	Spotswood Drive	\$43,500	Beattie Street Frontage
3494480	9413/105	Spotswood Drive	\$43,500	Beattie Street Frontage

Decision

Crs Stein/Hall

That the two (2) lots be listed for sale as follows:

- I. **Council will, at its cost, install an individual water meter per lot;**
- II. **Sale price as per following table:**

PID Number	Title	Street Name	Price	Notes
3494480	9413/104	Spotswood Drive	\$43,500	Beattie Street Frontage
3494480	9413/105	Spotswood Drive	\$43,500	Beattie Street Frontage

Carried Unanimously

Cr Greg Howard declared an interest in Item 127/18 but stated that it is immaterial and didn't leave the room.

127/18 **May Shaw Contract and Loan Facility**
Reporting Officer: General Manager, Tim Watson
Ref: DOC/18/1163

Purpose

The purpose of this agenda item is for Council to resolve to enter into a contract with May Shaw. The contract incorporates the sale of the Aminya facility and the provision of loans totalling \$2.5million to facilitate the redevelopment of the Aminya and James Scott Wing aged care facilities into one combined facility.

Recommendation

That Council execute the “Redevelopment and Asset Transfer Agreement” as provided separately to Councillors, and that the General Manager be authorised to make minor amendments to the agreement if required.

Decision

Crs Hall/Stein

That Council execute the “Redevelopment and Asset Transfer Agreement” as provided separately to Councillors, and that the General Manager be authorised to make minor amendments to the agreement if required.

Carried Unanimously

128/18 **Delegations – *Land Use Planning and Approvals Act 1993***
Reporting Officer: Director Community and Development, Rohan Willis
Ref: Trim: DOC/18/1081

Purpose

To review delegations provided under Section 6 of the *Land Use Planning and Approvals Act 1993*.

Recommendation

That Council:

- a) revoke the previous powers and functions delegated to Council’s General Manager, Director – Infrastructure and Town Planner under the *Land Use Planning and Approvals Act 1993*; and
 - b) pursuant to Section 6 of the *Land Use Planning and Approvals Act 1993*, delegate the following powers and functions to Council’s General Manager and Director Community and Development, with conditions and restrictions as shown:
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Decision

Crs Hall/Jessup

That Council:

- a) revoke the previous powers and functions delegated to Council's General Manager, Director – Infrastructure and Town Planner under the *Land Use Planning and Approvals Act 1993*; and
- b) pursuant to Section 6 of the *Land Use Planning and Approvals Act 1993*, delegate the following powers and functions to Council's General Manager and Director Community and Development, with conditions and restrictions as shown:

Provision	Function or Power	Conditions or Restrictions
Part 3 – State Planning Provisions (generally); Part 3A – Local Provisions Schedules (generally); and Part 3B – Amendments of Local Provisions Schedules (generally).	As a consequence of any decision by the Council as a planning authority to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment: <ol style="list-style-type: none">i) authority to give such advice, consultation, referral or notification as required under this Part;ii) authority to initiate public notification of a draft scheme or draft amendment;iii) authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period;iv) authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction;v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.	Nil.
S.35C	Notice of exhibition of draft Local Provisions Schedule	Nil.

S.35F	Report to Commission about public exhibition of Local Provisions Schedule	Nil.
S.35G	Planning authority may notify Minister as to whether amendment of State Planning Provisions is required	Nil.
S.35I	Withdrawal of draft Local Provisions Schedule from Commission	Nil.
S.35M	Notice of approval of Local Provisions Schedule	Nil.
S.35P	Review of Local Provisions Schedule	Nil.
S40G	Amendment of Local Provisions Schedules - Notice of exhibition	Nil.
S.40U	Combined permit and amendment process - additional information	Nil.
S.40W	Combined permit and amendment process - Determination of amendment where concurrent permit application sought.	Nil.
S.43(2)	Amend a permit.	Nil.
S.43(6)	Notify persons of amendment to permit.	Nil.
S.43(7)	Notify Environment Protection Authority of amendment to permit.	Nil.
S.43(9)	Notify Tasmanian Planning Commission of amendment to permit.	Nil.
S.43(10)	Notify Heritage Council of amendment to permit.	Nil.
Part 4 Generally	<p>Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including:</p> <ul style="list-style-type: none"> i) to give such advice, consultation, referral or notification as required under this Part; ii) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit; 	Nil.

	<p>iii) to initiate legal proceedings for any use of land, development or act if:</p> <ul style="list-style-type: none"> • contrary to a State Policy, planning scheme or special planning scheme; • an obstruction of a planning scheme or special planning scheme; or • a breach of a condition or restriction of a planning permit. 	
	<p>Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.</p>	
S.48AA	Enforcement of special permits	Nil.
S.48A	Notice to remove signs	Nil.
S.51	Permits	Nil.
S.53(5A)	Granting extension to period to substantially commence	Nil.
S.54	Additional information	Nil.
S.55	Correction of mistakes in a permit	Nil.
S.56	Minor amendments of permits	Nil.
S.57(2)	Authority to refuse grant of a permit	If a use or development proposed by an application is prohibited by the planning scheme.
S.57(3)	Notify application for a discretionary permit	Nil.
S.57(5)	Allow additional time for person to submit representation	Nil.
S.57(6) & (7)	Authority to grant a permit and serve notice	If: a) no representations have been received that object to an application; and

		<p>b) the total cost of development applicable to the application is less than \$5 million (excluding any development for uses identified under the Resource Development or Utilities use classes of the Council's planning scheme); and</p> <p>c) the recommendation of the Director Community and Development is to grant a permit; or</p> <p>d) there will be a failure to determine an application for a permit under s.57 before the expiration period referred to in either s.57(6)(b)(i) or (ii).</p>
S.57(6A)	Negotiate an extension of time for determination of a permit application	Nil.
S.57A	Mediation	Nil.
S.58	Application for other permits	Nil.
S.59	Authority to issue notices	Nil.
S.59(7)	Determine an application for a permit if the statutory time has elapsed	Nil.
S.61	Represent the Council in an appeal against a permit decision	Nil.
S.63B(3)	Authority to issue notice in response to a person making an allegation of a contravention or likely contravention of a planning scheme or permit	Nil.

S.64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit	Council to be advised at next Ordinary Meeting.
S.71	Require an Agreement	Nil.
S.73	Bonds and Guarantees	Nil.
S.74(3)	Duration of agreement	Nil.
S.75	Amend agreements	Nil.
S.76	Lodge Agreement with Commission	Nil.
S.78	Registration of agreements	Nil.
S.80	Represent the Council or appoint a person (legal practitioner) to represent the Council in proceedings before the Appeal Tribunal	Nil.
S.84	Serve notices or other documents	Nil.
S.86	Requirement to pay fees	Nil.
Schedule 6 Generally	<p>As a consequence of any decision by the Council as a planning authority made under a transitional power of the planning authority after commencement of the <i>Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015</i> and until such time as the Tasmanian Planning Scheme is made and a Local Provisions Schedule is approved for the Dorset municipal area, authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority – including:</p> <ul style="list-style-type: none"> i) authority to give such advice, consultation, referral or notification as required under the provisions; and ii) authority to initiate public notification of a draft amendment; and iii) authority to submit a draft amendment for approval if no representations are received during the exhibition period; and iv) authority to modify a draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring 	Nil.

	<p>into conformity with a mandatory planning instruction; and</p> <p>v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission;</p> <p>in relation to:</p> <ul style="list-style-type: none"> • a draft planning directive made after the commencement of the <i>Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015</i>; • an urgent amendment of the Dorset Interim Planning Scheme 2013 if initiated by the Tasmanian Planning Commission after the commencement of the <i>Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015</i>; and • a draft amendment to the Dorset Interim Planning Scheme 2013 made after the commencement of the <i>Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015</i>. 	
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Carried Unanimously

129/18 Closure of Meeting

Decision

Crs Stein/Hall

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

Time: 6.52 pm

Carried Unanimously

Meeting Adjourned: 6.52 pm

Meeting Resumed: 7.07 pm

Time Meeting Closed: 7.15pm

Minutes Confirmed: 20 August 2018
Minute No: 132/18

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Mayor